



HOUSE BILL 258: Open Amusement Parks/Arcades/Venues.

2019-2020 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	June 19, 2020
Introduced by:	Reps. Boles, McNeill	Prepared by:	Amy Darden
Analysis of:	Fifth Edition		Staff Attorney

OVERVIEW: *House Bill 258 would do the following:*

- *Authorize amusement parks and gaming and business establishments with video games and arcade games, existing on March 10, 2020, to open and resume operations, provided specific conditions are met.*
- *Authorize existing venues for receptions or parties to resume operations, provided specific conditions are met.*

CURRENT LAW and BACKGROUND:

- On March 10, 2020, by Executive Order No. 116, Governor Cooper declared a State of Emergency to address COVID-19.
- On March 23, 2020, under Executive Order No. 120, Governor Cooper ordered entertainment facilities without a retail or dining component to close at 5:00 p.m. on March 25, 2020. Gaming and business establishments with video games and arcade games and other entertainment facilities were among the businesses ordered to close. The Order was to remain in effect for 30 days.
- On April 23, 2020, Governor Cooper extended the restrictions in Executive Order No. 120 to remain in effect until 5:00 p.m. on May 8, 2020.
- On May 5, 2020, by Executive Order No. 138 (Phase One), Governor Cooper extended the closure of gaming and business establishments with video games and arcade games and other entertainment facilities until 5:00 p.m. on May 22, 2020.
- On May 20, 2020, through Executive Order No. 141 (Phase Two), Governor Cooper ordered amusement parks, gaming and business establishments with video games and arcade games, and venues for receptions or parties to remain closed until June 26th at 5:00 p.m.

BILL ANALYSIS:

Amusement Parks and Businesses – Section 1 of the bill would allow amusement parks and gaming and business establishments with video games and arcade games to open and resume operations if all the following conditions are met:

- In existence on March 10, 2020, or had valid certificate of occupancy and business licensed issued by that date.
- Total capacity, excluding employees, limited to 50% of the fire capacity.

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Legislative Analysis
Division
919-733-2578

House Bill 258

Page 2

- Employees must answer a health questionnaire, have their temperature taken, and wear a face mask.
- Contactless check-in is available, with proper social distancing in the check-in area.
- Sanitation spray bottles, disinfectant wipes, and hand sanitizer comprised of at least 60% alcohol are available.
- Employees conduct frequent cleanings of high-touch areas and a deep cleaning of the entire establishment once per day.
- Social distancing of at least 6 feet for equipment and signage directing foot traffic.
- Signage throughout about social distancing and sanitation requirements.

Section 2 provides that the Governor may, with a concurrence of the majority of the Council of State, exercise powers granted under the Emergency Management Act in G.S. 166A-19.30(b) or (c) related to amusement parks, gaming and business establishments with video games and arcade games, and venues for receptions or parties. Prior to exercising that authority, the Governor must contact the members of the Council of State to seek their concurrence or nonconcurrence to the potential exercise of this power. Once the Governor has obtained and released the concurrence, he may exercise the powers granted under G.S. 166A-19.30(b) or (c).

Section 3 would require that the Secretary of Health and Human Services or the Secretary of Environmental Quality seek a concurrence of the majority of the Council of State when exercising the power to declare properties in this State an imminent hazard, potentially closing a class of properties if the imminent hazard is related to COVID-19 with respect amusement parks, gaming and business establishments with video games and arcade games, and venues for receptions or parties. Each response must be documented and released, specifying concurrence, nonconcurrence, or no response provided by each Council of State member. Once the concurrence has been obtained and released, the Secretary may exercise the powers granted under G.S. 103A-20.

Venues – Section 4 of the bill would allow venues for receptions or parties to open and resume operations if all the following conditions are met:

- In existence on March 10, 2020 and is properly licensed and permitted.
- Total capacity is limited to 50% of the fire capacity, 12 people per 1,000 square feet, or 300 people, whichever is less.
- Employees must have their temperature taken, any showing symptoms or with a fever of 100.4 degrees Fahrenheit or higher won't be allowed to enter the establishment.
- All employees must wear face masks and gloves; guests are strongly encouraged to do so;
- Food and beverage service cannot include self-service or buffet.
- Hand sanitizer stations are throughout the venue, with all sanitizer being at least 60% alcohol.
- The venue maintains social distancing requirements required by the CDC and NC DHHS.
- The venue will comply with all rules and regulations for restaurants promulgated by the Division of Public Health and NC DHHS.
- Employees conduct frequent cleanings of high-touch areas and a deep cleaning of the entire establishment once per day.
- Signage throughout about social distancing and sanitation requirements.

House Bill 258

Page 3

- The venue will collect and retain guest contact information for 15 days past the date of the event, which will be made available for contact tracing if so requested.

EFFECTIVE DATE: This act would become effective when it becomes law and expire when any applicable declaration of emergency prohibitions and restrictions expire or are terminated to permit amusement parks, gaming and business establishments with video games and arcade games, and venues for receptions or parties to open for full unrestricted operations. Except as otherwise stated, effective when it becomes law.