



HOUSE BILL 594: Temp Open Gyms/Health Clubs/Fitness Ctrs.

2019-2020 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	June 8, 2020
Introduced by:	Reps. K. Hall, Howard, D. Hall, Richardson	Prepared by:	Shawn Middlebrooks
Analysis of:	Third Edition		Staff Attorney*

OVERVIEW: *House Bill 594, in response to the COVID-19 pandemic, would temporarily authorize existing indoor or outdoor exercise and fitness facilities, gyms, health clubs, and fitness centers to open and resume operations, provided specific conditions are met.*

CURRENT LAW 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 25th. Indoor exercise facilities, gyms, and health clubs were among the listed businesses ordered to close. Any retail or dining component of a facility could continue to operate solely for that purpose with limitations. The Order was to remain in effect for 30 days.
- On April 23, 2020, Governor Cooper extended the restrictions in 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 indoor exercise facilities, gyms, health clubs, and fitness centers until 5:00 p.m. on May 22, 2020.
- On May 20, 2020, through Executive Order No. 141 (Phase Two), Governor Cooper ordered indoor exercise and fitness facilities, gyms, health clubs, and fitness centers to remain closed until June 26th at 5:00 p.m.
 - In the Order, examples of indoor exercise facilities are yoga studios, dance studios, martial arts facilities, indoor trampoline and rock climbing facilities.
 - Indoor fitness facilities are "including but not limited to" basketball, volleyball, racquetball, squash, and tennis courts.

BILL ANALYSIS: House Bill 594 would allow any indoor or outdoor exercise and fitness facilities, gyms, health clubs, and fitness centers to open and operate if certain conditions are met:

- The establishment existed on March 10, 2020 or had a valid certificate of occupancy and business license issued by that date.
- The total indoor capacity is limited to 50% of the authorized fire capacity. On-premises childcare is limited to 50%.
- Employees are screened daily for symptoms and must wear facemasks.

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- Contactless and social distancing check-in is available.
- Bottles with disinfectant, disinfectant wipes, and hand sanitizer stations are available throughout the establishment.
- Employees must conduct frequent routine cleanings of high-touch equipment and high-use areas during operating hours, and a deep clean must be done after the close of business every day.
- For open space cardio, weight training, and exercise areas, equipment must be used in a manner to ensure social distancing, and employees must monitor the space to ensure equipment is being cleaned after each user.
- For studio and group fitness classes, participants must stay at least six feet apart and rooms and equipment must be cleaned after each class. Doors must remain open when possible, or facilities may review possible HVAC system upgrades to promote improved air filtration.
- Only toilets, lavatories, and lockers are open for use. Water fountains are limited to filling water bottles only.

EFFECTIVE DATE: This act is effective when it becomes law and expires 30 days after any declaration of emergency prohibitions and restrictions applicable expire or are otherwise terminated to permit indoor or outdoor fitness and exercise facilities, gyms, health clubs, and fitness centers open for full unrestricted operations.

**Staff Attorney, Kristen Harris, contributed substantially to this summary.*