



HOUSE BILL 806: Open Exercise & Fitness Facilities.

2019-2020 General Assembly

Committee:		Date:	October 12, 2020
Introduced by:	Reps. Saine, Strickland	Prepared by:	Amy Darden
Analysis of:	Ratified		Staff Attorney

OVERVIEW: *House Bill 806 would have authorized the reopening and resumption of activities by existing indoor or outdoor exercise and fitness facilities, gyms, health clubs, and fitness centers temporarily closed by executive order due to COVID-19, provided specific conditions were met.*

The act would have become effective when it became law and expired when Executive Order No. 147, issued on June 24, 2020, was repealed, replaced, or rescinded.

House Bill 806 was ratified by the General Assembly on June 26, 2020, and vetoed by the Governor on July 2, 2020.

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 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 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:

Jeffrey Hudson
Director

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House Bill 806 would have allowed any indoor or outdoor exercise and fitness facilities, gyms, health clubs, and fitness centers to open and operate if certain conditions were 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 was limited to 40% of the authorized fire capacity. Employees were excluded from this capacity. On-premises child care was limited to 50% of its current allowed capacity.
- Employees must have answered a health questionnaire and had their temperature taken daily prior to working. Any employee showing symptoms or with a fever was not allowed to enter the establishment.
- Employees must have worn face masks, except when actively leading a group exercise class or when outdoors and socially distanced. All visitors were strongly encouraged to wear face masks.
- Contactless and socially distanced check-in was available.
- Bottles with disinfectant, disinfectant wipes, and hand sanitizer stations were available throughout the establishment.
- Employees must have conducted frequent routine cleanings of high-touch equipment and high-use areas during operating hours, and a deep clean must have been done after the close of business every day.
- For open space cardio, weight training, and exercise areas, equipment must have been used in a manner to ensure social distancing, and employees must have monitored 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 have been cleaned after each class. Doors must have remained open when possible, or facilities may have reviewed possible HVAC system upgrades to promote improved air filtration.
- Toilets, lavatories, and lockers were the only personal hygiene areas and amenity services that were open for use. Water fountains were limited to filling water bottles only.

EFFECTIVE DATE: The act would have become effective when it became law and expired when Executive Order No. 147, issued on June 24, 2020, was repealed, replaced, or rescinded.

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