



HOUSE BILL 211: Reopen Bars and Restaurants.

2021-2022 General Assembly

Committee:	House Judiciary 1. If favorable, re-refer to Alcoholic Beverage Control. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 13, 2021
Introduced by:	Reps. Moffitt, Setzer, Mills, Zenger	Prepared by:	Brian Gwyn
Analysis of:	PCS to First Edition H211-CSBE-12		Committee Co-Counsel

OVERVIEW: *House Bill 211 would authorize establishments that serve food and drink to operate and conduct business activity provided certain conditions are met. The PCS would make various clarifying and technical changes, including:*

- Clarifying that any executive orders, local declarations, or local ordinances related to COVID-19 would be superseded by the provisions of House Bill 211.
- Applying the provisions of House Bill 211 to other Alcoholic Beverage Commission (ABC) permittees, even if not expressly identified.
- Adding a "reasonable person" standard for evaluating whether an employee is showing signs of illness.
- Modifying cleaning requirements for establishments covered by House Bill 211.
- Clarifying that more than 10 guests can sit at the same table if they are members of the same household.

CURRENT LAW: Part 6 of Article 8 of Chapter 130A of the General Statutes regulates food and lodging facilities. G.S. 130A-247(4) defines an "establishment that prepares or serves drink" as "a business or other entity that prepares or serves beverages made from raw apples or potentially hazardous beverages made from other raw fruits or vegetables or that otherwise puts together, portions, sets out, or hands out drinks for human consumption." G.S. 130A-247(5) defines an "establishment that prepares or serves food" as "as business or entity that cooks, puts together, portions, sets out, or hands out food for human consumption." Some exemptions from these statutes apply, including breweries, private bars, and private clubs.

Section 3.2 of Executive Order 204, issued by Gov. Cooper on March 23, 2021, authorizes bars and other night spots to open for business with certain restrictions, including the following:

- All workers must wear face coverings.
- All guests must wear face coverings when not actively drinking or eating.
- Guests must be seated.
- Occupancy (indoor and outdoor) is limited to 50% of the stated fire capacity (or 12 per 1,000 sq. ft. if no stated fire capacity).
- Alcohol-based hand sanitizer must be provided.

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- Disinfection must be increased during peak times or high guest density times.
- Counter or tables must be arranged so that guests are not within 6 feet of other occupied tables.

Sec. 3.14 of Executive Order 204 authorizes restaurants (including private clubs), breweries, wineries, and distilleries to open for business with certain restrictions, including the following:

- All workers must wear face coverings.
- All guests must wear face coverings when not actively drinking or eating.
- Guests must be seated.
- Indoor occupancy is limited to 75% of the stated fire capacity (or 18 per 1,000 sq. ft. if no stated fire capacity).
- Disinfection must be increased during peak times or high guest density times.
- Counter or tables must be arranged so that guests are not within 6 feet of other occupied tables.

BILL ANALYSIS: Notwithstanding any prohibitions or restrictions imposed by executive orders, local declarations of emergency, or local ordinances adopted to the contrary, the PCS would authorize the following entities to open and operate their food and drink service for on-premises consumption without restrictions if certain conditions are met:

- Any establishment that prepares or serves food or drink and is covered by Part 6 of Article 8 of Chapter 130A
- Private clubs or private bars
- Wineries
- Distilleries
- Other ABC permittees that serve malt beverages, unfortified wine, fortified wine, or mixed beverages for on-premises consumption

To open and operate their food and drink service, these establishments would have to meet the following conditions:

- The establishment existed as of March 10, 2020, is properly licensed and permitted, and holds all necessary state and local regulatory permits.
- The establishment requires employees to submit to temperature checks and health questionnaires prior to beginning work and requires employees showing what a reasonable person would identify as respiratory illness symptoms, COVID-19 symptoms, or presenting with a fever of 100.4 degrees Fahrenheit or higher to be prevented from entering the establishment to work.
- The establishment performs frequent and routine environmental cleaning and disinfection of high touch areas with EPA-approved disinfectant for SARS-CoV-2.
- The establishment provides gloves and requires masks for any buffet-style service or self-service areas.
- The establishment limits the number of guests at each table to no more than 10 seated together at the same time, unless more than 10 guests are members of the same household.

EFFECTIVE DATE: The PCS would be effective when it becomes law and would expire upon the expiration or termination of all prohibitions and restrictions on the service of food and drink established pursuant to any executive order, declaration of emergency, or ordinance related to COVID-19.