

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 536

AMENDMENT NO. A1
(to be filled in by
Principal Clerk)

H536-AST-111 [v.1]

Page 1 of 2

Amends Title [NO]
Sixth Edition

Date _____, 2020

Senator Gunn

1 moves to amend the bill on page 2, lines 32-33, by inserting the following between those lines:

2
3 "SECTION 2. Notwithstanding any declaration of emergency issued under Article
4 1A of Chapter 166A of the General Statutes or any municipal or county ordinance adopted under
5 that Article related to the public health emergency created by COVID-19, any (i) private club or
6 private bar as defined by G.S. 18B-1000, (ii) winery permitted pursuant to G.S. 18B-1101 or
7 G.S. 18B-1102, or (iii) distillery permitted pursuant to G.S. 18B-1105 may open and serve
8 alcohol for on-premises consumption provided all the following apply:

- 9 (1) The establishment was in existence on March 10, 2020, is properly licensed
10 and permitted, and holds all necessary State and local regulatory permits,
11 including any necessary ABC permits.
- 12 (2) The service is limited to an outdoor seating location and the owner or owners
13 of that outdoor seating location have granted the establishment permission to
14 use the location for its service.
- 15 (3) The outdoor seating location is on the same parcel or is contiguous to or in
16 close proximity to the underlying establishment and contains or has access to
17 lavatory and toilet facilities for employees and customers as required for such
18 establishments under rules established by the North Carolina Alcoholic
19 Beverage Control Commission.
- 20 (4) The outdoor seating location has delineated vertical boundaries that the
21 consumer would recognize as indicating the boundaries that physically
22 separate areas where consumption of alcohol is allowed from areas open to
23 the general public other than customers of the establishment.
- 24 (5) The outdoor service seating capacity is limited to fifty percent (50%) of the
25 current indoor seating capacity of the establishment, or 100 customers,
26 whichever is less.
- 27 (6) The establishment maintains and enforces the social distancing requirements
28 recommended by the federal Centers for Disease Control and Prevention and
29 the North Carolina Department of Health and Human Services.
- 30 (7) The establishment complies with all rules and regulations promulgated by the
31 Division of Public Health of the North Carolina Department of Health and
32 Human Services applicable to outdoor food and drink service.



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- 1 (8) The outdoor seating location may include a covered patio or areas covered by
2 tents, awnings, tarps, umbrellas, or other similar coverings. For purposes of
3 this subdivision, "tent" shall mean a temporary structure, with or without side
4 panels, constructed by draping or otherwise attaching sheets of fabric, plastic,
5 or other material to a framework of poles or supports.
6 (9) The outdoor seating location may include areas on a public sidewalk if the
7 local government allows through its ordinances or permitting process the use
8 of public sidewalks for the service of and consumption of food or drink and
9 the establishment obtains any necessary local government approval. Nothing
10 in this act is intended to require a local government to approve the use of
11 public sidewalks for the service of and consumption of food or drink.
12 (10) The outdoor seating location may include areas on a public street if the local
13 government allows through its ordinances or permitting process the use of
14 public streets during periods of temporary street closure for the service of and
15 consumption of food or drink and the establishment obtains any necessary
16 local government approval. Nothing in this act is intended to require a local
17 government to temporarily close public streets for the service of and
18 consumption of food or drink or to allow the service of and consumption of
19 food or drink on public streets during a period of temporary closure.";
20

21 and on page 2, line 33 by rewriting that line to read:

22 "SECTION 3. The outdoor seating area authorized in Sections 1 and 2 of this act
23 shall not";
24

25 and on page 2, line 36, by deleting "SECTION 3." and substituting "SECTION 4."
26

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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and vote information, is available in the
Senate Principal Clerk's Office**