Senators Gunn

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

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

1. The establishment was in existence on March 10, 2020, is properly licensed
   and permitted, and holds all necessary State and local regulatory permits,
   including any necessary ABC permits.

2. The service is limited to an outdoor seating location and the owner or owners
   of that outdoor seating location have granted the establishment permission to
   use the location for its service.

3. The outdoor seating location is on the same parcel or is contiguous to or in
   close proximity to the underlying establishment and contains or has access to
   lavatory and toilet facilities for employees and customers as required for such
   establishments under rules established by the North Carolina Alcoholic
   Beverage Control Commission.

4. The outdoor seating location has delineated vertical boundaries that the
   consumer would recognize as indicating the boundaries that physically
   separate areas where consumption of alcohol is allowed from areas open to
   the general public other than customers of the establishment.

5. The outdoor service seating capacity is limited to fifty percent (50%) of the
   current indoor seating capacity of the establishment, or 100 customers,
   whichever is less.

6. The establishment maintains and enforces the social distancing requirements
   recommended by the federal Centers for Disease Control and Prevention and
   the North Carolina Department of Health and Human Services.

7. The establishment complies with all rules and regulations promulgated by the
   Division of Public Health of the North Carolina Department of Health and
   Human Services applicable to outdoor food and drink service.
The outdoor seating location may include a covered patio or areas covered by tents, awnings, tarps, umbrellas, or other similar coverings. For purposes of this subdivision, "tent" shall mean a temporary structure, with or without side panels, constructed by draping or otherwise attaching sheets of fabric, plastic, or other material to a framework of poles or supports.

The outdoor seating location may include areas on a public sidewalk if the local government allows through its ordinances or permitting process the use of public sidewalks for the service of and consumption of food or drink and the establishment obtains any necessary local government approval. Nothing in this act is intended to require a local government to approve the use of public sidewalks for the service of and consumption of food or drink.

The outdoor seating location may include areas on a public street if the local government allows through its ordinances or permitting process the use of public streets during periods of temporary street closure for the service of and consumption of food or drink and the establishment obtains any necessary local government approval. Nothing in this act is intended to require a local government to temporarily close public streets for the service of and consumption of food or drink or to allow the service of and consumption of food or drink on public streets during a period of temporary closure.

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

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

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

The official copy of this document, with signatures and vote information, is available in the Senate Principal Clerk's Office.