

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 258*

AMENDMENT NO. A2
(to be filled in by
Principal Clerk)

H258-ASA-122 [v.2]

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Amends Title [YES]
Fifth Edition

Date _____, 2020

Senator Gunn

1 moves to amend the bill on page 1, line 4
2 by inserting the following at the end of the line before the period:
3 "AND TO AUTHORIZE OUTDOOR STADIUM OPERATING RESTAURANTS TO OFFER
4 AND OPERATE OUTDOOR DINING AND BEVERAGE SERVICE OPTIONS WHILE
5 ALSO SAFEGUARDING THE PUBLIC HEALTH TO PREVENT THE SPREAD OF
6 CORONAVIRUS DISEASE 2019 (COVID-19)";

7
8 And on page 3, lines 27-28

9 By inserting the following between those lines:

10 "SECTION 4.5.(a) Notwithstanding any declaration of emergency issued under
11 Article 1A of Chapter 166A of the General Statutes or any municipal or county ordinance adopted
12 under that Article related to the public health emergency created by COVID-19, any outdoor
13 stadium with a spectator capacity of 12,000 or less that operates a restaurant, as defined in G.S.
14 18B-1000(6), on the premises of the stadium may open and operate food and drink service for
15 on-premises consumption provided all of the following apply:

- 16 (1) The stadium was in existence on March 10, 2020, is properly licensed and
17 permitted, and holds all necessary State and local regulatory permits,
18 including, if applicable, any ABC permits
19 (2) The food and drink service operation for on-premises consumption is limited
20 to any authorized indoor seating specifically designated for the restaurant
21 operation and to the outdoor seating location.
22 (3) The outdoor food and drink service seating capacity is limited to ten percent
23 (10%) of the spectator capacity of the stadium.
24 (4) The outdoor seating location must be part of the stadium, may include the
25 playing area of the stadium, and must contain or have access to lavatory and
26 toilet facilities for employees and customers as required for on-site
27 preparation and consumption of food and beverage under rules established by
28 the North Carolina Department of Health and Human Services.
29 (5) If the establishment holds ABC permits and serves alcohol pursuant to those
30 permits, the outdoor seating location must have delineated vertical boundaries
31 that the consumer would recognize as indicating the boundaries that



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1 physically separate areas where consumption of alcohol is allowed from areas
2 open to the general public other than customers of the establishment.

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

6 (7) The establishment complies with all rules and regulations promulgated by the
7 Division of Public Health of the North Carolina Department of Health and
8 Human Services applicable to outdoor food and drink service.

9 **SECTION 4.5.(b)** This section is effective when it becomes law and expires upon
10 the later of (i) 30 days after any declaration of emergency prohibitions and restrictions applicable
11 expire or are otherwise terminated to permit the establishment to open for full unrestricted service
12 of food and drink or (ii) October 31, 2020.

13 **SECTION 4.6.** Notwithstanding Section 4.5 of this act, the Governor may, with a
14 concurrence of the majority of the Council of State, exercise powers granted under
15 G.S. 166A-19.30(b) or (c) related to outdoor stadiums that operate restaurants. In obtaining a
16 concurrence of a majority of the Council of State for this purpose, the Governor shall contact
17 each member of the Council of State regarding the potential exercise of the emergency powers
18 under G.S. 166A-19.30(b) or (c) and seek the concurrence or nonconcurrence of that member.
19 The Governor shall document and release the concurrence, nonconcurrence, or no response
20 provided by each member of the Council of State by name. Upon receiving and releasing the
21 majority concurrence, the Governor may exercise the power or powers under G.S. 166A-19.30(b)
22 or (c) as described to the members of the Council of State.

23 **SECTION 4.7.** Notwithstanding the provisions of G.S. 130A-20, the Secretary of
24 Health and Human Services or the Secretary of Environmental Quality may only order an
25 abatement of an imminent hazard related to COVID-19 that requires closure of outdoor stadiums
26 that operate restaurants upon notification to the Governor and with a concurrence of the majority
27 of the Council of State. In obtaining a concurrence of a majority of the Council of State for this
28 purpose, each member of the Council of State shall be contacted regarding the potential exercise
29 of the powers under G.S. 130A-20 and seek the concurrence or nonconcurrence of that member.
30 Each response shall be documented and released with respect to concurrence, nonconcurrence,
31 or no response provided by each member of the Council of State by name. Upon receiving and
32 releasing the majority concurrence, the appropriate Secretary may exercise the power under
33 G.S. 130A-20 as described to the members of the Council of State."

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