Amends Title [YES]

Fifth Edition

Senator Gunn

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

And on page 3, lines 27-28
By inserting the following between those lines:
"SECTION 4.5.(a) 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 outdoor
stadium with a spectator capacity of 12,000 or less that operates a restaurant, as defined in G.S.
18B-1000(6), on the premises of the stadium may open and operate food and drink service for
on-premises consumption provided all of the following apply:
(1) The stadium was in existence on March 10, 2020, is properly licensed and
permitted, and holds all necessary State and local regulatory permits,
including, if applicable, any ABC permits
(2) The food and drink service operation for on-premises consumption is limited
to any authorized indoor seating specifically designated for the restaurant
operation and to the outdoor seating location.
(3) The outdoor food and drink service seating capacity is limited to ten percent
(10%) of the spectator capacity of the stadium.
(4) The outdoor seating location must be part of the stadium, may include the
playing area of the stadium, and must contain or have access to lavatory and
toilet facilities for employees and customers as required for on-site
preparation and consumption of food and beverage under rules established by
the North Carolina Department of Health and Human Services.
(5) If the establishment holds ABC permits and serves alcohol pursuant to those
permits, the outdoor seating location must have 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.

(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.

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

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

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