A BILL TO BE ENTITLED
AN ACT TO PERMIT INCREASED ACCESS TO OUTDOOR SPORTING FACILITIES IN PUBLIC AND NONPUBLIC HIGH SCHOOLS IN CERTAIN COUNTIES.

Whereas, the State of North Carolina has a rich tradition of excellence in high school sports; and
Whereas, high school sports are beneficial to the health and well-being of students, families of students, friends of students, and the community as a whole; and
Whereas, student athletes have a right to participate in sporting events in high school; and
Whereas, families of student athletes, friends of student athletes, and community members have a right to support student athletes in high school by attending sporting events; and
Whereas, G.S. 115C-47(4) provides that "[l]ocal boards of education shall make all rules and regulations necessary for the conducting of extracurricular activities in the schools under their supervision, including a program of athletics …"; and
Whereas, the First Amendment of the Constitution of the United States protects "the right of the people peaceably to assemble"; Now, therefore,
The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding Article 1A of Chapter 166A of the General Statutes, any executive order, secretarial order, or directive authorized pursuant to Article 1A of Chapter 166A of the General Statutes, or any other provision of law, for the remainder of the scheduled 2020-2021 school year, all public and nonpublic high schools are authorized to allow spectators to attend outdoor sporting events as follows:

(1) For each outdoor facility, including a park, field, or court, the number of spectators shall amount to no more than fifty percent (50%) of the capacity stated on the facility's certificate of occupancy under the North Carolina State Building Code or, in the event the facility does not have a certificate of occupancy, no more than seven spectators for every 1,000 square feet.

(2) For outdoor sporting facilities that allow spectators to bring their own seats, individuals who sit in their own seats shall not count toward the limit on the number of spectators described in subdivision (1) of this section if those individuals maintain at least 6 feet of distance between themselves and anyone outside of their family unit.

(3) In allowing access to outdoor sporting facilities in high schools, schools shall comply with all requirements of both of the following, to the extent those requirements do not conflict with this act:
a. The StrongSchoolsNC Public Health Toolkit (K-12), as that guidance existed on February 2, 2021.

SECTION 2. For purposes of this act, the term "spectator" does not include athletes, employees of a public or nonpublic high school, entertainers, or staff providing support for the sporting event.

SECTION 3. Nothing in this act shall be construed to prohibit a school, in the discretion of the governing body of that school, from implementing stricter access to an outdoor sporting event at that school.

SECTION 4. This act applies only to Davidson County, Davie County, Forsyth County, Johnston County, Jones County, Montgomery County, Nash County, Rowan County, and Stanly County.

SECTION 5. This act is effective when it becomes law.