

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 128
Committee Substitute Favorable 3/2/21

Short Title: Increase Access to Sporting Venues in Schools.

(Public)

Sponsors:

Referred to:

February 24, 2021

A BILL TO BE ENTITLED
AN ACT TO PERMIT INCREASED ACCESS TO CERTAIN INDOOR AND OUTDOOR
FACILITIES FOR SPORTING EVENTS, GRADUATION AND COMMENCEMENT
CEREMONIES, AND OTHER OUTDOOR EVENTS IN PUBLIC AND NONPUBLIC
SCHOOLS, COMMUNITY COLLEGES, AND CONSTITUENT INSTITUTIONS OF THE
UNIVERSITY OF NORTH CAROLINA.

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, the following shall apply regarding attendance at the following events for qualifying schools:

(a) The number of spectators who are permitted to attend (i) indoor and outdoor sporting events, (ii) graduation or commencement ceremonies, or (iii) other outdoor activities, including, but not limited to, drama performances, club events, and speaker series, shall be as follows:

- (1) For each facility with a capacity stated on the facility's certificate of occupancy in accordance with the North Carolina State Building Code, no more than fifty percent (50%) of that capacity and no less than thirty percent (30%) of that capacity.
- (2) In the event the facility does not have an occupancy capacity under the North Carolina State Building Code, no more than 14 spectators for every 1,000 square feet.

(b) In allowing access to facilities as provided in subsection (a) of this section, qualifying schools shall comply with all applicable requirements of the following, to the extent those requirements do not conflict with this act:

- (1) The StrongSchoolsNC Public Health Toolkit (K-12), as that guidance existed on February 2, 2021.
- (2) Interim Guidance for Administrators and Participants of Youth and Amateur Sports Programs, as that guidance existed on February 26, 2021.
- (3) Interim Guidance for Institutions of Higher Education, as that guidance existed on December 23, 2020.

SECTION 2. For purposes of this act, the following definitions shall apply:

(a) **Qualifying School.** – Any of the following:

- (1) A public or nonpublic school serving students in all or part of grades kindergarten through 12.
- (2) A community college under the jurisdiction of the State Board of Community Colleges.



- 1 (3) A constituent institution of The University of North Carolina.
2 (b) Spectator. – Any person who attends either (i) an indoor or outdoor sporting event,
3 (ii) a graduation or commencement ceremony for a qualifying school, or (iii) other outdoor
4 activities hosted by a qualifying school, including, but not limited to, drama performances, club
5 events, and speaker series, excluding the following persons connected to the event or ceremony:
6 (1) Athletes at sporting events.
7 (2) Graduating students at graduation or commencement ceremonies.
8 (3) Family of athletes or graduating students. For purposes of this section, the
9 term "family" refers to any of the following: a member of the immediate
10 household, spouse, lineal descendant, lineal ascendant, sibling, spouse's lineal
11 descendant, spouse's lineal ascendant, spouse's sibling, and the spouse of any
12 of these individuals.
13 (4) Employees of a qualifying school.
14 (5) Entertainers.
15 (6) Support staff.

16 **SECTION 3.** This act is effective when it becomes law and applies at any time when
17 the occupancy capacity of indoor or outdoor gatherings is limited to less than fifty percent (50%)
18 by an executive order, secretarial order, or directive authorized pursuant to Article 1A of Chapter
19 166A of the General Statutes and related to the COVID-19 pandemic. This act expires on
20 December 31, 2021.