

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 116
Education/Higher Education Committee Substitute Adopted 2/24/21

Short Title: Let Them Play and Let Us Watch.

(Public)

Sponsors:

Referred to:

February 22, 2021

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

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 forty percent (40%) of the facility's approved occupancy capacity under the fire code or, in the event the facility does not have an occupancy capacity under the fire code, 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 six 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.
 - b. Interim Guidance for Administrators and Participants of Youth and Amateur Sports Programs, as that guidance existed on January 28, 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.



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

4 **SECTION 4.** This act is effective when it becomes law.