



# North Carolina Spirits Association

Legislative Report  
March 5, 2021

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Lawmakers' main focus this week was wrapping up a \$1.7 billion COVID-19 relief bill. Unlike the COVID-19 relief bill passed earlier this year that focused mostly on education, this bill focused on broader areas of State government. The bill spends nearly \$336 million on subsidized childcare for families, allocates \$84 million to local health departments, and distributes \$15 million to the UNC Policy Collaboratory for COVID-19 detection, with an emphasis on identifying and cataloging variant COVID strains. The legislation also appropriated roughly \$60 million to support mental health, and the Department of Transportation received \$230 million for highway projects that have been delayed, focusing specifically on bridge repair and interstate maintenance.

In addition to COVID-19 relief, legislators also worked on bills reopening some public venues, despite Governor Cooper's current pandemic restrictions. Some of these bills include additional allowances for bars and increased occupancy levels at high school sporting events and graduations. In presenting these bills, legislators have tried a new approach by filing them as local bills, a step which limits the number of counties the bill applies to (14 or fewer) so the bill is not subject to a gubernatorial veto.

Governor Cooper announced this week that individuals in Group 4 would be eligible to receive a COVID-19 vaccine starting March 24. Group 4 includes all adults (ages 16-64) who have an underlying health condition that puts them at risk of COVID-19 complications. Individuals in Group 3 became eligible for vaccination this week. This group includes essentials workers such as those working in the following industries: health care, government, manufacturing, food supply/agriculture, education, food and medicine retail, auto repair, and community services.

Governor Cooper vetoed his first bill of the session on February 26, Senate Bill 37, In-Person Learning Choice for Families. The legislation would have required school districts to offer in-person instruction to students if requested by their parents but did not mandate a full return to in-person instruction. The legislation also gives schools the flexibility to modify instructional responsibilities for teachers who are in high COVID-19 vulnerable categories. In his veto message, the Governor cited two objections to the legislation. First, it violates the current Centers for Disease Control and NC Department of Health and Human Services guidelines. Second, it restricts local governments from enacting further restrictions if the situation warrants. In media reports, the Governor stated that he supports students returning to the classroom and would sign similar legislation if his two objections were resolved.

Senate Bill 37 passed both chambers by a bipartisan vote: 31-16 in the Senate and 77-42 in the House. Both chambers' votes were above the two-thirds majority required to override a veto. However, when the Senate took up the override on Monday, only one Democrat voted in favor. In an unusual procedural move, Senate leaders made a motion to reconsider the veto

override vote, signaling that they may consider the override at a future time since they were only one vote short on the first attempt. No action has been scheduled in the House on the bill.

The House unanimously passed a bill this week giving parents the option to send their children to a summer school program. The summer school would be in-person and aimed to help the students struggling due to online learning. School districts would be required to offer at least 150 hours or 30 days of instruction. Bill sponsors cite data showing that many students are below grade level and at risk of being held back from promotion. The bill does not make summer school mandatory, leaving that decision in the hands of parents. Teachers will also not be required to teach summer school but will receive additional pay if they choose to teach. The supplemental instruction will be paid for with federal COVID relief money. Governor Cooper has said that he supports the idea because many students will need additional instruction. The Governor has expressed concern, however, that it is too early to tell if it will be safe to return large numbers of students to in-person settings by the summer. House leadership says that it anticipates further updates to the bill but is optimistic that in-person instruction will be safe by summer.

The House and Senate adjourned on Thursday and will reconvene on Monday March 8.

## **BILLS OF INTEREST**

**House Bill 211, Reopen Bars and Restaurants**, would allow establishments that serve food and drink to operate and conduct business activity provided certain conditions are met. Regardless of any Executive Order issued by Governor Cooper, the bill provides that any (i) establishment that prepares or serves food or drink, as defined in and regulated under Part 6 of Article 8 of Chapter 130A of the General Statutes, (ii) private club or private bar, as defined by G.S. 18B-1000, (iii) winery permitted pursuant to G.S. 18B-1101 or G.S. 18B-1102, or (iv) distillery permitted pursuant to G.S. 18B-1105 may open and operate its food and drink service for on-premises consumption provided all of the following apply:

- (1) The establishment 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 necessary ABC permits.
- (2) The establishment (i) requires every employee of the establishment to self-administer or undergo a temperature check daily prior to beginning work, (ii) requires every employee answer a health questionnaire about known contacts or exposure to COVID-19 provided by the establishment prior to beginning work, and (iii) prohibits any employee showing respiratory illness symptoms, COVID-19 symptoms, or presenting to work with a fever of 100.4 degrees Fahrenheit or higher from entering the establishment to work.
- (3) The establishment conducts frequent, routine cleanings of high-touch and high-use areas during hours of operation and a thorough, deep cleaning and sanitation of the establishment after the close of business each day.
- (4) If the establishment offers buffet-style service or self-service, the establishment must provide disposable gloves and require masks to be worn while guests and employees are using the buffet-style service or self-service areas. No beverages shall be self-served.

- (5) The establishment limits the number of guests at each table to no more than 10 seated together at the same time, unless all 10 guests are members of the same household.

**Introduced by Representatives Moffitt, Setzer, Mills, and Zenger and referred to the House Judiciary 1 Committee.**

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For more information about legislation described in the legislative reports, feel free to contact me at [dferrell@nexsenpruet.com](mailto:dferrell@nexsenpruet.com) or (919) 573-7421. Information is also available on the General Assembly's website: [www.ncleg.gov](http://www.ncleg.gov).

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