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**SENATE BILL 5473**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Senators Brown, Sheldon, Braun, Dozier, Fortunato, Holy, Honeyford, McCune, Muzzall, Rivers, Short, Wagoner, Warnick, Wilson, J., and Wilson, L.

AN ACT Relating to implementing the "open safe, open now" plan for reopening Washington; creating new sections; providing an expiration date; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The legislature hereby enacts the "open safe, open now" plan for reopening Washington.

NEW SECTION. **Sec.**  PHASE 3 REGULATIONS. (1) The requirements established in this section must be known as the Phase 3 regulations.

(2) Public schools, as defined in RCW 28A.150.010, must be open and shall offer in-person instruction on each school day, as defined in RCW 28A.150.203. Each school district organized under chapter 28A.315 RCW shall establish safety protocols consistent with recommendations provided by the centers for disease control and prevention and other health expert guidance to ensure the safety of students and staff while offering in-person instruction.

(3)(a) Any place of public resort, accommodation, assemblage, or amusement, as defined in RCW 49.60.040, and all other businesses, facilities, and similar places may operate at a capacity level not to exceed 50 percent.

(b) Any entity covered under (a) of this subsection (3) that provides alcohol for on-premises consumption may not remain open between the hours of 12:00 a.m. and 6:00 a.m. each day.

(c) Notwithstanding the other provisions of this subsection (3), nightclubs, as defined in RCW 66.04.010, shall remain closed.

(d) Notwithstanding the other provisions of this subsection (3), venues hosting indoor sports exhibitions are limited to a capacity level not to exceed 10 percent, and venues hosting outdoor sports exhibitions shall limit attendance to no more than 10,000 individuals.

(4) All public state lands and facilities designated for recreation, as defined in RCW 79A.05.010, shall operate at a capacity level not to exceed 50 percent.

(5) All religious or sectarian institutions and venues may operate at a capacity level not to exceed 50 percent and may host indoor services, weddings, funerals, and other similar events at the same capacity level. This subsection does not apply to private or religious schools providing in-person instruction, which may continue to provide in-person instruction without regard to the restrictions imposed by this subsection.

NEW SECTION. **Sec.**  LIFTING PHASE 3 REGULATIONS. The requirements established in section 2 of this act shall apply in all counties beginning on the effective date of this section. If a county does not record a significant increase in hospitalizations due to COVID-19 after operating under the requirements established in section 2 of this act for three weeks, the requirements established in section 2 of this act are lifted as to such county and shall not apply in such county. Any county that qualifies for lifting the Phase 3 regulations under this section must be designated as a Phase 4 county.

NEW SECTION. **Sec.**  COUNTY DETERMINATIONS. The local health jurisdiction in any county may determine that the county is not prepared for Phase 4, based on COVID-19 case trends, hospital admission rates, intensive care unit bed capacity, and positivity rates. If a local health jurisdiction makes a determination under this section, the county shall continue to apply the Phase 3 regulations in the county. A county that continues to apply the Phase 3 regulations shall provide for a plan that would allow the county to advance to Phase 4.

NEW SECTION. **Sec.**  RELATIONSHIP TO EMERGENCY ORDERS. (1) To the extent the requirements of this act conflict with the requirements of an emergency order, proclamation, or similar directive issued by the governor or secretary of health, the requirements of this act prevail.

(2) The governor may not issue an order or orders concerning waiver or suspension of the statutory obligations or limitations contained in this act under RCW 43.06.220.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. **Sec.**  Sections 1 through 5 of this act expire April 1, 2022.

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