
SENATE BILL 5473

State of Washington

67th Legislature

2021 Regular Session

By Senators Brown and Sheldon

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

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

5 NEW SECTION. **Sec. 1.** The legislature hereby enacts the "open
6 safe, open now" plan for reopening Washington.

7 NEW SECTION. **Sec. 2.** PHASE 3 REGULATIONS. (1) The requirements
8 established in this section must be known as the Phase 3 regulations.

9 (2) Public schools, as defined in RCW 28A.150.010, must be open
10 and shall offer in-person instruction on each school day, as defined
11 in RCW 28A.150.203. Each school district organized under chapter
12 28A.315 RCW shall establish safety protocols consistent with
13 recommendations provided by the centers for disease control and
14 prevention and other health expert guidance to ensure the safety of
15 students and staff while offering in-person instruction.

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

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

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

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

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

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

21 NEW SECTION. **Sec. 3.** LIFTING PHASE 3 REGULATIONS. The
22 requirements established in section 2 of this act shall apply in all
23 counties beginning on the effective date of this section. If a county
24 does not record a significant increase in hospitalizations due to
25 COVID-19 after operating under the requirements established in
26 section 2 of this act for three weeks, the requirements established
27 in section 2 of this act are lifted as to such county and shall not
28 apply in such county. Any county that qualifies for lifting the Phase
29 3 regulations under this section must be designated as a Phase 4
30 county.

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

1 3 regulations shall provide for a plan that would allow the county to
2 advance to Phase 4.

3 NEW SECTION. **Sec. 5.** RELATIONSHIP TO EMERGENCY ORDERS. (1) To
4 the extent the requirements of this act conflict with the
5 requirements of an emergency order, proclamation, or similar
6 directive issued by the governor or secretary of health, the
7 requirements of this act prevail.

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

11 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
12 preservation of the public peace, health, or safety, or support of
13 the state government and its existing public institutions, and takes
14 effect immediately.

15 NEW SECTION. **Sec. 7.** Sections 1 through 5 of this act expire
16 April 1, 2022.

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