State of North Carolina

ROY COOPER
GOVERNOR

February 24, 2021

EXECUTIVE ORDER NO. 195

LIFTING THE MODIFIED STAY AT HOME ORDER AND EASING CERTAIN RESTRICTIONS ON BUSINESSES AND GATHERINGS

WHEREAS, on March 10, 2020, the undersigned issued Executive Order No. 116 which declared a State of Emergency to coordinate the state's response and protective actions to address the Coronavirus Disease 2019 ("COVID-19") public health emergency and provide for the health, safety, and welfare of residents and visitors located in North Carolina; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic; and

WHEREAS, on March 13, 2020, the President of the United States issued an emergency declaration for all states, tribes, territories, and the District of Columbia, retroactive to March 1, 2020, and the President declared that the COVID-19 pandemic in the United States constitutes a national emergency; and

WHEREAS, on March 25, 2020, the President approved a Major Disaster Declaration, FEMA-4487-DR, for the State of North Carolina; and

WHEREAS, in responding to the COVID-19 pandemic, and for the purpose of protecting the health, safety, and welfare of the people of North Carolina, the undersigned has issued Executive Order Nos. 116-122, 124-125, 129-131, 133-136, 138-144, 146-153, 155-157, 161-165, 169-173, 176-177, 180-181, 183-185, and 188-193; and

WHEREAS, the undersigned has taken a science and data-driven approach to implementing public health measures to curb the spread of the virus and to advance the state's economy in a safe and effective way, which is in the best interests of all North Carolinians; and

WHEREAS, on September 30, 2020, the undersigned issued Executive Order No. 169, which transitioned the state into Phase 3 of its COVID-19 response; and

WHEREAS, concerning trends then led the undersigned to implement further public health measures, including a more protective numerical limit on indoor gatherings, requiring Face Coverings in additional settings, requiring night-time closure to the public for certain businesses and activities, and directing that all North Carolinians stay at home, with exceptions, between the hours of 10:00 pm and 5:00 am every day; and

WHEREAS, these provisions are part of Executive Order No. 181 (the "Modified Stay at Home Order"), which was extended by Executive Order Nos. 188 and 189; and

WHEREAS, as discussed below, the state has since experienced improvement in its key COVID-19 metrics, relative to the previous month; and

WHEREAS, over the course of the pandemic, North Carolina's public health experts have gained enhanced knowledge of the COVID-19 virus, including a better understanding of what settings and activities pose the greatest risk of transmitting the virus, and what mitigation strategies are most effective to curb spread; and

WHEREAS, over the course of the pandemic, the state has also expanded its access to personal protective equipment and other necessary materials to better protect the population from the spread of COVID-19, and has increased its ability to test for and to trace the virus; and

WHEREAS, in recent months, the state has also mounted a robust vaccination effort, to distribute the state's allocated supply of vaccines authorized by the Food and Drug Administration ("FDA") to all people living in or spending significant time in North Carolina; and

WHEREAS, North Carolina is rapidly expanding its capacity to vaccinate individuals against COVID-19, and as of the date of this Executive Order, more than one million two hundred and forty thousand (1,240,000) people living or spending time in North Carolina have received their first dose of an FDA-authorized vaccine, with over seven hundred and four thousand (704,000) North Carolinians fully vaccinated; and

WHEREAS, in light of the above factors, the undersigned now desires to lift certain provisions of the Modified Stay at Home Order and to relax occupancy limitations and other requirements on certain businesses, as set forth herein; and

WHEREAS, however, because the state's key COVID-19 metrics remain at elevated levels, and because of the potential impact of the presence of new variants of the virus in North Carolina, which may be more transmissible and may result in increased disease severity, the lifting of restrictions necessarily must continue to be undertaken in a targeted and phased manner to best protect the health and safety of all North Carolinians, with particular caution given to loosening restrictions in high-risk settings; and

WHEREAS, by following this targeted and phased approach, the undersigned intends to reopen the state's economy as fully as possible, without sacrificing the state's progress in managing the pandemic; and

WHEREAS, it also remains critical that North Carolinians continue to exercise personal responsibility in protecting themselves and others from the spread of the COVID-19, including by wearing Face Coverings, maintaining social distancing, washing hands frequently, and operating and frequenting businesses in compliance with this and other Executive Orders; and

<u>Improvements in Key COVID-19 Metrics</u>

WHEREAS, over recent months in North Carolina, due to the measures taken to-date by the undersigned and due to the resilience and persistence of all North Carolinians, there have been improvements in the state's key COVID-19 metrics; and

WHEREAS, specifically, as of the date of this Executive Order, the state is experiencing declines in the past month in the percent of emergency department visits that are due to COVID-like illness, the number of COVID-19 daily diagnoses, the percent of total COVID-19 tests that are positive and the number of COVID-19-associated hospitalizations, relative to the peak severity of these metrics in January 2021; and

WHEREAS, despite these improvements, COVID-19 remains a serious threat to North Carolina communities, as evidenced by the fact that between January 31, 2021 and February 13, 2021, sixty-seven of North Carolina's one hundred counties were experiencing "substantial (orange)" or "critical (red)" COVID-19 community spread, according to the County Alert System developed by the North Carolina Department of Health and Human Services ("NCDHHS"), which evaluates a county's COVID-19 case counts, percent positives, and hospital occupancy; and

WHEREAS, the percent of emergency department visits that are due to COVID-like illness, the number of new daily COVID-19 cases, the percent of total COVID-19 tests that are positive, the number of COVID-19 associated hospitalizations, and the number of daily deaths attributable to COVID-19 remain at elevated levels as compared to the onset of the pandemic and the most recent lows in summer 2020; and

WHEREAS, although North Carolinians should find cause for optimism in the measured progress to-date, COVID-19 continues to inflict an unprecedented toll on human life in North Carolina; and

WHEREAS, more than eight hundred forty-nine thousand (849,000) people in North Carolina have had COVID-19, and more than eleven thousand (11,000) people in North Carolina have died from the disease; and

Cautious Lifting of Certain Restrictions under North Carolina's Phased, "Dimmer Switch" Approach

WHEREAS, for the reasons set forth herein and in the undersigned's previous Executive Orders, restrictions have been imposed on businesses which were designed to limit the number and duration of contacts between people, particularly in settings in which people exert increased respiratory effort, that are indoors, that involve people being in close physical contact for an extended period of time (more than 15 minutes), that involve large numbers of people, are in settings in which it is difficult to wear Face Coverings consistently, or are in settings in which people are otherwise less likely to adhere to social distancing and other measures for reducing COVID-19 spread; and

WHEREAS, certain types of businesses by their very nature present greater risks of spread of COVID-19 because of the nature of the activity, the way that people have traditionally acted and interacted with each other in the space, and the duration that patrons stay in the establishment; and

WHEREAS, by using a phased reopening approach, North Carolina is endeavoring to manage the risk of COVID-19 exposure from a public health perspective in order to ensure that the state's health care providers have the resources and availability to protect people's lives while also allowing people to return to work and take part in activities that are integral parts of people's lives; and

WHEREAS, due to the continuing dangers posed by COVID-19, it remains necessary to maintain strict mitigation protocols to protect against transmission of the virus, including by limiting occupancy in businesses, requiring adherence to certain health and safety measures, and placing limits on social and in-home gatherings to ensure that spread of the virus is limited while reopening efforts continue; and

WHEREAS, the undersigned directs the phased reopening measures set forth in this Executive Order in consultation with NCDHHS; and

Lifting Certain Provisions of the Modified Stay at Home Order

WHEREAS, under the Modified Stay at Home Order, in response to dangerous spikes in COVID-19 case counts in North Carolina and attendant strain on the state's health care system occupancy, certain businesses were directed to close to the public between the hours of 10:00 pm and 5:00 am every day, and individuals were required to stay at home, with limited exceptions, during these night-time hours; and

WHEREAS, in light of the measured progress the state has achieved in its key COVID-19 metrics, the provisions of the Modified Stay at Home Order requiring night-time business closure, along with the provisions directing individuals to stay at home, may be lifted; and

WHEREAS, because Face Covering and Emergency Maximum Occupancy requirements are now a more accepted norm and many North Carolinians have exhibited a commitment to

wearing Face Coverings, it is no longer necessary to have Retail Businesses have a person stationed to check for Face Coverings and monitor store occupancy; and

Raising the Indoor and Outdoor Mass Gathering Limits

WHEREAS, to reduce the prevalence of COVID-19 spread linked to social and in-home gatherings, the undersigned previously reduced the mass gathering limits from twenty-five (25) to ten (10) individuals indoors; and

WHEREAS, in light of the measured progress the state has achieved in its key COVID-19 metrics, it is reasonable to raise the indoor mass gathering limit to twenty-five (25) persons, which will allow people to gather in larger numbers with friends and loved ones, while still adhering to Face Coverings and mitigation measures, as a strategy to limit the spread of COVID-19 transmission posed by large crowds; and

Increasing Occupancy Limits on Certain Businesses

WHEREAS, under the Modified Stay at Home Order, certain businesses were subject to reduced occupancy limits, among other health and safety measures; and

WHEREAS, in light of the measured progress the state has achieved in its key COVID-19 metrics, the current percentage occupancy limits on the above-referenced establishments can be incrementally raised to limits which will continue to reduce person-to-person contacts; and

WHEREAS, to guard against the heightened risk of transmission of COVID-19 when individuals gather in very large groups — particularly in indoor settings where the virus is more easily transmitted — it remains reasonable and necessary to set an upper limit on how many individuals can gather in a single setting at one time, and accordingly, the operation of the above-referenced businesses must be subject to a cap of two-hundred and fifty individuals indoors at one time; and

WHEREAS, larger venues have multiple entrances and exits and larger concourses, reducing crowding and allowing attendees to maintain adequate social distance from one another as they move around the venue, as well as the resources, staff, and capability to design, implement, and enforce enhanced health and safety measures for attendees; and

WHEREAS, accordingly, these larger venues can safely hold in excess of two-hundred and fifty people (250) indoors, at a capacity level which is a small fraction of the venue's total capacity, provided the large venue operates the event in compliance with all of the health and safety measures specified herein; and

Relaxing Restrictions on Late Night Sale and Service of Alcoholic Beverages

WHEREAS, in previous executive orders, and for the reasons set forth in those orders concerning the risks of increased transmission of COVID-19 when people consume alcohol and engage in behaviors more likely to transmit the virus, the undersigned restricted the sale and service of alcohol for onsite consumption during late-night hours; and

WHEREAS, in recognition of the economic impact on certain establishments as a result of these late-night restrictions, the undersigned also took measures to permit the sale of mixed beverages for off-premise consumption ("drinks to-go"), so that Bars and other impacted establishments could have an additional revenue opportunity which would otherwise not be afforded to them; and

WHEREAS, in light of the measured progress the state has achieved in its key COVID-19 metrics, the cut-off time on the sale and service of alcoholic beverages for on-site consumption can safely be extended from 9:00 pm to 11:00 pm; and

Certain Businesses Pose Greater Risks of COVID-19 Transmission and Loosening Restrictions Must be Undertaken in a Cautious Manner

Indoor Areas of Bars

WHEREAS, in previous executive orders, the undersigned has ordered certain restrictions on Bars, as defined herein, closing indoor areas for on-site consumption, but allowing for the limited operation of Bars' outdoor areas, as well as enabling the sale of drinks to-go; and

WHEREAS, in Bars, people's risk of spreading COVID-19 is higher for many reasons, including because people traditionally engage in activities in Bars that result in increased respiratory effort, because people traditionally mingle in Bars and are in close physical contact for an extended period of time, and because people are less cautious when they drink alcoholic beverages; and

WHEREAS, across the country, as detailed in the undersigned's previous Executive Orders, COVID-19 spread has been repeatedly linked to Bars, and multiple studies and reports, as detailed in the undersigned's previous executive orders, have linked infection rates and super-spreader events to Bars; and

WHEREAS, these risks are mitigated, although not eliminated, in outdoor spaces where air circulates freely; and

WHEREAS, in light of the measured progress the state has achieved in its key COVID-19 metrics, the indoor areas of Bars can be cautiously and incrementally reopened, and the existing occupancy limits on the outdoor areas of Bars can be safely and incrementally raised, to limits which will continue to minimize person-to-person contacts and reduce the congregation of individuals; and

WHEREAS, due to the unique dangers posed by the indoor areas of Bars in particular, the occupancy limits on these areas of these establishments must necessarily be less than the occupancy limits on other businesses which do not pose the same health and safety risks; and

WHEREAS, it is prudent to continue to limit Bar operation by requiring that all Guests, as defined herein, be seated at tables and counters and by separating Guests so that different groups are socially distanced; and

Statutory Authority and Determinations

WHEREAS, Executive Order No. 116 invoked the Emergency Management Act, and authorizes the undersigned to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(2), the undersigned may make, amend, or rescind necessary orders, rules, and regulations within the limits of the authority conferred upon the Governor in the Emergency Management Act; and

WHEREAS, N.C. Gen. Stat. § 166A-19.10(b)(3) authorizes and empowers the undersigned to delegate Gubernatorial vested authority under the Emergency Management Act and to provide for the sub-delegation of that authority; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.12(3)(e), the Division of Emergency Management must coordinate with the State Health Director to revise the North Carolina Emergency Operations Plan as conditions change, including making revisions to set "the appropriate conditions for quarantine and isolation in order to prevent the further transmission of disease," and following this coordination, the Emergency Management Director and the State Health Director have recommended that the Governor develop and order the plan and actions identified in this Executive Order; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.23 in conjunction with N.C. Gen. Stat. §§ 75-37 and 75-38, the undersigned may issue a declaration that shall trigger the prohibitions

against excessive pricing during states of disaster, states of emergency or abnormal market disruptions; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), the undersigned may utilize all available state resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of state agencies or units thereof for the purpose of performing or facilitating emergency services; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the undersigned may take such action and give such directions to state and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of the Emergency Management Act and with the orders, rules, and regulations made thereunder; and

WHEREAS, although the NCDHHS County Alert system has identified certain counties as having higher levels of community transmission in recent data, the professionals delegated the responsibility to maintain the County Alert system have determined that every county has a dangerous rate of community transmission of the virus — reflected in every county in the state being rated at least at "significant (yellow)" risk; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(i), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because not all local authorities have enacted such appropriate ordinances or issued such appropriate declarations restricting the operation of businesses and limiting person-to-person contact, thus needed control cannot be imposed locally; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(ii), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because some but not all local authorities have taken implementing steps under such ordinances or declarations, if enacted or declared, in order to effectuate control over the emergency that has arisen; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(iii), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because the area in which the emergency exists spreads across local jurisdictional boundaries and the legal control measures of the jurisdictions are conflicting or uncoordinated to the extent that efforts to protect life and property are, or unquestionably will be, severely hampered; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(iv), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection of lives and property of North Carolinians because the scale of the emergency is so great that it exceeds the capability of local authorities to cope with it; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(1) authorizes the undersigned to prohibit and restrict the movement of people in public places; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(1)(d) authorizes the undersigned to control the movement of persons within the emergency area; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(2) authorizes the undersigned to prohibit and restrict the operation of offices, business establishments, and other places to and from which people may travel or at which they may congregate; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(3) authorizes the undersigned to restrict the possession, transportation, sale, purchase, and consumption of alcoholic beverages; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(5) authorizes the undersigned to prohibit and restrict other activities or conditions, the control of which may be reasonably necessary to maintain order and protect lives or property during a state of emergency; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(1), when the undersigned imposes the prohibitions and restrictions enumerated in N.C. Gen. Stat. § 166A-19.31(b), the undersigned may amend or rescind the prohibitions and restrictions imposed by local authorities.

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, and for the reasons and pursuant to the authority set forth above, **IT IS ORDERED**:

Section 1. Introduction.

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

1.1. Definitions.

a. "Amusement Park" has the definition at N.C. Gen. Stat. § 95-111.3, except that it does not include waterslides as defined by N.C. Gen. Stat. § 95-111.3(h).

b. "Amusement Transportation" means tour buses, tour trains, or other scenic and sightseeing transportation that is principally offered and used for amusement, regardless of whether such transportation is located in an Amusement Park.

c. "Bars" means establishments that are not eating establishments or restaurants as defined in N.C. Gen. Stat. §§ 18B-1000(2) and 18B-1000(6), that have a permit to sell alcoholic beverages for onsite consumption under N.C. Gen. Stat. § 18B-1001, and that are principally engaged in the business of selling alcoholic beverages for onsite consumption.

d. "Core Signage, Screening and Sanitation Requirements" are the following actions which establishments open to the public under the terms of this Executive Order must follow, namely:
    1. Post the Emergency Maximum Occupancy in a noticeable place.
    2. Post signage reminding Guests and workers about social distancing (staying at least six (6) feet away from others) and requesting that people who have been symptomatic with fever and/or cough not enter.
    3. Conduct daily symptom screening of workers, using a standard interview questionnaire of symptoms before workers enter the workplace.
    4. Immediately isolate and remove sick workers.
    5. Perform frequent and routine environmental cleaning and disinfection of high-touch areas with an EPA-approved disinfectant for SARS-CoV-2 (the virus that causes COVID-19).

e. "Emergency Maximum Occupancy" means the maximum occupancy for a facility (or room within a facility, as applicable) under this Executive Order.

f. "Face Covering" means a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears and fits snugly against the side of a person's face. A Face Covering can be made of a variety of synthetic and natural fabrics, including cotton, silk, or linen. Face Coverings are most effective when they fit snugly against a person's face and have two (2) or more layers. This can be achieved by wearing a cloth Face Covering with two or more layers or by wearing one disposable mask underneath a cloth mask. A cloth Face Covering may be factory-made, sewn by hand, or can be improvised from household items such as scarfs, bandanas, t-shirts, sweatshirts, or towels. These Face Coverings are not intended for use by healthcare providers in the care of patients.

Based on recommendations from the CDC, face shields do not meet the requirements for Face Coverings.

g. "Guest" means any attendee, customer, guest, member, patron, spectator, or other person lawfully on the property of another that does not own the property or work at the property.

h. "N95 Respirator" means a Face Covering approved by the National Institute for Occupational Safety and Health ("NIOSH") or a respirator from another country allowed by the Occupational Safety & Health Administration, the Food & Drug Administration, or the CDC. N95 respirators are not recommended for general public use or use in public settings, as they should be reserved for healthcare providers and other medical first responders in a health care setting. However, if worn, N95 respirators would meet both the Face Covering and Surgical Mask requirements of this Executive Order.

i. "Personal Care, Grooming, and Tattoo Businesses" means businesses that (i) do not provide health care services; and (ii) either (1) have workers directly touch Guests or (2) have a piece of equipment (other than a touchscreen) repeatedly come into contact directly with Guests' skin. This includes, but is not limited to, barber shops, beauty salons (including but not limited to waxing and hair removal centers), hair salons, nail salons, manicure or pedicure providers, tattoo businesses, tanning salons, and massage therapists.

j. "Playground" means a recreation area for children equipped with playground equipment, including but not limited to soft contained play equipment, swings, seesaws, slides, stationary spring-mounted animal features, jungle gyms, rider-propelled merry-go-rounds, and trampolines.

k. "Recommendations to Promote Social Distancing and Reduce Transmission" are defined in Subsection 1.4 below.

l. "Restaurants" means permitted food establishments, under N.C. Gen. Stat. § 130A-248, and other establishments that both prepare and serve food. This includes, but is not limited to, restaurants, cafeterias, food halls, dining halls, food courts, and food kiosks. This includes not only free-standing locations but also locations within other businesses or facilities, including, but not limited to airports, shopping centers, educational institutions, or private or members-only clubs where food and beverages are permitted to be consumed on premises.

m. "Retail Business" means any business in which Guests enter a space to purchase goods or services, including but not limited to grocery stores, convenience stores, large-format retail stores, pharmacies, banks, and ABC stores. This also includes, but is not limited to, (i) retail establishments operated by the state, its political subdivisions, or agencies thereof, and (ii) state agencies under the jurisdiction of the undersigned which have a public-facing component offering a service, such as the Division of Motor Vehicles, the North Carolina Department of Revenue, and shops in North Carolina Department of Natural and Cultural Resources facilities.

n. "Surgical Mask" means American Society for Testing and Materials ("ASTM") Level 1, 2, or 3 approved procedural and surgical masks.

1.2. **Exemptions**.

Worship, religious, and spiritual gatherings, funeral ceremonies, wedding ceremonies, and other activities constituting the exercise of First Amendment rights are exempt from all the requirements of this Executive Order, notwithstanding any other provision of this Executive Order.

The undersigned strongly urges that entities and individuals engaging in these exempted activities follow the Recommendations to Promote Social Distancing and Reduce Transmission,

wear and require Face Coverings, and avoid exceeding Emergency Maximum Occupancy in the places where they meet.

1.3. **Structure of This Executive Order**.

To control the spread of COVID-19 and protect lives during the State of Emergency, this Section lists restrictions on the operations of business establishments and other places to or from which people may travel or at which they may congregate. Businesses or operations within the scope of Sections 2 to 6 are prohibited from operating unless they follow all applicable restrictions stated in these sections.

In general, this Executive Order broadly requires Face Coverings outside the home, then lists a series of specific restrictions for certain kinds of businesses. Each affected type of business has a series of specific sanitation and safety measures listed in Section 3.

Most of these businesses must also follow restrictions on emergency maximum occupancy. In this Order, occupancy restrictions fall into two general types:

- The limit is fifty percent (50%) of fire capacity for fitness and physical activity facilities, museums, personal care businesses, restaurants, and retail businesses.

- The limit is thirty percent (30%) of fire capacity for bars, lounges, movie theaters and entertainment facilities, meeting spaces and conference centers, and venues or arenas.

Because indoor spaces have a higher risk of spread for COVID-19, indoor facilities in the 30%-occupancy category have additional limits. Most indoor facilities in the 30%-occupancy category may not exceed two hundred fifty (250) people per indoor room or indoor space. Indoor event venues with five thousand (5,000) or more seats may be excepted from the 250-person limit if they follow additional safety measures, but these facilities may not exceed fifteen percent (15%) of fire capacity.

Details about these restrictions are found below in Sections 2 to 6 of this Order. The specific provisions of Sections 2 to 6 take precedence over the general descriptions in the summary above.

1.4. **General Recommendations**.

All North Carolinians are strongly encouraged to follow the recommendations for reducing the spread of COVID-19 issued by NCDHHS. These recommendations include the following Recommendations to Promote Social Distancing and Reduce Transmission:

a. Maintain at least six (6) feet social distancing from other individuals, with the exception of family or household members.
b. Wear a Face Covering over the nose and mouth when leaving home and wear it inside all public settings such as grocery stores, pharmacies, or other retail or public-serving businesses. A Face Covering should also be worn outdoors when you cannot maintain at least six (6) feet distancing from other people with the exception of family or household members.
c. Carry hand sanitizer with you when leaving home, and use it frequently.
d. Wash hands using soap and water for at least twenty (20) seconds as frequently as possible.
e. Regularly clean high-touch surfaces such as steering wheels, wallets, and phones.
f. Avoid large gatherings.
g. Stay at home if sick.

Section 2. Face Coverings.

For the avoidance of doubt, this Section generally requires North Carolinians to wear Face Coverings in public places, both indoors and outdoors. This Section also authorizes law enforcement to enforce Face Covering requirements against individuals who fail to wear a Face Covering outside the home without any applicable exception. Where a question might arise as to

whether an individual who is able to wear a Face Covering in North Carolina is required to wear one in a certain context, this Executive Order seeks to promote the wearing of Face Coverings.

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

2.1. **Face Coverings Required In Public Places**.

a. The undersigned enacts the following restriction on the movement of people in public places and restriction on the operation of offices, business establishments, schools, and other places where people may travel or congregate.

b. For any place outside the home, including but not limited to businesses, schools, and other establishments and spaces:

1. Face Coverings must be worn indoors if anyone else is in that space who is not a member of the same household.

2. Face Coverings must be worn outdoors if it is not possible to consistently be physically distant by more than six (6) feet from non-household members.

c. These requirements shall apply to all people at least five (5) years old, unless an exception applies. These requirements are recommended for all people over the age of two (2) years old.

2.2. **Restrictions for Specific Settings.** Section 3 of this Executive Order states a series of specific Face Covering requirements for certain types of businesses and establishments. These requirements are in addition to, and not in lieu of, the general restrictions stated above.

2.3. **Employer Good Faith Obligation to Provide Face Coverings**. Employers who have workers who perform work outside of their home in North Carolina and have not already provided Face Coverings for their workers shall make good-faith efforts to provide a one-week supply of reusable Face Coverings or a new disposable Face Covering daily as soon as possible for workers to use at their place of employment. New Face Coverings should be provided during the work day if the worker's Face Covering becomes soiled, torn, or wet.

2.4. **Exceptions**. This Executive Order does not require Face Coverings for—and a Face Covering does not need to be worn by—a worker or Guest who:

a. Should not wear a Face Covering due to any medical or behavioral condition or disability (including, but not limited to, any person who has trouble breathing, or is unconscious or incapacitated, or is otherwise unable to put on or remove the Face Covering without assistance);
b. Is under five (5) years of age;
c. Is actively eating or drinking;
d. Is seeking to communicate with someone who is hearing-impaired in a way that requires the mouth to be visible;
e. Is giving a speech for a broadcast or to an audience;
f. Is working at home or is in a personal vehicle;
g. Is temporarily removing his or her Face Covering to secure government or medical services or for identification purposes;
h. Would be at risk from wearing a Face Covering at work, as determined by local, state, or federal regulations or workplace safety guidelines;
i. Has found that his or her Face Covering is impeding visibility to operate equipment or a vehicle; or
j. Is a child whose parent, guardian, or responsible person has been unable to place the Face Covering safely on the child's face.

Anyone who declines to wear a Face Covering for these reasons should not be required to produce documentation or any other proof of a condition.

Children under two (2) years of age should not wear a Face Covering.

2.5. **Face Coverings and Exercise.**

People must wear Face Coverings while exercising if they are either:

- Outdoors and within six (6) feet of someone who does not reside in the exercising person's household; or
- Indoors and not within their own home.

However, people need not wear a Face Covering while exercising if:

- One of the exceptions stated in Subsection 2.4 applies;
- They have symptoms while strenuously exercising such as trouble breathing, dizziness, or lightheadedness;
- They are wearing equipment like a mouthguard or helmet and are having trouble breathing;
- They are doing any activity in which the Face Covering could become entangled and a choking hazard or impair vision in high risk activities such as gymnastics, cheerleading, or tumbling; or
- They are doing activities that may cause the Face Covering to become wet, like swimming or other activities in a pool, lake, water attraction, or similar body of water.

2.6. **Face Coverings for Professional or Collegiate Athletes Under a COVID-19 Health and Safety Protocol.** As an exception to the other provisions of this Section, Face Coverings are encouraged, but not required for professional or collegiate athletes if (1) they are strenuously exercising or recovering from exercise and (2) those athletes are training for or participating in a sport that is under the oversight of a league, association, or other organizer that required teams and players to follow a protocol for reducing risk from COVID-19. These athletes must wear Face Coverings, including on sidelines and in practice, at any time that they are not strenuously exercising or recovering from recent exercise.

2.7. **How Businesses May Accommodate Exceptions**. If a Guest states that an exception applies, a business may choose to offer curbside service, provide home delivery, or use some other reasonable measure to deliver its goods or services.

2.8. **Enforcement of Face Covering Requirements**.

If a person does not wear a Face Covering in a situation where a Face Covering is required under this Executive Order, and if an exception to the Face Covering requirement does not apply:

a. Law enforcement officers may cite the people who failed to wear Face Coverings as required by Executive Order; and/or

b. Law enforcement officers may cite a business or organization that failed to enforce the requirement to wear Face Coverings.

Further, if a business or organization does not allow entry to a worker or Guest because that person refuses to wear a Face Covering, and if that worker or Guest enters the premises and refuses to leave the premises, law enforcement personnel may enforce the trespassing laws and any other laws that the worker or Guest may violate.

2.9. **Schools**. In all public school units, as defined by N.C. Gen. Stat. § 115C-5(7a), and all nonpublic schools covered by Article 39 of Chapter 115C of the General Statutes, all workers, teachers, Guests, other adults and children five (5) years or older must wear Face Coverings both:

- When outdoors and within six (6) feet of another person, unless an exception applies;
- When indoors, at all times, unless an exception applies.

Section 3. Restrictions on Certain Businesses and Operations.

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

3.1. **Amusement Parks**. Amusement Parks and Amusement Transportation may reopen and operate under the following restrictions:

a. Face Coverings. All workers and Guests must wear Face Coverings when they are on premises or on transportation operated by the establishment.

b. Capacity Restrictions.

1. For the Facility As A Whole. The operator must limit the total number of Guests in the establishment to fifty percent (50%) of the park's normal maximum occupancy.

2. Outdoor Spaces. The facility must limit Guests to fifty percent (50%) of the stated fire capacity for each outdoor space controlled by the facility. For rooms or spaces without a stated fire capacity, the limit on Guests is twelve (12) per one thousand (1000) square feet, rounded up.

3. Indoor Spaces. The facility must limit Guests to the lesser of the following limits.

a. Thirty percent (30%) of the stated fire capacity for each building, room, or other indoor space controlled by the facility. This limit applies separately to each room within a building. For rooms or spaces without a stated fire capacity, the limit on Guests is seven (7) per one thousand (1000) square feet, rounded up.

b. Two hundred fifty (250) Guests in any particular indoor room or other confined indoor space within the facility's premises.

4. On each Ride or on Amusement Transportation. The operator must limit the number of Guests within each vehicle or car to either:

- Have all the Guests within a vehicle or car be people who came into the ride loading area together as part of the same group of friends or family; or
- Ensure six (6) feet of social distancing between each group of friends or family within the vehicle or car.

c. Other Requirements. The operator must:

1. Spread out waiting lines for rides, amusements, and other areas where people may congregate or wait, with each group separated by six (6) feet.

2. The operator must mark six (6) feet of spacing along the line and in waiting areas for rides and amusements and other areas where people may congregate or wait.

3. Establish a Guest flow plan that limits people massing together throughout the park and when they are entering or exiting the park.

4. Increase disinfection during high customer density times.

5. Provide alcohol-based hand sanitizer (with at least 60% alcohol) at the entrance and at other areas throughout the premises as needed. Promote frequent use of hand-washing and hand sanitizer for workers and Guests.

6. Disinfect shared objects and surfaces (such as game surfaces, safety bars, or harnesses) between uses.

7. Follow the restrictions set out in other Subsections of this Executive Order for any food, beverage, and retail service.

8. Follow the Core Signage, Screening and Sanitation Requirements as defined in this Executive Order.

3.2. **Bars, Night Spots, and Arenas**.

a. This Subsection applies to the following:
   - Bars
   - Lounges (such as cigar bars and hookah lounges) in which tobacco or related products are consumed on premises
   - Auditoriums, amphitheaters, arenas, and other venues for live performances
   - Music halls, night clubs, or dance halls
   - Adult entertainment facilities
   - Spectator stands and viewing areas at a sporting facility, stadium, sporting complex, or speedway

b. Face Coverings. Unless an exception applies:
   - Facilities covered by this Subsection must have all workers wear Face Coverings.
   - In addition, these establishments must have all Guests wear Face Coverings (including at a table or counter) when they are not actively drinking or eating.

c. Must Be Seated. To limit the degree to which Guests at the facility may come into contact with one another and spread COVID-19, a facility covered by this Subsection is closed unless it is or becomes a seated establishment for Guests. Guests must be in seats except to enter, leave, use amenities, visit the restroom, and obtain food or drink.

d. Capacity Restrictions. While this Executive Order is in effect, all open facilities covered by this Subsection must limit Guests in indoor and outdoor seating areas to Emergency Maximum Occupancy. Under this Executive Order, the Emergency Maximum Occupancy for a facility is the lowest number produced by applying the following tests.

   1. Outdoor Spaces. The facility must limit Guests to thirty percent (30%) of the stated fire capacity for each outdoor space controlled by the facility. For rooms or spaces without a stated fire capacity, the limit on Guests is seven (7) per one thousand (1000) square feet, rounded up.

   2. Indoor Spaces. The facility must limit Guests to the lesser of the following limits.

      a. Thirty percent (30%) of the stated fire capacity for each building, room, or other indoor space controlled by the facility. This limit applies separately to each room within a building. For rooms or spaces without a stated fire capacity, the limit on Guests is seven (7) per one thousand (1000) square feet, rounded up.

      b. Two hundred fifty (250) Guests in any particular indoor room or other confined indoor space within the facility's premises.

   3. The facility must limit the number of Guests in the space so that groups can stay six (6) feet apart.

   4. The facility must arrange the space so that Guests sitting at a counter or table are not within six (6) feet of any Guests sitting at another counter or table. Moreover, each group of Guests sitting at a counter should be separated from other groups by six (6) feet. Entertainers also must stay at least six (6) feet away from any Guest.

People sitting at a table need not be members of the same household and do not need to stay six (6) feet apart. Moreover, this Executive Order does not require waitstaff to stay six (6) feet away from Guests.

e. Interpretation of Capacity Restrictions in this Subsection.

1. Workers, entertainers, athletes, and any other support staff do not count toward the capacity limits stated in Subsection 3.2(d) immediately above.
2. Any facility that meets the definition of "Restaurant" in this Executive Order is covered by Subsection 3.13 of this Executive Order and not this Subsection.
3. Indoor and outdoor amenities (such as pool and billiards tables) may be open at facilities covered by this Subsection.
4. Nothing in this Executive Order prevents establishments from opening up or expanding outdoor seating areas, subject to applicable local and state regulations.
5. Any meeting or function held in a private room in a facility covered by this Subsection is covered by the capacity and other restrictions stated below in Subsection 3.8 of this Executive Order ("Movie Theaters, Meeting Spaces, and Entertainment Facilities").

f. Additional Sanitation and Safety Restrictions. Facilities covered by this Subsection must:

1. Restrict late night service of alcoholic beverages as stated in Subsection 4.1 of this Executive Order.
2. Follow the restrictions set out in Subsection 3.13 of this Executive Order for any food or beverage service.
3. Mark six (6) feet of spacing in lines at high-traffic areas for Guests.
4. Promote frequent use of hand-washing and hand sanitizer for waitstaff and food service staff throughout the shift and upon reporting to work. Hand-washing must at least meet the requirements specified in the North Carolina Food Code Manual.
5. Provide alcohol-based hand sanitizer (with at least 60% alcohol) at the entrance and at other areas throughout the premises as needed. Promote frequent use of hand-washing and hand sanitizer for workers and Guests.
6. Increase disinfection during peak times or high Guest density times, and disinfect all shared objects (e.g., payment terminals, tables, countertops/bars, receipt trays, and reusable menus) between use.
7. Follow all applicable requirements in NCDHHS guidelines.
8. Follow the Core Signage, Screening and Sanitation Requirements as defined in this Executive Order.

3.3. **Child Care Facilities**.

a. Face Coverings. Child care facilities must have workers, all other adults, and children five (5) years or older onsite wear Face Coverings, unless an exception applies.

b. Child Care Facilities May Open and May Serve All Children. Child care facilities may open or reopen, and they may serve all children in North Carolina. All references to "covered children" in Executive Order Nos. 130 and 138 shall refer to all children.

c. Requirements. Child care facilities that are open or reopened consistent with the Executive Order must abide by the following requirements:

1. Follow all applicable NCDHHS guidelines.
2. Follow the Core Signage, Screening, and Sanitation Requirements as defined in this Executive Order.
3. Conduct a daily health screening on all individuals who are entering the building.
4. Immediately isolate sick workers and children from the rest of the facility and send them home.

5. Have a plan to work with local health departments to identify close contacts of confirmed cases in the child care setting.

d. Before reopening, child care facilities shall submit to NCDHHS the Emergency Child Care Provider Application. NCDHHS must approve the Emergency Child Care Provider Application before the child care facility can reopen.

e. Relationship to Other Executive Orders. Subdivisions 3.3(b) and (c)(1) above completely replace Subsections 2(C) and 2(D) of Executive Order No. 130. Subsections 2(A)-(B) and 2(E)-(H) of Executive Order No. 130 and Section 3 of Executive Order No. 139 shall continue in effect as specified in Executive Order Nos. 152, 177, and 193, and any subsequent executive orders.

3.4. **Children's Day or Overnight Camps**.

a. Children's day camps and overnight camps must have workers, all other adults, and children five (5) years or older onsite wear Face Coverings, unless an exception applies.

b. To the extent, if any, that day camps and overnight camps continue to operate during the effective period of this Executive Order, the requirements of Executive Order No. 141 (as amended) which are applicable to Day Camps and Overnight Camps in that Order shall continue to apply to those camps.

3.5. **Fitness and Physical Activity Facilities**.

a. This Subsection applies to "Fitness and Physical Activity Facilities," defined as any of the following:
- Exercise facilities (e.g., yoga studios, dance studios, ballrooms for dancing, martial arts facilities, gymnastics, indoor trampoline and rock climbing facilities)
- Gyms
- Fields of play, including but not limited to basketball courts, baseball fields, volleyball courts, racquetball courts, squash courts, hockey rinks, soccer fields, and tennis courts (with spectators, if any, limited as stated in Subsection 3.2 of this Executive Order)
- Health clubs and fitness centers
- Boxing clubs
- Skating rinks
- Bowling alleys
- Golf courses and driving ranges
- Golf ball hitting bays
- Mini-golf courses
- Go-cart tracks
- The track for any speedway or raceway (with spectators, if any, limited as stated in Subsection 3.2 of this Executive Order)
- Paintball, laser tag, and similar fields and arenas
- Indoor Playgrounds

b. Face Coverings. All workers and Guests must wear Face Coverings when they are inside the establishment, regardless of whether they are exercising. When outdoors, workers and Guests must wear Face Coverings when they are within six (6) feet of someone who does not reside in the same household. The exceptions in Sections 2.4 and 2.5 of this Executive Order apply.

c. Capacity Restrictions.

1. Indoor Areas. Fitness and Physical Activity Facilities must limit Guests in indoor areas to the lowest number produced by applying the following two tests:

a. Overall. Limit the number of Guests in the facility to fifty percent (50%) of stated fire capacity (or, for spaces without a stated fire

capacity, no more than twelve (12) Guests for every one thousand (1000) square feet of the location's total square footage, including the parts of the location that are not accessible to Guests).

b. In Any Room. Limit the number of Guests in any given room of the facility so that everyone can stay six (6) feet apart.

2. Outdoor Areas. Fitness and Physical Activity Facilities must limit Guests in outdoor areas to fifty percent (50%) of stated fire capacity (or, for spaces without a stated fire capacity, no more than twelve (12) Guests for every one thousand (1000) square feet).

3. Games or Events with Spectators. The capacity restrictions for facilities in Subsection 3.2 above, not the capacity restrictions in Subsections 3.5(c)(1)-(2) above, apply to Fitness and Physical Activity Facilities whenever they host a game with spectators.

d. Social Distancing Measures.

1. Spread Out Guests and Equipment. Operators of Fitness and Physical Activity Facilities must:

a. For activities involving Guests spread out among fixed equipment or lanes, tape off or move the equipment, or restrict access to lanes, so that the Guests conducting the exercise activity are at least six (6) feet apart.

b. For group classes or group activities, ensure that all Guests are spaced at least six (6) feet apart. Instructors may come within six (6) feet of students for brief periods of time (less than 15 minutes).

2. Seating in Waiting Areas. For Guests waiting to take their turn in the activity, operators must space out any seating so that Guests can be socially distanced and stay six (6) feet apart from each other.

e. Other Requirements. Operators of Fitness and Physical Activity Facilities must:

1. Promote frequent use of hand-washing and hand sanitizer for workers and Guests. Require workers to wash hands immediately upon reporting to work, after contact with Guests, after performing cleaning and disinfecting activities, and frequently throughout the day.
2. Disinfect all shared equipment between users with an EPA-approved disinfectant for SARS-CoV-2 (the virus that causes COVID-19). Allow the disinfectant to sit for the adequate amount of time stated by the manufacturer. If Guests are to clean equipment, the establishment must provide instructions on how to properly disinfect equipment and on the adequate amount of time that the disinfectant must sit to be effective.
3. Increase disinfection during peak times or high-population-density times.
4. Mark six (6) feet of spacing in lines at point of sale and in other high-traffic areas for Guests.
5. Post the Emergency Maximum Occupancy of any room or other enclosed space at the door to that space.
6. Follow the restrictions set out in Sections 3.13 and 4.1 of this Executive Order for any food and beverage service.
7. Follow the Core Signage, Screening and Sanitation Requirements as defined in this Executive Order.

3.6. **Government Operations**. Unless an exception applies, state government agencies headed by members of the Governor's Cabinet and the Governor's Office must have their onsite workers wear Face Coverings when they are indoors. In addition, unless an exception applies, these agencies must require Face Coverings for any outdoor work within six (6) feet of another person. State government agencies headed by members of the Governor's Cabinet and the Governor's Office must also follow the requirements for Retail Businesses

established in this Executive Order unless necessary to complete that office's mission. All other state and local government agencies are strongly encouraged to adopt similar policies.

3.7. **Health Care Settings**.

a. Surgical Masks in Long Term Care Facilities. All workers in Long Term Care ("LTC") Facilities, including skilled nursing facilities ("SNF"), adult care homes ("ACH"), family care homes ("FCH"), mental health group homes, and intermediate care facilities for individuals with intellectual disabilities ("ICF-IID"), must wear Face Coverings while in the facility, and those Face Coverings must be Surgical Masks, as long as Surgical Mask supplies are available.

b. Other Health Care Settings. Health care facilities other than LTC facilities must follow the Face Covering requirements in the CDC Infection Control Guidance for Healthcare Professionals about Coronavirus (COVID-19).

c. Other Requirements. Additional requirements in health care settings can be found in Executive Order Nos. 130 and 139 and in the Secretarial Orders issued under Executive Order Nos. 152, 165, 177, and 193.

3.8. **Movie Theaters, Meeting Spaces, and Entertainment Facilities**.

a. This Subsection applies to meeting spaces, meeting or reception venues, and any entertainment facilities that are not covered by another provision of this Section of this Executive Order, such as Subsection 3.2 (entitled "Bars, Night Spots, and Arenas") or Subsection 3.5 (entitled "Fitness and Physical Activity Facilities"). Facilities covered by this Subsection include, but are not limited to, the following types of businesses:
   - Movie theaters
   - Private rooms or other private meeting spaces in a hotel, conference center, meeting hall, or reception venue
   - Bingo parlors, including bingo sites operated by charitable organizations
   - Facilities where the purpose is to engage in games of cards, such as bridge
   - Gaming and business establishments which allow gaming activities (e.g., video games, arcade games, pinball machines or other computer, electronic or mechanical devices played for amusement)

b. Face Coverings. All workers and Guests must wear Face Coverings when they are or may be within the facility. When outdoors, workers and Guests must wear Face Coverings when they are within six (6) feet of someone who does not reside in the same household.

c. Must Be Seated. To limit the degree to which Guests at the facility may come into contact with one another and spread COVID-19, a facility covered by this Subsection is closed unless it is or becomes a seated establishment for Guests. Guests must be in seats except to play, enter, leave, use amenities, visit the restroom, and obtain food or drink.

d. Capacity Restrictions. While this Executive Order is in effect, all open facilities covered by this Subsection must limit Guests in indoor and outdoor seating areas to Emergency Maximum Occupancy. Under this Executive Order, the Emergency Maximum Occupancy for a facility is the lowest number produced by applying the following tests.

   1. Outdoor Spaces. The facility must limit Guests to thirty percent (30%) of the stated fire capacity for each outdoor space controlled by the facility. For rooms or spaces without a stated fire capacity, the limit on Guests is seven (7) per one thousand (1000) square feet, rounded up.

   2. Indoor Spaces. The facility must limit Guests to the lesser of the following limits.

a. Thirty percent (30%) of the stated fire capacity for each building, room, or other indoor space controlled by the facility. This limit applies separately to each room within a building. For rooms or spaces without a stated fire capacity, the limit on Guests is seven (7) per one thousand (1000) square feet, rounded up.

b. Two hundred fifty (250) Guests in any particular indoor room or other confined indoor space within the facility's premises.

3. The facility must limit the number of Guests in the space so that groups can stay six (6) feet apart.

4. The facility must arrange the space so that Guests sitting at a counter or table are not within six (6) feet of any Guests sitting at another counter or table. Moreover, each group of Guests sitting at a counter should be separated from other groups by six (6) feet. Entertainers also must stay at least six (6) feet away from any Guest.

People sitting at a table need not be members of the same household and do not need to stay six (6) feet apart. Moreover, this Executive Order does not require waitstaff to stay six (6) feet away from Guests.

e. Interpretation of Capacity Restrictions in this Subsection.

1. Workers, entertainers, and support staff do not count toward the capacity limits stated in Subsection 3.8(d) immediately above.
2. Any facility that meets the definition of "Restaurant" in this Executive Order is covered by Subsection 3.13 of this Executive Order and not this Subsection.
3. Indoor and outdoor amenities (such as pool and billiards tables) may be open at facilities covered by this Subsection.
4. Nothing in this Executive Order prevents establishments from opening up or expanding outdoor seating areas, subject to applicable local and state regulations.
5. For hotels or other facilities where private meeting spaces are a portion of a larger facility that is not restricted by this Section of this Executive Order, the limits stated above are measured only for the portion of the facility composed of private meeting spaces.

f. Other Requirements. Facilities covered by this Subsection must:
1. Restrict late night service of alcoholic beverages as stated in Subsection 4.1 of this Executive Order.
2. Follow the restrictions set out in Subsection 3.13 of this Executive Order for any food or beverage service.
3. Mark six (6) feet of spacing in lines at point of sale and in other high-traffic areas for Guests.
4. Provide alcohol-based hand sanitizer (with at least 60% alcohol) at the entrance and at other areas throughout the premises as needed. Promote frequent use of hand-washing and hand sanitizer for workers and Guests.
5. Increase disinfection during peak times or high Guest density times, and disinfect all shared objects (e.g., payment terminals, tables, countertops/bars, receipt trays, condiment holders) between use.
6. Follow the Core Signage, Screening and Sanitation Requirements as defined in this Executive Order.

g. Gaming. This Executive Order does not order the closure of gaming establishments. However, nothing in this Executive Order shall be construed to authorize any gaming activity prohibited by Chapter 14 of the North Carolina General Statutes.

3.9. **Museums and Aquariums**.

a. Face Coverings. Unless an exception applies:

- Workers in museums and aquariums must wear Face Coverings when they are inside.
- Workers in museums and aquariums must also wear Face Coverings if they are outside and within six (6) feet of another person.
- In addition, Guests must wear Face Coverings.

b. Museums and aquariums may open. All operators of open museums or aquariums must meet the following requirements:

1. Limit the number of Guests in the museum or aquarium to fifty percent (50%) of stated fire capacity (or, for spaces without a stated fire capacity, no more than twelve (12) Guests for every one thousand (1000) square feet of the location's total square footage, including the parts of the location that are not accessible to Guests) and ensure Guests are able to social distance and remain six (6) feet away from groups other than those in their households.

2. Restaurants located within museums and aquariums are subject to the Emergency Maximum Occupancy and other requirements on restaurants in Subsection 3.13 of this Executive Order.

3. Post signage reminding Guests and workers about social distancing (staying at least six (6) feet away from others) and requesting that people who have been symptomatic with fever and/or cough not enter.

4. Conduct daily symptom screening of workers, using a standard interview questionnaire of symptoms, before workers enter the workplace.

5. Immediately isolate and remove sick workers.

6. Perform frequent and routine environmental cleaning and disinfection of high-touch areas with an EPA-approved disinfectant for SARS-CoV-2 (the virus that causes COVID-19).

3.10. **Parks**.

a. Face Coverings. Unless an exception applies, Face Coverings are required for all people in parks if they are either within six (6) feet of another person or are indoors.

b. Capacity Limits. Parks must restrict each group of Guests to be no more than the Mass Gathering limit stated below in Subsection 5.1 of this Executive Order. Each group of people within an outdoor park, trail, or beach must be limited so that the group, counted on its own, does not exceed the Mass Gathering limit.

c. Requirements for Park Operators. All operators of open public or private parks must meet the following requirements:

1. Post signage reminding Guests and workers about social distancing (staying at least six (6) feet away from others) and requesting that people who have been symptomatic with fever and/or cough not enter.

2. Conduct daily symptom screening of workers, using a standard interview questionnaire of symptoms, before workers enter the workplace.

3. Immediately isolate and remove sick workers.

4. Perform frequent and routine environmental cleaning and disinfection of high-touch areas with an EPA-approved disinfectant for SARS-CoV-2 (the virus that causes COVID-19).

3.11. **Personal Care, Grooming, and Tattoo Businesses**.

a. Face Coverings. Unless an exception applies:

- Personal Care, Grooming, and Tattoo Businesses must have workers wear Face Coverings at all times.
- In addition, the business must have all Guests wear Face Coverings when they are inside the establishment, unless they are receiving a facial treatment, shave, or other services on a part of the head which the Face Covering covers or by which the Face Covering is secured.

b. Personal Care, Grooming, and Tattoo Businesses May Open. During the effective period of this Executive Order, Personal Care, Grooming, and Tattoo Businesses may operate, but must be in compliance with this Section.

c. Requirements. While this Executive Order is in effect, all open Personal Care, Grooming, and Tattoo Businesses must do all of the following:

1. Limit Guests inside the store to Emergency Maximum Occupancy. Under this Executive Order, the Emergency Maximum Occupancy for a Personal Care, Grooming, and Tattoo Business is the lowest number produced by applying the following two tests:

    a. Limit the number of Guests in the store to fifty percent (50%) of stated fire capacity (or, for spaces without a stated fire capacity, no more than twelve (12) Guests for every one thousand (1000) square feet of the location's total square footage, including the parts of the location that are not accessible to Guests).

    b. Limit the number of Guests in the store so that Guests can stay six (6) feet apart.

2. Arrange seating so that groups of Guests are separated from one another by six (6) feet.

3. Follow the Core Signage, Screening, and Sanitation Requirements as defined in this Executive Order, except for the requirement to have signage remind people about staying six (6) feet apart.

4. Ensure that all equipment that comes into direct personal contact with Guests and all furniture in service areas (such as chairs, capes, and the shampooing area in a barber shop or salon) is completely cleaned and disinfected between each Guest.

5. Mark six (6) feet of spacing in lines at point of sale and in other high-traffic areas for Guests, such as at cash registers and waiting areas.

3.12. **Pools**.

a. Indoor and Outdoor Pools May Open. During the effective period of this Executive Order, indoor or outdoor pool facilities (whether stand-alone or part of other facilities) may operate, but must be in compliance with this Subsection.

b. Requirements. While this Executive Order is in effect, all open pool facilities must do all of the following:

1. Limit the number of Guests in the pool to no more than 50% of maximum occupancy as determined by fire code (or, when fire code number is not known, thirty-three (33) Guests per one thousand (1000) square feet in deck areas, wading pools and splash pads), and a maximum occupancy in the water of ten (10) Guests per one thousand (1000) square feet. This Guest capacity is the Emergency Maximum Occupancy for the pool facility.

2. Follow the Core Signage, Screening, and Sanitation Requirements as defined in this Executive Order.

c. Establishments that are not Amusement Parks and offer waterslides over fifteen (15) feet in height must abide, for each waterslide, by the occupancy restrictions for pools stated in this Section.

d. This Subsection applies only to shared pools in commercial settings or at residential complexes. It does not apply to family pools at people's homes.

3.13. **Restaurants**.

a. Face Coverings. Unless an exception applies:
- Restaurants must have all workers wear Face Coverings.
- In addition, Restaurants must have all Guests wear Face Coverings (including at their table) when they are not actively drinking or eating.

b. May Open for On-Premises Service. During the effective period of this Executive Order, Restaurants may allow on-premises consumption of food and beverages. Restaurants must meet the sanitation requirements of this Section even if they are open only for take-out or delivery service.

c. Capacity Restrictions. While this Executive Order is in effect, all open Restaurants must limit Guests in indoor and outdoor seating areas to Emergency Maximum Occupancy. Under this Executive Order, the Emergency Maximum Occupancy for a restaurant is the lowest number produced by applying the following three tests:

1. Limit the number of Guests in the restaurant to fifty percent (50%) of stated fire capacity. For rooms or spaces without a stated fire capacity, the limit on Guests is twelve (12) per one thousand (1000) square feet of the location's total square footage, including the parts of the location that are not accessible to Guests, rounded up.

2. Limit the number of Guests in the space so that groups can stay six (6) feet apart.

3. Arrange the Restaurant so that Guests sitting at a counter or table are not within six (6) feet of any Guests sitting at another counter or table. Moreover, each group of Guests sitting at a counter should be separated from other groups by six (6) feet. Entertainers also must stay at least six (6) feet away from any Guest.

People sitting at a table need not be members of the same household and do not need to stay six (6) feet apart. Moreover, this Executive Order does not require servers and wait staff to stay six (6) feet away from Guests.

d. Interpretation of Capacity Restrictions in this Subsection.

1. Workers, entertainers, athletes, and any other support staff do not count toward the capacity limits stated above.
2. Indoor and outdoor amenities (such as pool and billiards tables) may be open at Restaurants.
3. Nothing in this Executive Order prevents establishments from opening up or expanding outdoor seating areas, subject to applicable local and state regulations.
4. Any meeting or function held in a private room in a Restaurant is covered by the capacity and other restrictions stated above in Subsection 3.8 of this Executive Order ("Movie Theaters, Meeting Spaces, and Entertainment Facilities").

e. Additional Sanitation and Safety Restrictions. In addition, while this Executive Order is in effect, all open Restaurants must do all of the following:

1. Follow the Core Signage, Screening, and Sanitation Requirements as defined in this Executive Order, along with the following additional requirements:

2. Increase disinfection during peak times or high Guest density times, and disinfect all shared objects (e.g., dining tables, booths, counters, payment terminals, tables, countertops/bars, receipt trays, condiment holders, and reusable menus) between each use.

3. Promote frequent use of hand-washing and hand sanitizer for wait staff and food service staff throughout the shift and upon reporting to work. Hand-washing must at least meet the requirements specified in the North Carolina Food Code Manual.

4. Mark six (6) feet of spacing in lines at high-traffic areas for Guests, such as a cash register or place where Guests wait to be seated at their table.

f. Miscellaneous. A Restaurant that operates consistent with the terms of this Subsection of this Executive Order shall continue to be considered an "Essential Business" for the purpose of N.C. Sess. L. 2020-03, Sec. 4.14(a) to the extent that COVID-19-related claims are made against the restaurant.

g. Breweries, wineries, and distilleries are subject to the same restrictions as Restaurants under this Executive Order.

3.14. **Retail Businesses**.

a. Face Coverings. Unless an exception applies:
   - Retail Businesses must have all workers wear Face Coverings.
   - In addition, Retail Businesses must have all Guests wear Face Coverings when they are inside the establishment.

b. Requirements for Retail Businesses. While this Executive Order is in effect, all open Retail Businesses must do all of the following.

   1. Limit Guests inside the store to Emergency Maximum Occupancy. Under this Executive Order, the Emergency Maximum Occupancy for a Retail Business is the lowest number produced by applying the following two tests:

      a. Limit the number of Guests in the store to fifty percent (50%) of stated fire capacity (or, for spaces without a stated fire capacity, no more than twelve (12) Guests for every one thousand (1000) square feet of the location's total square footage, including the parts of the location that are not accessible to Guests).

      b. Limit the number of Guests in the store so that everyone can stay six (6) feet apart.

   2. Mark six (6) feet of spacing in lines at point of sale and in other high-traffic areas for Guests, such as at deli counters and near high-demand products.

   3. Follow the Core Signage, Screening, and Sanitation Requirements as defined in this Executive Order.

3.15. **Transportation**.

All workers and riders on public or private transportation regulated by the State of North Carolina, as well as all people in North Carolina airports, bus and train stations or stops, must wear Face Coverings at all times, unless an exception applies. This provision does not apply to people traveling alone with household members or friends in their personal vehicles, but does apply to ride-shares, cabs, vans, and shuttles, even if the vehicles are privately owned. Guests may be removed from or denied entry to public transportation if they refuse to wear a Face Covering.

3.16. **Workplaces in Agriculture, Construction, and Manufacturing**.

Social distancing is inherently difficult where multiple workers are together in manufacturing settings, at construction sites, and in migrant farm, other farm, and agricultural settings. Therefore, in businesses or operations within North American Industry Classification System ("NAICS") sectors 311 to 339 (manufacturing), 236 to 238 (construction), and 111, 112, 1151, and 1152 (agriculture), all workers not participating in a respiratory protection program must wear Face Coverings when they are either within six (6) feet of another person or indoors. Notwithstanding the above, workers may remove their Face Covering if an exception applies, if they become overheated, or if they eat and drink while working.

Section 4. Overnight Restrictions.

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows.

4.1. **Restrictions on Late Night Service of Alcoholic Beverages**.

a. Any businesses or organizations that sell or serve alcoholic beverages for onsite consumption shall cease the sale and service of alcoholic beverages for onsite consumption between 11:00 pm and 7:00 am. The agents or employees of establishments that are permitted to sell or serve alcoholic beverages for onsite consumption shall likewise not sell or serve alcoholic beverages for onsite consumption between 11:00 pm and 7:00 am.

b. Businesses or organizations may not provide off-site table service, catering service or bartending service for the sale and consumption of alcoholic beverages between 11:00 pm and 7:00 am for the purposes of consumption at the premises where the alcoholic beverage is being served.

c. Nothing in this Executive Order shall be interpreted to change the laws regarding the hours of sales for alcoholic beverages for off-premises consumption or authorize sale, service, possession, transportation, or consumption of alcoholic beverages at times or places where not previously allowed before this Executive Order was issued. This Subsection 4.1 also does not provide authority to reopen any facilities (or areas of facilities) that are closed by another provision of this Executive Order.

Section 5. Mass Gatherings.

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

5.1. **Prohibition**. Mass Gatherings are prohibited. "Mass Gathering" means an event or convening which is in a category not otherwise covered by this Executive Order, is not excepted by the following provisions of this Executive Order, and brings together more than twenty-five (25) people indoors or more than fifty (50) people outdoors at the same time in a single confined indoor or outdoor space. This includes parades, fairs, or festivals. In publicly accessible indoor facilities, the Mass Gathering limit applies per room of the facility.

At a park, beach, or trail, the outdoor Mass Gathering limit of fifty (50) people applies to each group of people that may gather together.

5.2. **Exceptions from Prohibition on Mass Gatherings**. Notwithstanding the Mass Gathering limit above:

a. The prohibition on Mass Gatherings does not apply to any of the restricted businesses and operations identified in Section 3 of this Executive Order, except as specifically stated above, because in those situations, transmission of COVID-19 will be controlled through the measures specifically tailored for each situation listed in those Sections. The prohibition on Mass Gatherings and the capacity limits in Section 3 generally do not apply to educational institutions or government operations. The capacity limits in

Section 3.2 of this Executive Order, however, apply to educational institutions and government operations.

b. The prohibition on Mass Gatherings does not include gatherings for health and safety, to look for and obtain goods and services, for work, or for receiving governmental services. A Mass Gathering does not include normal operations at airports, bus and train stations or stops, medical facilities, libraries, shopping malls, and shopping centers. However, in those settings, people must follow the Recommendations to Promote Social Distancing and Reduce Transmission as much as possible, and they should circulate within the space so that there is minimal contact between people.

5.3. **Drive-Ins**. Events are not prohibited Mass Gatherings if the participants all stay within their vehicle, such as at a drive-in movie theater. Drive-in events are also not subject to the capacity limitations specified herein in Sections 3 and 6 of this Executive Order, provided that all participants stay in their vehicle, except to enter, leave, use amenities, visit the restroom, and obtain food or drink.

Section 6. Additional Provisions for Larger Venues.

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

6.1. **Additional Capacity for Certain Events at Very Large Indoor Venues**. This Subsection applies to indoor facilities with seating capacity of five thousand (5,000) or more that are covered by Subsections 3.2 or 3.8 of this Executive Order, such as auditoriums, arenas, venues, spectator stands, and conference centers. These facilities may admit up to fifteen percent (15%) of stated fire capacity, regardless of the 250-person cap stated in Section 3 of this Executive Order, if the facility meets all the following conditions.

a. The facility complies with all restrictions in Subsection 3.2 or Subsection 3.8 of this Executive Order, other than the 250-person cap.

b. The facility implements the additional safety measures stated below in Subsection 6.2 of this Executive Order.

6.2. **Additional Restrictions for Large Events**. Indoor facilities with seating capacity greater than five thousand (5,000) and outdoor facilities with seating capacity greater than ten thousand (10,000) must take the following additional measures.

a. Limiting Crowding in Concourses. The facility operator must have staff direct or monitor the flow of Guests through common spaces to maintain social distancing as Guests enter the arena, leave the arena, or visit concession stands. The operator must also establish a guest flow plan that limits people massing together throughout the facility and when they are entering or exiting the facility.

b. Socially Distanced Seating Required. The establishment must use assigned seats as follows:

- All events must be ticketed. No tickets shall be sold for "standing room only" or "general admission."
- The facility operator must, through the use of assigned seating, ensure that each group of Guests attending the event is actually physically separated by six (6) feet from each Guest in each other group.
- This includes not only separating each Guest group horizontally within a row, but also separating Guest groups vertically between rows so that no person has someone from another group within six (6) feet in front or behind them.
- The facility operator must have staff periodically monitor crowds to ensure that Guests do not take seats other than their assigned seats.

In this Subsection, a "group" of spectators means a set of friends or family members who bought tickets together and came into the event venue together.

Section 7. Miscellaneous Provisions.

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

7.1. **Statewide Standing Order for COVID-19 Testing**. In order to further protect the public health by providing greater access to COVID-19 testing, the undersigned orders the State Health Director, in addition to and in accordance with her powers set out in N.C. Gen. Stat. Chapter 130A, to issue any statewide standing order needed in her medical judgment that would allow individuals who meet NCDHHS criteria for testing to access and undergo testing for COVID-19, subject to the terms of the standing order. This standing order may continue for the duration of the State of Emergency.

7.2. **School and Health Officials to Continue Efforts**. NCDHHS, the North Carolina Department of Public Instruction, and the North Carolina State Board of Education are directed to continue to work together during this State of Emergency to maintain and implement measures to provide for the health, nutrition, safety, educational needs, and well-being of children being taught by remote learning.

7.3. **Effect on Local Emergency Management Orders**.

a. Most of the Restrictions in This Executive Order Are Minimum Requirements, And Local Governments Can Impose Greater Restrictions. The undersigned recognizes that the impact of COVID-19 has been and will likely continue to be different in different parts of North Carolina. Over the course of the COVID-19 emergency in North Carolina, COVID-19 outbreaks have occurred, at different times, in urban and rural areas; in coastal areas, the piedmont, and the mountains; and in a variety of employment and living settings. As such, the undersigned acknowledges that counties and cities may deem it necessary to adopt ordinances and issue state of emergency declarations which impose restrictions or prohibitions to the extent authorized under North Carolina law, such as on the activity of people and businesses, to a greater degree than in this Executive Order. To that end, nothing herein, except where specifically stated below in Subsections 7.3(b) and 7.3(c), is intended to limit or prohibit counties and cities in North Carolina from enacting ordinances and issuing state of emergency declarations which impose greater restrictions or prohibitions to the extent authorized under North Carolina law.

b. Local Restrictions Cannot Restrict State or Federal Government Operations. Notwithstanding Subsection 7.3(a) above, no county or city ordinance or declaration shall have the effect of restricting or prohibiting governmental operations of the State or the United States.

c. Local Restrictions Cannot Set Different Retail Requirements. Notwithstanding Subsection 7.3(a) above, in an effort to create uniformity across the state for Retail Businesses that may continue to operate, the undersigned amends all local prohibitions and restrictions imposed under any local state of emergency declarations to remove any language that sets a different maximum occupancy standard for Retail Businesses or otherwise directly conflicts with Section 6.2(a)(i) of Executive Order No. 163, which is incorporated into this Executive Order by Subsection 3.14 above. The undersigned also hereby prohibits during the pendency of this Executive Order the adoption of any prohibitions and restrictions under any local state of emergency declarations that set a different maximum occupancy standard for Retail Businesses or otherwise directly conflict with Section 6.2(a)(i) of Executive Order No. 163.

d. Local Restrictions Cannot Prevent COVID-19 Testing. To ensure that COVID-19 testing is available to the maximum extent possible, and to create certainty and uniformity across the state for businesses and operations that are providing this valuable testing, the undersigned specifically prohibits all local prohibitions and restrictions that would prevent or restrict businesses or operations from providing COVID-19 testing or would prevent or restrict businesses or operations from advertising COVID-19 testing services that they are providing to the public. This

preemption includes, but is not limited to, building permits, signage restrictions, and zoning requirements. However, the preemption provided by this Section is available only to COVID-19 testing sites that are operated in accordance with state and federal law and in cooperation with the NCDHHS or a local public health department.

e. Local Restrictions Cannot Prevent COVID-19 Vaccine Administration. To ensure that COVID-19 vaccines are available to the maximum extent possible, and to create certainty and uniformity across the state for businesses and operations that are providing this valuable service, the undersigned specifically prohibits all local prohibitions and restrictions that would prevent or restrict businesses or operations from providing COVID-19 vaccines or would prevent or restrict businesses or operations from advertising COVID-19 vaccines that they are providing to the public. This preemption includes, but is not limited to, building permits, signage restrictions and zoning requirements. However, the preemption provided by this Section is available only to COVID-19 vaccination sites that are operated in accordance with state and federal law and in cooperation with the NCDHHS or a local public health department.

7.4. **Previous Executive Orders**. This Executive Order amends, restates, and replaces Executive Order Nos. 141, 153, 162, 163, 169, 170, 176, 180, 181, 188, and 189 in full, except where Subsection 3.4(b) of this Executive Order incorporates certain requirements of Executive Order No. 141. Those incorporated provisions of Executive Order No. 141 are extended for the duration of this Executive Order, including any extensions or amendments of this Executive Order.

Section 8. Extension of Price Gouging Period.

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

Pursuant to N.C. Gen. Stat. § 166A-19.23, the undersigned extends the prohibition against excessive pricing, as provided in N.C. Gen. Stat. §§ 75-37 and 75-38, from the issuance of Executive Order No. 116 through 5:00 pm on March 26, 2021.

The undersigned further hereby encourages the North Carolina Attorney General to use all resources available to monitor reports of abusive trade practices towards consumers and make readily available opportunities to report to the public any price gouging and unfair or deceptive trade practices under Chapter 75 of the North Carolina General Statutes.

Section 9. No Private Right of Action.

This Executive Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of North Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any emergency management worker (as defined in N.C. Gen. Stat. § 166A-19.60) or any other person.

Section 10. Savings Clause.

If any provision of this Executive Order or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Section 11. Distribution.

I hereby order that this Executive Order be: (1) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (2) promptly filed with the Secretary of the North Carolina Department of Public Safety, the Secretary of State, and the superior court clerks in the counties to which it applies, unless the circumstances of the

State of Emergency would prevent or impede such filing; and (3) distributed to others as necessary to ensure proper implementation of this Executive Order.

Section 12. Enforcement.

12.1. Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the provisions of this Executive Order shall be enforced by state and local law enforcement officers.

12.2. A violation of this Executive Order may be subject to prosecution pursuant to N.C. Gen. Stat. § 166A-19.30(d), and is punishable as a Class 2 misdemeanor in accordance with N.C. Gen. Stat. § 14-288.20A. Local governments are specifically authorized and encouraged to adopt ordinances that provide law enforcement officials with flexibility to use civil, rather than criminal, penalties to enforce violations of this Executive Order.

12.3. Nothing in this Executive Order shall be construed to preempt or overrule a court order regarding an individual's conduct (e.g., a Domestic Violence Protection Order or similar orders limiting an individual's access to a particular place).

Section 13. Effective Date.

This Executive Order is effective February 26, 2021, at 5:00 pm. This Executive Order shall remain in effect through 5:00 pm on March 26, 2021 unless repealed, replaced, or rescinded by another applicable Executive Order. An Executive Order rescinding the Declaration of the State of Emergency will automatically rescind this Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 24th day of February in the year of our Lord two thousand and twenty-one.

Roy Cooper

Roy Cooper
Governor

ATTEST:

Elaine F. Marshall

Elaine F. Marshall
Secretary of State