State of North Carolina

ROY COOPER
GOVERNOR

December 08, 2020

EXECUTIVE ORDER NO. 181

IMPLEMENTING A MODIFIED STAY AT HOME ORDER AND REQUIRING NIGHT-TIME CLOSURE FOR CERTAIN BUSINESSES AND ACTIVITIES FOR ALL NORTH CAROLINIANS DURING OVERNIGHT HOURS

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, and 180; 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 in COVID-19 metrics following the issuance of Executive Order No. 169 led the undersigned to extend the measures of Executive Order No. 169 under Executive Order Nos. 170, 176, and 180, and to implement further protective actions, including reducing the mass gathering limit on indoor gatherings and requiring Face Coverings in additional settings; and

WHEREAS, since the issuance of Executive Orders Nos. 169, 170, 176 and 180, COVID-19 continues to spread at an alarming rate nationally and in North Carolina; and

WHEREAS, as of the date of this Executive Order, the United States is experiencing a significant increase in the number of people diagnosed with COVID-19, currently averaging more

than fifteen hundred (1,500) daily COVID-19 deaths (over a seven-day average), with more than two hundred and eighty thousand (280,000) American lives lost since the start of the pandemic; and

WHEREAS, the significant increase in COVID-19 case counts across the nation, and the attendant strain on health care system capacity, has required other states and localities in recent days and weeks to impose or reimpose stricter measures on business operations, activities, and public and private gatherings; and

WHEREAS, in North Carolina in recent weeks COVID-19 daily diagnoses have been at their highest point to-date since the onset of the pandemic, in part, but not entirely, because of increased testing across the state; and

WHEREAS, despite increased testing, there have been recent and sustained increases, compared to earlier levels, in the percent of total COVID-19 tests that are positives, the percent of emergency department visits that are for COVID-19-like illnesses, and in the number of COVID-19-associated hospitalizations; and

WHEREAS, in North Carolina in recent weeks, COVID-19-associated hospitalizations have been at record highs, and daily deaths attributable to COVID-19 have been at or near record highs; and

WHEREAS, between November 21 and December 4, 2020, over three-fourths of North Carolina 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 capacity; and

WHEREAS, more than four hundred and four thousand (404,000) people in North Carolina have been diagnosed with COVID-19, and more than five thousand six hundred (5,600) people in North Carolina have died from the disease; and

WHEREAS, health care professionals and public health experts expect further increases in the number of people diagnosed with COVID-19 and associated hospitalizations following gatherings over the Thanksgiving holiday; and

WHEREAS, in other states, COVID-19 hospitalizations are exceeding the capacity of the health care system to provide care, leading to deaths that could have been avoided; and

WHEREAS, it is essential that North Carolina slow down the increase in the number of people diagnosed with COVID-19 to preserve as much as possible of North Carolina's remaining health care capacity; and

WHEREAS, urgent and immediate action is therefore necessary to protect the lives of North Carolinians and to avoid further strain on the state's health care system capacity and other health care resources across the state; and

Required Night-Time Closure for Certain Businesses and Activities;
Stay at Home Advisory for All North Carolinians

WHEREAS, restricting the hours of operation of certain businesses, particularly night-time hours when individuals may gather in larger numbers and engage in conduct that poses a heightened risk of spread of COVID-19, will limit the congregation of individuals in those establishments and therefore reduce the risk of virus spread; and

WHEREAS, for their own health and safety as well as the health and safety of their communities, all North Carolinians are required to stay at home and travel only for work or to obtain essential goods or services during the hours of 10:00 PM and 5:00 AM each day for the duration of this Executive Order; and

WHEREAS, all North Carolinians are recommended to stay at home and work from home whenever possible; and

WHEREAS, at all times that North Carolinians are outside of their homes, they must engage in social distancing and wear Face Coverings while they are indoors, or if they are outdoors and may be within six (6) feet of people who are not part of the same household; and

WHEREAS, there is an increased risk of COVID-19 spread in community events and social gatherings when people from different households gather; and

Continued Need for a Phased, "Dimmer Switch" Approach to Restrictions Loosened under Phase 3 Executive Order

WHEREAS, to slow the spread of COVID-19 and reduce COVID-19 morbidity and mortality, it remains necessary to use a phased, "dimmer switch" approach to reducing restrictions on businesses and activities, since the loosening of each restriction on businesses and activities adds incremental risk and thereby increases the aggregate risk of spread of COVID-19; and

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

WHEREAS, to lower the risk of contracting and transmitting COVID-19, the Phase 3 Executive Order imposed restrictions on certain businesses designed to limit the number 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), or that involve a large number of people; and

WHEREAS, for the reasons stated herein and pursuant to the authority set forth below, the undersigned finds it reasonable and necessary to continue the Phase 3 capacity limitations and other public health restrictions for the duration of this Executive Order; and

Phase 3 Capacity and other Public Health Restrictions Remain in Place for the Below Venues

Amusement Parks

WHEREAS, amusement parks feature lower risks of spreading COVID-19 in their outdoor areas, so long as waiting lines remain socially distanced and high-touch areas are disinfected; and

WHEREAS, amusement parks and amusement-park-like transportation may therefore remain open, subject to capacity limitations, Face Covering requirements, measures to ensure that people remain socially distanced, signage requirements, and cleaning requirements; and

WHEREAS, indoor rides and attractions must remain closed, because indoor rides may bring large groups of people together, without the ability to social distance, and who may scream or shout, spreading respiratory droplets in a confined space without air circulation; and

Bars, Night Spots, and Arenas

WHEREAS, across the country, COVID-19 spread has been repeatedly linked to Bars (as defined below), and in many states, rises in case counts have been temporally associated with the reopening of Bars; 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, these risks are mitigated, although not eliminated, in outdoor spaces where air circulates freely; and

WHEREAS, for these reasons and others, it is prudent to continue to limit Bar operation by requiring that all Guests be seated at tables and counters, separating Guests so that different groups are socially distanced, and by closing all indoor seating areas; and

WHEREAS, lounges, music halls, night clubs, adult entertainment facilities, and stadiums share many of the same risks as Bars, but these risks can be mitigated if capacity restrictions are put in place and if the facility is required to be seated, which will counteract the tendency of Guests in these facilities to mingle and spread COVID-19 among one another like they are in a Bar; and

WHEREAS, larger crowds in entertainment venues increase the likelihood of a super-spreading event, and therefore crowds must be limited to an overall maximum limit; and

WHEREAS, because COVID-19 spreads more easily in indoor settings, this overall maximum limit must be lower in indoor settings; and

WHEREAS, to reduce the risk of spread of COVID-19, these facilities should also operate under Face Covering requirements, signage requirements, and cleaning requirements; and

Movie Theaters, Meeting Spaces, and Entertainment Facilities

WHEREAS, the COVID-19 risks for movie theaters, hotels, conference centers, and other event spaces can be mitigated, although not entirely eliminated, if capacity restrictions are put in place and if Guests do not circulate around the establishment to socialize with each other; and

WHEREAS, to reduce the risk of spread of COVID-19, when movie theaters, meeting spaces, and entertainment facilities reopen or host larger events, they must be subject to capacity limitations, Face Covering requirements, measures to ensure that people remain socially distanced, signage requirements, and cleaning requirements; and

Outdoor Facilities With Capacity of At Least 10,000 Seats

WHEREAS, Guests at very large outdoor facilities (facilities with more than 10,000 seats) for entertainment and sporting events have a lower risk of contracting and transmitting COVID-19 because air circulates freely in outdoor spaces and because people can easily spread out in very large spaces by staying six (6) feet apart; and

WHEREAS, Guests at very large outdoor facilities for entertainment and sporting events also have a lower risk of contracting and transmitting COVID-19 because very large facilities have multiple entrances and exits and larger concourses, reducing crowding and allowing guests to maintain adequate social distance from one another as they move around the facility; and

WHEREAS, the risk at very large outdoor facilities is also lowered because these facilities have the resources, staff, and capability to design, implement, and enforce enhanced health and safety measures for Guests; and

WHEREAS, the undersigned determined that very large outdoor facilities may allow more guests than previously allowed, but because of the risks that continue to exist for any place where larger groups of people gather, the very large outdoor facilities that are reopening must be subject to capacity restrictions that will limit spectators to a small fraction of such facilities' capacity; and

WHEREAS, to reduce the risk of spread of COVID-19, when the very large outdoor facilities accommodate more Guests, they also must be subject to capacity limitations, Face Covering requirements, measures to ensure that people remain socially distanced, signage requirements, and cleaning requirements; and

<u>Sale and Service of Alcoholic Beverages for On-Site Consumption to End at 9:00 p.m.</u>

WHEREAS, the Centers for Disease Control and Prevention ("CDC") and NCDHHS have stated that the consumption of alcohol lowers inhibitions and makes people more likely to engage in behaviors that increase the risk of spread of COVID-19; and

WHEREAS, the consumption of alcohol makes people less likely to practice social distancing or wear Face Coverings that are required by this Executive Order and to prevent the spread of COVID-19; and

WHEREAS, people who are drinking beverages cannot consistently wear Face Coverings; and

WHEREAS, when people gather to consume alcohol in public, they often speak loudly, laugh, yell, or sing, spreading respiratory droplets that may contain the COVID-19 virus; and

WHEREAS, national and international outbreaks of COVID-19 have been linked to places like bars, clubs, and restaurants where people consume alcohol in close proximity to one another, and to super-spreading events in which a single person infects a large number of people; and

WHEREAS, data reveals that there is an increase in the number of younger individuals who are being infected by COVID-19; and

WHEREAS, for the reasons stated herein and pursuant to the authority set forth below, the undersigned finds it reasonable and necessary to restrict the sale and consumption of alcoholic beverages from 9:00 p.m. through 7:00 a.m. for the duration of this Executive Order; and

Indoor and Outdoor Gathering Limits Remain in Place to Protect Public Health

WHEREAS, public health data, contract tracing reports, and outbreak investigations indicate that in-home and other informal social gatherings are contributing to the rise in cases across the state; and

WHEREAS, the state's public health experts have advised that in familiar settings with friends and family, individuals may be more likely to forgo necessary precautions against transmission of COVID-19 such as maintaining social distance or wearing Face Coverings, which contributes to the spread of the virus; and

WHEREAS, to reduce the prevalence of COVID-19 spread linked to social and in-home gatherings and all other settings not otherwise addressed by the undersigned's COVID-19 executive orders in which large groups of individuals tend to gather, the undersigned reduced the Mass Gathering limit for indoor settings from twenty-five (25) individuals to ten (10) individuals under Executive Order No. 176; and

WHEREAS, for the reasons stated herein and pursuant to the authority set forth below, the indoor mass gathering limit of ten (10) person and the outdoor mass gathering limit of fifty (50) persons remain necessary to continue for the duration of this Executive Order; and

Face Coverings Continue to Be Required in All Public Indoor Settings

WHEREAS, Face Coverings are a low-cost and highly effective way of mitigating the spread of COVID-19, and, if adopted widely by all North Carolinians, may help to prevent further re-closures of the state's businesses and operations; and

WHEREAS, guidance from the CDC indicates that the use of a Face Covering can provide some protection from COVID-19 for the wearer, in addition to protecting those around the wearer; and

WHEREAS, the effectiveness of Face Coverings has been shown by multiple studies, as cited in the recitals for Executive Order No. 180, and these studies use differing research methods; and

WHEREAS, to mitigate the spread of COVID-19, particularly in indoor settings where the virus is transmitted more easily, the undersigned issued Executive Order No. 180 which required Face Coverings to be worn in all indoor public settings where other individuals may be present, regardless of one's perceived ability to maintain physical distance of at least six (6) feet; and

WHEREAS, businesses in North Carolina must do their part to "flatten the curve" of COVID-19 in North Carolina, by ensuring their employees and Guests wear Face Coverings at all times while on their premises, and by denying entry to those Guests who do not wear Face Coverings, unless an exception to the requirement applies; and

WHEREAS, Face Coverings should continue to be worn outdoors when it is not possible to consistently be physically distant, by at least six (6) feet, from non-household members; and

WHEREAS, for the reasons stated herein and pursuant to the authority set forth below, the Face Covering requirements established by Executive Order No. 180 and the undersigned's previous executive orders remain necessary to continue for the duration of this Executive Order; 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)(a) authorizes the undersigned to impose a curfew; 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, **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. Ideally, a Face Covering has two (2) or more layers. A 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. "Night-Time Public Closure Period" is defined in Subsection 3.17 below.

j. "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.

k. "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.

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

m. "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.

n. "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.

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

p. "Very Large Outdoor Facilities" are defined in Subsection 6.1 below.

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.

1.4. **General Recommendations**.

a. **High-Risk Individuals Encouraged to Stay at Home**. Even if otherwise permitted to do so under this Executive Order, people who are at high risk of severe illness from COVID-19 are very strongly encouraged to stay home and travel only for absolutely essential purposes. The CDC defines high-risk individuals as people 65 years or older and people of any age who have serious underlying medical conditions, including people who are immunocompromised or who have cancer, chronic lung disease, serious heart conditions, severe obesity, diabetes, chronic kidney disease, sickle cell disease, or Type 2 diabetes mellitus.

b. **Follow the Recommendations to Promote Social Distancing and Reduce Transmission**. When people are outside their homes, they are strongly encouraged to follow the following Recommendations to Promote Social Distancing and Reduce Transmission:

1. Maintain at least six (6) feet social distancing from other individuals, with the exception of family or household members.
2. 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.
3. Carry hand sanitizer with you when leaving home, and use it frequently.
4. Wash hands using soap and water for at least twenty (20) seconds as frequently as possible.
5. Regularly clean high-touch surfaces such as steering wheels, wallets, and phones.
6. Avoid large gatherings.
7. 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 when 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. Indoor Rides and Attractions Closed.

1. In an Amusement Park, any ride or attraction that is located indoors must remain closed. The Amusement Park may open indoor Restaurants, concessions, gifts shops or retail spaces, and restrooms.

2. Museums, playgrounds, or other establishments that are open may not operate any indoor motion simulator.

b. Restrictions.

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

2. Capacity Restrictions.

a. For the Facility As A Whole. The operator must limit the total number of Guests in the establishment to thirty percent (30%) of the park's normal maximum occupancy.

b. On each Ride or 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. All other group activities, such as tours, receptions, or parties, are subject to the Mass Gathering limit for outdoor spaces, and twenty-five (25) individuals for indoor spaces.

3. Other Requirements. The operator must:
   a. Spread out waiting lines for rides, amusements, and other areas where people may congregate or wait, with each group separated by six (6) feet.
   b. 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.
   c. Establish a Guest flow plan that limits people massing together throughout the park and when they are entering or exiting the park.
   d. Increase disinfection during high customer density times.
   e. 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 handwashing and hand sanitizer for workers and Guests.
   f. Disinfect shared objects and surfaces (such as game surfaces, safety bars, or harnesses) between uses.
   g. Follow the restrictions set out in Subsections 3.13, 3.14, 3.17, and 4.1 of this Executive Order for any food, beverage, and retail service.
   h. 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. Must be Seated. A facility covered by this Subsection is closed unless it is or becomes a seated establishment for Guests.

c. Indoor Restrictions.
   1. Bars.
      - Bars' indoor seating areas and indoor amenities (such as pool and billiards tables) must be closed.
      - Bars must not serve alcoholic beverages for on-site consumption in any indoor area on their premises.
   2. Non-Bar Night Spots and Arenas.
      - Indoor seating areas at all other facilities covered by this Subsection may be open, but are restricted to 25 Guests per facility.
      - All facilities covered by this Subsection must not serve alcoholic beverages for on-site consumption in any indoor area on their premises.

d. Outdoor Restrictions.
   1. Bars, Night Spots, and Arenas.
      - Outdoor seating areas may be open at Bars and all other facilities covered by this Subsection. Guests in outdoor areas must be limited to the lesser of:
        - 100 people for the total seating area (or, if there are multiple fields of play or stages, per field of play or per stage); or
        - Thirty percent (30%) of the facility's stated outdoor occupancy before reductions under this Executive Order (or, for spaces

without a stated outdoor occupancy, no more than seven (7) Guests for every one thousand (1000) square feet of the outdoor area's square footage).

- A facility covered by this Subsection may serve alcoholic beverages for on-site consumption in outdoor seating areas on its premises, subject to applicable local and state regulations.

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 Subsections 3.2(c) and 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. A facility is excepted from the limits stated in this Subsection if it is a Very Large Outdoor Facility covered by Section 6 of this Executive Order.
4. Outdoor amenities may be open at Bars and other facilities covered by this Subsection.
5. Nothing in this Executive Order prevents establishments from opening up or expanding outdoor seating areas, subject to applicable local and state regulations.

f. Social Distancing Requirements.

1. Space Out Guests. Each group of Guests must be seated so that they are spaced out by six (6) feet in all directions from other groups of Guests. 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.

2. Ordering Area. Bars not using waitstaff must designate an ordering area at the bar. This area must allow each Guest to wait six (6) feet apart from other Guests. If necessary, Guests may place their orders by coming inside the Bar's building; however, Guests must consume their beverages in outdoor seating areas only.

g. Face Coverings. All workers and Guests must wear Face Coverings when they are or may be within the facility.

h. 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 Subsections 3.13 and 3.17 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 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.
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 handwashing 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.

i. Miscellaneous Provisions on Bars.

1. Clarifications. 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.

2. Off-Site Consumption. This Executive Order does not direct the closure of retail beverage venues that provide for the sale of beer, wine, and liquor for off-site consumption only. It also does not require the closure of production operations at breweries, wineries, or distilleries.

3.3. **Child Care Facilities**.

a. Face Coverings. Child care facilities must have workers, all other adults, and children five (5) years or older on site 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)-2(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 No. 152, Executive Order No. 177, 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 on site 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. 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 thirty percent (30%) of stated fire capacity (or, for spaces without a stated fire capacity, no more than seven (7) 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 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.

4. A Fitness and Physical Activity Facility is excepted from the limits stated in this section if it is a Very Large Outdoor Facility covered by Section 6 of this Executive Order.

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, 3.17, 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 on-site 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, and 177.

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. Social Distancing Requirements. The following measures limit the degree to which Guests at the facility may come into contact with one another and spread COVID-19.

1. Must be Seated to Be Open. 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, visit the restroom, and obtain food or drink. Facilities should avoid scheduling a standing reception, cocktail hour, or similar event where Guests are encouraged to mingle.

2. Space Out Guests. Each group of Guests must be seated so that they are spaced out by six (6) feet in all directions from other groups of Guests. Each group of Guests sitting at a counter should be separated from other groups by six (6) feet.

c. Face Coverings. All workers and Guests must wear Face Coverings when they are or may be within the facility.

d. Capacity. Facilities covered by this Subsection must limit Guests in the total facility (whether indoor or outdoor) to the lesser of:

- 100 people; or
- Thirty percent (30%) of stated fire capacity (or, for facilities without a stated fire capacity, no more than seven (7) Guests for every one thousand (1000) square feet of the Guest area's square footage).

Workers and support staff do not count toward these capacity limits. 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 that is a private meeting space.

e. 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 Subsections 3.13 and 3.17 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 handwashing 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.

f. 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. Limit Guests in each room within a museum or aquarium such that they do not exceed twenty-five (25) individuals. Restaurants located within museums and aquariums are subject to the Emergency Maximum Occupancy and other requirements on restaurants in Section 3 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:

    1. 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).

    2. 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. (E.O. 169, s. 3.11, incorporating E.O. 163, s. 3.2(c) and 6.4; E.O. 180, s. I(E).)

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, these establishments must have all Guests wear Face Coverings (including at their table) when they are not actively drinking or eating.

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

1. 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:

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

    c. Arrange the restaurant so that Guests sitting at a table are not within six (6) feet of any Guests sitting at another table. Moreover, each group of Guests sitting at a counter should be separated from other groups by six (6) feet.

2. Limit Guests at tables so that no more than ten (10) people shall be seated together at the same table. However, more than ten (10) people may sit together at the same table if they are members of the same household.

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

4. 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.

5. 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.

6. 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.

d. Clarifications. 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.

e. 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.

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

g. 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").

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.

4. Any Retail Business location with more than 15,000 square feet of interior space must, at each entrance open to the public, have a worker who is responsible for the Face Covering and Emergency Maximum Occupancy requirements established by Executive Orders. These workers may have other duties, but they must be close enough to the entrance that they can identify customers who enter without wearing Face Coverings and ensure that Guests wait outside if needed so that the Retail Business does not exceed Emergency Maximum Occupancy requirements.

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. (E.O. 169, s. 3.15, incorporating E.O. 163, s. 3.2(f); E.O. 180, s. I(E).)

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 requiring 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.

3.17. **Closure No Later than 10:00 PM**.

a. Types of businesses and organizations within the categories listed above in this Section 3 must close their premises to the public no later than 10:00 PM and may not reopen their premises to the public before 5:00 AM (the "Night-Time Public Closure Period") on the following morning, except for the facilities within Subsection 3.3 (child care facilities), Subsection 3.4 (children's overnight camps), Subsection 3.6 (government operations), Subsection 3.7 (health care settings), Subsection 3.15 (transportation), and Subsection 3.16 (workplaces in agriculture, construction, and manufacturing). If an establishment is not within the scope of one of the categories listed above in this Section 3, it may remain open to the public during the Night-Time Public Closure Period.

b. Businesses and organizations may continue to keep their premises open for employees and other workers during the Night Time Public Closure Period, and may otherwise conduct their business and operations, as long as no Guests are admitted onto the premises.

c. This Subsection 3.17 does not apply to Retail Businesses that sell groceries, medication, fuel, or health care supplies.

d. All restaurants, breweries, distilleries, and wineries must stop taking new orders at a time that allows them to close their on-premises dining rooms at 10:00 PM and no longer have Guests eating on-premises. During the Night-Time Public Closure Period, these establishments may do business only to the extent that consumption of food and beverages occurs off-premises through such means as in-house delivery, third-party delivery, drive-through, curbside pick-up, and carry-out. These restrictions also apply to cafeterias or other dining areas in businesses that are open.

e. This Subsection does not authorize any establishment to serve alcoholic beverages beyond the times listed in Subsection 4.1 of this Executive Order or on days and times prohibited under generally applicable law.

f. This Subsection does not prohibit camping during the Night-Time Public Closure Period. This Subsection also does not prohibit organizations from providing services to people experiencing homelessness, or people whose residences are unsafe or become unsafe.

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 9:00 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 9:00 pm and 7:00 am.

b. 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 9:00 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 9:00 pm and 7:00 am.

c. Businesses or organizations may not provide off-site table service, catering service or bartending service for the sale and consumption of alcoholic beverages between 9:00 pm and 7:00 am for the purposes of consumption at the premises where the alcoholic beverage is being served.

d. 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.

4.2. **Events Must End by 10:00 PM**.

a. Events or convenings outside the home must end or pause no later than 10:00 PM. At or before that time, Guests must leave and travel home or to the place where they will stay for the night.

b. Live entertainment performances, entertainment events such as movie screenings, and youth and amateur sporting events must cease no later than 10:00 or be paused at that time. Professional and collegiate sporting events may continue past 10:00.

4.3. **Travel Restrictions; Stay At Home Overnight**.

In light of the unprecedented and urgent threat to the lives of North Carolinians that is evidenced by the current spike in COVID-19 infection rates, the undersigned imposes the following curfew and restriction upon movement of persons within the emergency area, which is the entire State of North Carolina.

a. Between 10:00 PM and 5:00 AM, all individuals in North Carolina must stay at home or at the place they will stay for the night, except for:

    1. Travel to or from a place of work when a worker's presence is required by the worker's employer;
    2. Travel for work purposes;
    3. Performing work at the workplace or other location directed by the employer when the worker's presence is required by the worker's employer;
    4. Travel to obtain groceries, take-out food, medical care, fuel, health care supplies, or social services;
    5. Travel from a business that closed at or after 10:00 PM;
    6. Travel to a business that will open at or after 5:00 AM;
    7. Travel to take care of a family member, friend, or pet in another household;
    8. Travel necessary for purposes of personal safety;
    9. Travel into or out of the State;
    10. Travel required by law enforcement or court order; and
    11. Using or providing shared transportation (including without limitation taxicabs, ride shares, buses, trains, airplanes, and travel to airports, train stations, or bus stations).

b. Law enforcement personnel are directed to enforce this Subsection 4.3 of the Executive Order against individuals only in cases of willful or repeated violations.

c. In addition to the exceptions stated above, this Subsection 4.3 does not apply to:

- Travel to, or attending, a religious service or other activity exempted under Subsection 1.2 of this Executive Order;
- Collegiate and professional sporting events;
- The media;
- Law enforcement, fire, paramedics, and all other first responders and emergency responders; and
- The United States government, State government, and local governments.

d. Individuals experiencing homelessness are exempt from this Executive Order, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable. People in unsafe living situations, including victims of domestic violence, are exempt from the travel restrictions of this Order and are urged to leave home and find a safe place to stay.

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 brings together more than ten (10) 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. When more than ten (10) people reside in the same household, residing together does not form a Mass Gathering.

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 that are 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 Sections 3.2 and 6, 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.

Section 6. Exception for Events at Very Large Outdoor Facilities.

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

6.1. **Scope**. This Section applies only to venues ("Very Large Outdoor Facilities") which meet all of the following criteria:

a. Guests are seated with assigned seats; and
b. The event occurs outdoors and the majority of Guests are seated outdoors; and
c. There are at least two separate entrances and at least two exits to the facility; and
d. The total seating capacity of the facility, before reductions under this Executive Order, is ten thousand (10,000) or more.

These establishments may exceed the capacity restrictions stated in Section 3 of this Executive Order and the Mass Gathering limit stated in Section 5 of this Executive Order if they comply with all of the following restrictions.

6.2. **Capacity Restrictions at Very Large Outdoor Facilities**. The establishment must take all the following steps:

a. Overall. The operator must limit the total number of Guests in the facility to no more than seven percent (7%) of the facility's total seating capacity (measured before any reductions under this Executive Order).

b. Limiting Crowding in Concourses. The facility operator must also 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.

c. Workers, entertainers, athletes, and any other support staff do not count toward these capacity limits. The capacity restrictions stated in this Section apply to sporting events held by educational or government institutions.

6.3. **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. No group of spectators under this Section shall exceed ten (10) people.

6.4. **Face Coverings and Other Requirements Stated Above**. The Very Large Outdoor Facility must, in addition to the requirements stated in this Section, follow all applicable requirements stated in Subsection 3.2(e)-(h) of this Executive Order.

6.5. **Alcohol Sales**. Very Large Outdoor Facilities may serve alcoholic beverages for on-site consumption in outdoor or indoor seating areas on its premises, subject to applicable local and state regulations. If a Very Large Outdoor Facility has a distinct bar within its premises, consumption of alcohol must not occur within that bar area.

6.6. Very Large Outdoor Facility operators are encouraged to take their best efforts to avoid attendees gathering in areas around the facility before or after the event.

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 North Carolina Department of Health and Human Services 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 testing sites that are operated in accordance with state and federal law and in cooperation with the North Carolina Department of Health and Human Service 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, and 180 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 January 08, 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 December 11, 2020, at 5:00 pm. This Executive Order shall remain in effect through 5:00 pm on January 08, 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 8th day of December in the year of our Lord two thousand and twenty.

Roy Cooper
Governor

ATTEST:

Elaine F. Marshall
Secretary of State