State of North Carolina

ROY COOPER
GOVERNOR

December 21, 2020

EXECUTIVE ORDER NO. 183

AUTHORIZING DELIVERY AND CARRY-OUT OF SERVICES AND PRODUCTS AS AN ALTERNATIVE TO ON-SITE CONSUMPTION AND RECEIPT

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 180-181; and

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

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

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

WHEREAS, these provisions are now part of Executive Order No. 181 (the "Modified Stay at Home Order"), effective December 11, 2020; and

Benefits of Take-Out and Delivery During the Pandemic

WHEREAS, settings that are indoor, where people gather, remain stationary for an extended period of time, and cannot consistently wear a Face Covering have an increased risk of viral spread; and

WHEREAS, settings where there is increased respiratory effort — for example, conversations being held over music or background noise, singing, and dancing — increase the risk of viral spread; and

WHEREAS, these settings include restaurants, hotels, private clubs, private bars, and distilleries that sell mixed beverages; and

WHEREAS, in light of the risks of transmission presented by the sustained, maskless interactions inherent in indoor dining and drinking at restaurants, bars, and similar establishments, it reduces the risk of viral spread to allow delivery and take-out service; and

WHEREAS, for these reasons, restrictions should be lifted, wherever feasible and appropriate, to allow goods and services to be delivered to one's home; and

WHEREAS, for these reasons, the undersigned has determined that the Secretary of the North Carolina Health and Human Services requires authority to temporarily waive the enforcement of any legal or regulatory constraints that would prevent or impair the ability of open establishments to provide curbside pickup or delivery of health care goods and services; and

Benefits of Allowing To-Go or Delivery Sales for Mixed Beverages

WHEREAS, allowing delivery of food and drinks decreases customer-to-customer interactions between people who are not members of the same household and significantly reduces customer-to-employee interactions, thereby significantly reducing the likelihood of viral spread; and

WHEREAS, allowing delivery of mixed beverage drinks to homes, as is done for other goods and services, can reduce this risk; and

WHEREAS, New Year's Eve and the winter holidays are traditionally times when people frequent bars to drink in celebration; and

WHEREAS, during the pandemic, public health will benefit if it is easier for people to drink and celebrate at home, reducing the number of people coming together in bars, restaurants, hotels, private clubs, and distilleries; and

Economic Benefits of Mixed Beverage Sales

WHEREAS, under the Modified Stay at Home Order, bars and restaurants and other businesses must cease the sale and service of alcohol for on-premises consumption earlier in the evening, and these businesses must also operate at reduced capacity; and

WHEREAS, the sale of alcoholic beverages generates a substantial percentage of revenue for many restaurants and bars in the state; and

WHEREAS, bars and restaurants are currently limited in how they may sell mixed beverages, and thereby are denied a much-needed source of revenue during the COVID-19 pandemic; and

WHEREAS, the undersigned's administration has taken numerous actions to alleviate the financial hardship borne by bars and restaurants in the COVID-19 pandemic, including through the implementation of numerous financial assistance programs, and mortgage and utility relief for these impacted businesses; and

WHEREAS, the undersigned has determined that enabling the sale of mixed beverages for off-premise consumption ("to-go" sales) will provide an additional source of revenue for restaurants and bars in the state, that may offset any reduction in sales that may be caused by the reduced occupancy limits and limited hours of operation for these establishments under the Modified Stay at Home Order; and

Flexibility for the North Carolina Alcoholic Beverage and Control Commission to Permit To-Go Sales of Mixed Beverages

WHEREAS, the undersigned has determined that it is in the best interests of all North Carolinians to have additional goods and services available via home delivery or to-go orders; and

WHEREAS, enabling these channels to sell mixed beverages may reduce crowding in bars, restaurants, and other open establishments, especially during the winter months when more patrons must necessarily move indoors; and

WHEREAS, the undersigned has determined that by opening up these additional channels of commerce, crowds may be limited over the holidays, abating a need that otherwise might arise to increase restrictions on bars, restaurants, and other similar businesses; and

WHEREAS, the North Carolina Alcoholic Beverage Control Commission ("ABC Commission") is charged under state law with regulating the access and availability of beer, wine, and mixed beverages; and

WHEREAS, the ABC Commission has the requisite experience and ability to monitor the sale, service, and distribution of alcoholic beverages in the state; and

WHEREAS, accordingly, the ABC Commission is best equipped to devise and implement all necessary terms and conditions to ensure that bars and restaurants engage in the sale of mixed beverages to-go in a safe and effective manner; and

WHEREAS, for the reasons stated above, the undersigned has determined that the Chair of the ABC Commission should have authority to temporarily waive the enforcement of any legal or regulatory constraints that would prevent or impair the sale of mixed beverages for off-premise consumption; and

WHEREAS, for avoidance of doubt, the terms of this Executive Order and the delegation of authority to the Chair of the ABC Commission herein do not permit unsealed containers of alcoholic beverages in vehicles, and do not permit the sale of mixed beverages to any individual who is under the age of twenty-one (21) or to any individual who is visibly intoxicated; 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-19.30(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, 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, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(2), the undersigned, with the concurrence of the Council of State, may establish a system of economic controls over all resources, materials, and services, including shelter and rents; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(4), the undersigned, with concurrence of the Council of State, may waive a provision of any regulation or ordinance of a state agency or political subdivision which restricts the immediate relief of human suffering; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(5), the undersigned, with concurrence of the Council of State, may perform and exercise such other powers, functions, and duties as are necessary to promote the safety and protection of the civilian population; and

WHEREAS, the undersigned has sought and obtained concurrence from the Council of State consistent with the Governor's emergency powers authority in N.C. Gen. Stat. § 166A-19.30, as necessary.

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. Curbside Pickup and Delivery of Health Care Goods and Services.

For the reasons and pursuant to the authority set forth above:

To promote and secure the safety and protection of the civilian population, the undersigned, with the concurrence of the Council of State, takes the following temporary actions to encourage delivery and carry-out of certain goods and services during the emergency. These actions waive or modify the enforcement of legal or regulatory constraints, changing the system of economic controls over those goods and services.

A. **Authority**. To meet the goal of protecting the public health by limiting the number of individuals who congregate together in an establishment, the undersigned delegates to the Secretary of Health and Human Services the authority to waive or modify enforcement of any legal or regulatory constraints that would prevent or impair the curbside pickup or delivery of health care goods and services.

B. **Temporary Nature of This Section**.

1. To resolve any implementation difficulties that may arise or respond to changing circumstances, the Secretary of Health and Human Services may reimpose, during the duration of this Executive Order, any legal or regulatory constraints for which the Secretary has waived enforcement of under this Section. Any such reimposition must be consistent with the intent of this Executive Order.

2. This Section allows only for the temporary waiver of certain legal and regulatory constraints. All actions by the Secretary of Health and Human Services or her delegate made pursuant to this Section shall be effective only through the duration of this Executive Order, including any extensions.

Section 2. Allowing Delivery and To-Go Sales For Mixed Beverages.

For the reasons and pursuant to the authority set forth above:

To promote and secure the safety and protection of the civilian population, the undersigned, with the concurrence of the Council of State, takes the following temporary actions to encourage delivery and carry-out of certain goods during the emergency. These actions waive or modify the enforcement of legal or regulatory constraints, changing the system of economic controls over those goods.

A. **Scope of this Section.**

1. This Section applies to mixed beverages, as that term is defined in N.C. Gen. Stat. § 18B-101(10). Unless otherwise specifically indicated, words in this Section have the meanings defined in Chapter 18B of the North Carolina General Statutes.

2. This Section applies only to the sale, delivery, possession, or transportation of mixed beverages that were either:

    a. Sold by one of the following kinds of mixed beverage permittees listed in N.C. Gen. Stat. § 18B-1001(10):
        - Restaurants;
        - Hotels;
        - Private clubs;
        - Private bars;
        - Holders of distillery permits; or

    b. Sold by distilleries that are authorized by law to sell, without a mixed beverage permit, mixed beverages containing spirituous liquor produced only at that distillery.

    (Hereinafter, this Section refers to these specific kinds of mixed beverage permittees and distilleries as "Permitted Sellers.")

B. **Authority.** To meet the goal of protecting the public health by limiting the number of individuals who congregate together in an establishment, and to meet the goal of providing economic benefit to struggling bars, restaurants, and similar establishments, the undersigned delegates to the Chair of the ABC Commission the authority to order a waiver and modification of any legal or regulatory constraints that would prevent or impair:

1. Customers of a Permitted Seller from picking up a mixed beverage as a to-go order, kept in a sealed container;

2. Permitted Sellers from providing customers with mixed beverages, in a sealed container, as a to-go order; or

3. Permitted Sellers, their employees, and their permitted contractors from transporting and delivering mixed beverages, in a sealed container, to customers.

The undersigned further instructs the Chair to order such a waiver and modification under the terms set forth below in this Executive Order.

C. **Terms of Waiver and Modification**. Any waivers or modifications under this Section are subject to the following terms.

1. Eligibility.

    a. Mixed beverages sold by a Permitted Seller may be taken off-premises only by, and may be delivered only to the following:

        i. An individual who purchased the mixed beverage for their own personal consumption (a "Purchaser"); or

        ii. A delivery services permittee licensed under N.C. Gen. Stat. § 18B-1001.4, the Permitted Seller, or the Permitted Seller's employee (collectively, a "Deliverer") for delivery to the Purchaser at the Purchaser's location.

2. Contract Between Permitted Seller and Deliverer.

    a. A Permitted Seller may have one of its employees serve as a Deliverer under this Executive Order or may contract with a third-party Deliverer to deliver mixed beverages to persons to whom the Permitted Seller has sold mixed beverages. This contract must be under conditions identical to those stated in N.C. Gen. Stat. § 18B-1001.4, except for the references to other kinds of alcoholic beverages in that section.

    b. This contract shall be in writing and maintained by the Permitted Seller for the duration of the delivery arrangement. Deliverers shall deliver mixed beverages only from Permitted Sellers with whom the Deliverer has such a contract.

3. Time.

    a. Other Executive Orders establish the time at which establishments must cease customers' on-premises consumption of alcoholic beverages. Permitted Sellers may continue sales of alcoholic beverages for off-premises consumption past that time, until the time set by otherwise applicable laws. For example, if laws establish that alcoholic beverage sales end at 2:00 am, a Permitted Seller could sell a mixed beverage for delivery or off-premises consumption until the establishment closes, and no later than 2:00 am.

    b. Mixed beverages sold for off-premises consumption shall only be sold and delivered within the hours authorized by N.C. Gen. Stat. § 18B-1004.

    c. Moreover, Deliverers may not deliver after the Permitted Seller ceases alcoholic beverage sales.

4. To-Go Sales.

    a. No Permitted Seller shall sell any single Purchaser more than one mixed beverage drink at one time, in accordance with N.C. Gen. Stat. § 18B-1010 and 14B NCAC 15B.0223. This does not prevent multiple people at the same address or multiple people in the same group from each being a Purchaser and each ordering one mixed beverage.

b. If mixed beverages are being ordered for off-premises consumption and the consumer is taking them off-premises, each individual who placed an order must be present to receive a mixed beverage.

c. For any to-go sales, the Permitted Seller must provide to the Purchaser a receipt for the order that contains (i) an itemized list of the names and quantities of alcoholic beverages to be delivered; (ii) the name, address, and telephone number of the Permitted Seller; and (iii) the Purchaser's name.

5. Recipients for Deliveries.

a. One mixed beverage drink per Purchaser may be ordered for delivery. Delivery may be made only to the Purchaser. No Purchaser may receive more than one mixed beverage drink. This does not prevent multiple people at the same address from each being a Purchaser and each receiving one mixed beverage.

b. The Deliverer must identify and verify the age of each individual who will be receiving a mixed beverage in order to ensure the individual receiving the beverage is both (1) of legal age to consume alcohol, and (2) is not visibly intoxicated at the time the individual receives the beverage. Contactless delivery is permissible, but only where the delivering person can verify the age and sobriety of each individual receiving the mixed beverage.

c. Recipients must be located in the State of North Carolina and must be no greater than fifty (50) miles from the Permitted Seller's location.

d. No deliveries may be made to — and no recipient may consume a mixed beverage in — a place where possession of fortified wine and spirituous liquor is prohibited under N.C. Gen. Stat. § 18B-301.

e. No delivery is permitted to higher education residence halls or to a place where sales are not approved by alcohol vote.

6. Delivery Restrictions.

a. Any person delivering mixed beverages under this Executive Order must, prior to making any deliveries, meet the training requirement in N.C. Gen. Stat. § 18B-1001.4(b).

b. All deliveries must comply with the conditions stated in N.C. Gen. Stat. § 18B-1001.4(b)-(f).

c. The individual making the delivery must be at least twenty-one (21) years of age.

d. Delivery orders must be prepaid and the Deliverer may not receive payment for the mixed beverage. Gratuities are excluded from this provision.

e. When in possession of the mixed beverage, the Deliverer must have (i) a receipt for the order that contains the Purchaser's name and an itemized list of the names and quantities of alcoholic beverages to be delivered; (ii) the name, address, and telephone number of the Permitted Seller; (iii) the Purchaser's name and delivery address; and (iv) the Deliverer's delivery service permit number.

f. After delivery, the Deliverer must maintain the receipt for a minimum of thirty (30) days from the delivery date.

7. Sealed Mixed Beverage Container.

    a. Mixed beverage orders that are delivered or are picked up to-go under this Executive Order must be contained in a sealed container, and must not be opened, until they reach the Purchaser's final location.

    b. Size. The sealed container shall not exceed 750 milliliters and also shall contain no more than the standard size of a mixed beverage drink sold by the Permitted Seller for on-premises consumption, consistent with 14B N.C. Admin. Code 15B.0223. The intent of this Executive Order is to allow Permitted Sellers to sell the same size drink sold on premises and not to expand their mixed beverage menu to sell multiple drinks in one container.

    c. Seal. The container shall be secured by the Permitted Seller so that no mixed beverages can be removed without breaking a seal that is incapable of being resealed except by the Permitted Seller. No drink shall be sold or delivered if the seal is broken.

    d. Label. The container shall have an indelible label that contains at least the following information, in type not smaller than 3 millimeters in height and not more than 12 characters per inch:

        i. Drink name, or type of spirituous liquor the beverage contains.

        ii. Quantity of spirituous liquor.

        iii. Name of the person to whom the mixed beverage was sold, if the beverage is being delivered.

        iv. The statement "The contents of this container shall not be purchased by, possessed by, or given to, any individual under the age of 21 years."

    e. The container for delivery may not be the original bottle in which the Permitted Seller received alcohol. Mini-bottles for retail sale are not mixed beverages authorized for delivery or sale for off-premises consumption under this Executive Order.

8. Other Requirements for Sales and Deliveries.

    a. If a Permitted Seller, prior to the date of this Executive Order, served groups of two or more patrons drinks in a combined quantity for the table, that drink may be sold by the Permitted Seller and delivered to a group of two or more Purchasers under this Section. If necessary, the drink may be split between more than one of the sealed containers required under Subsection C(7) above. All of the Purchasers must have their identities verified by the Deliverer.

    b. The sales transaction must occur in person on the licensed premise or via a computer located on the premises (including remote orders taken through the Internet or by telephone). Mixed beverages for off-premises consumption may be sold and delivered regardless of whether food is being purchased.

    c. Any recognized form of identification that is lawful and accepted at a Permitted Seller premises is acceptable as a form of identification required to deliver the mixed beverage.

    d. Nothing in this Executive Order prevents a Permitted Seller or Deliverer from refusing service to a customer for off-premises consumption or delivery purposes.

    e. Nothing in this Executive Order shall affect a Permitted Seller's obligations with respect to the original containers in which it receives spirituous alcohol.

9. Penalty for Non-Compliance.

    a. If out of compliance with the terms stated above, a sale of mixed beverages for off-premises consumption, and the possession, transportation, and delivery of those mixed beverages, shall not be authorized under this Executive Order and shall continue to be unlawful under Chapters 18B and 20 of the General Statutes.

D. **Transportation in a To-Go Container**.

1. The transportation of a mixed beverage pursuant to this Executive Order shall not be unlawful if the container continues to be sealed and is in the passenger area of a motor vehicle.

2. It shall remain unlawful for a person in a motor vehicle on a public highway or public vehicular area to:

    a. Consume in that vehicle any mixed beverage, spirituous liquor, malt beverage, or unfortified wine or transport in the passenger area of that vehicle; or

    b. Either possess or transport a container of a mixed beverage where the seal required under Subsection C(7) of this Executive Order has been broken.

E. **Modifications; Temporary Nature of This Section**.

1. To resolve any implementation difficulties that may arise or respond to changing circumstances, the Chair of the ABC Commission may modify the terms stated in Subsection C above by posting a public document to the ABC Commission's website. Any such modification must be consistent with the intent of this Executive Order. Any such modification shall be effective seventy-two (72) hours after it is posted.

2. This Section allows only for the temporary waiver of certain legal and regulatory constraints which would prevent or impair the sale of mixed beverages by establishments holding a permit issued under N.C. Gen. Stat. § 18B-1001(10). All actions by the Chair of the ABC Commission made pursuant to this Section shall be allowed only through the duration of this Executive Order, including any extensions.

F. **Regulations and Statutes Impacted**. The statutes on alcoholic beverages shall have enforcement waived or modified only to the degree necessary to fulfill this Executive Order, and enforcement is not waived or modified beyond that extent. Without limiting the foregoing, the undersigned delegates to the Chair of the ABC Commission the authority to waive or modify enforcement of 14B N.C. Admin. Code 15B.0220(e), 15B.0504, 15B.0505, 15B.0506(a), 15B.0507, 15B.0510, and 15B.1006.

Section 3. Conforming Amendments to Executive Order No. 181.

For the reasons and pursuant to the authority as set forth above, Executive Order No. 181 shall be amended as follows.

A. Section 4.3(a)(4) of Executive Order No. 181 shall be replaced with the following:

"Travel to obtain groceries, take-out food or beverages, medical care, fuel, health care supplies, social services, or financial services from businesses licensed pursuant to Article 16B of N.C. Gen. Stat. Chapter 53."

B. Section 3.17(c) of Executive Order No. 181 shall be replaced with the following:

"This Subsection 3.17 does not apply to Retail Businesses that sell groceries, medication, fuel, or health care supplies, or that provide financial services licensed pursuant to Article 16B of N.C. Gen. Stat. Chapter 53."

Section 4. Notification Process for Waivers or Modifications.

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

Upon exercising any of the delegated authority described in this Executive Order, officials shall notify the Office of the Governor of such actions taken. The notifications and the summary required by this Section shall be made as soon as practicable under the conditions of the current emergency. The official shall also notify the Codifier of Rules of waivers or modifications of any regulations.

Section 5. 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 6. 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 7. 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 8. Enforcement.

A. 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. Enforcement of the night-time stay-at-home provisions of Executive Order No. 181 shall be limited as stated in Subsection 4.3 of Executive Order No. 181.

B. 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.

C. This Executive Order does not limit Alcohol Law Enforcement's existing authority to take any action necessary (criminal or administrative through the ABC Commission) to enforce the provisions of this Executive Order or any waivers or modifications for sales and deliveries of alcoholic beverages prescribed by the ABC Commission.

D. 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 9. Effective Date.

This Executive Order is effective December 21, 2020, at 5:00 pm. This Executive Order shall remain in effect through January 31, 2021, at 5:00 pm. 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 21st day of December in the year of our Lord two thousand and twenty.

Roy Cooper
Governor

ATTEST:

Elaine F. Marshall
Secretary of State