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**EMAIL TO:** All Sheriffs  
**FROM:** Eddie Caldwell  
Executive Vice President and General Counsel  
North Carolina Sheriffs' Association  
**SENT:** May 18, 2021  
**SUBJECT:** Executive Order No. 215 --- Removes Nearly All Previously Issued  
COVID-19 Restrictions

On May 14, 2021, Governor Roy Cooper issued Executive Order No. 215, which lifts nearly all COVID-19 restrictions from previous Executive Orders, including the mandatory capacity limits, social distancing requirements, mass gatherings limits, and the face covering mandate in most settings. The following information will assist you in understanding the provisions in this Executive Order:

- A copy of Executive Order No. 215 is attached for your reference.
- A frequently asked questions document is also attached for your reference.

The requirements of Executive Order No. 215 were **effective beginning at 1:30 p.m. on Friday, May 14, 2021**, and will remain in effect until June 11, 2021 at 5:00 p.m., unless replaced or rescinded by another Executive Order.

**Face Covering Mandate Lifted for BOTH Indoor and Outdoor Settings, with a Few Exceptions**

Executive Order No. 215 rescinds all face covering requirements, except face coverings are still required in the following settings:

- Indoor spaces of State correctional facilities and local confinement facilities (such as jails), unless the individual is sleeping alone within the facility.
- Indoor spaces of homeless shelters, when individuals are not alone in their room or not on their bed mat in shared sleeping areas.
- Child Care Facilities.
- Children's day or overnight camps.
- Health care settings, including hospitals and long-term care facilities.
- When working or riding on public or private transportation regulated by the State, including indoor spaces of airports, bus stops, and train stations.



100% Membership

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### **Private Businesses May Still Choose to Require Face Coverings**

Section 3. 6. of Executive Order No. 215 specifies that private businesses may elect to still require face coverings for their employees or guests, and may deny entry to guests without face coverings.

### **Capacity, Mass Gatherings, and Social Distancing Restrictions are Lifted in Total**

Executive Order No. 215 completely removes all mass gatherings limitations and social distancing requirements. People may now gather freely in public and private spaces as they did before the COVID-19 pandemic began. Additionally, Executive Order No. 215 removes the capacity restrictions on establishments. Restaurants and all other affected businesses may return to their regular, pre-pandemic capacity limits.

### **Greater Local Restrictions May Still be Imposed**

Executive Order No. 215 contains the same provision from previous Executive Orders stating that city and county governments are free to impose greater restrictions than those set forth in the Executive Order to the extent authorized by North Carolina law.

### **Enforcement**

As with all other Executive Orders, State and local law enforcement officers may enforce these provisions and a violation constitutes a Class 2 misdemeanor.

### **Questions**

If you have any questions about Executive Order No. 215, do not hesitate to contact Matthew Boyatt, NCSA Deputy General Counsel, at [mboyatt@ncsheriffs.net](mailto:mboyatt@ncsheriffs.net) or at 919-459-6467.

Thanks...Eddie C.

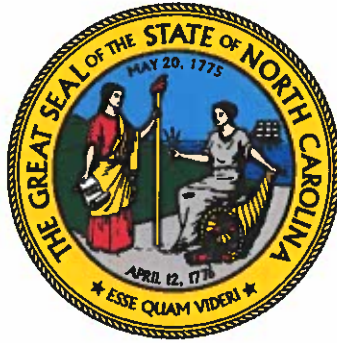


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**North Carolina Sheriffs' Association**  
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## Frequently Asked Questions (“FAQ”) for Executive Order No. 215

May 14, 2021

This FAQ provides guidance for the implementation of Executive Order No. 215 (“Order”). The state has continued to make progress in its key COVID-19 metrics and has reduced risk of transmission of COVID-19. On May 13, 2021, the U.S. Centers for Disease Control and Prevention (“CDC”) acknowledged that the growing body of evidence suggests that fully vaccinated people are less likely to transmit COVID-19 to others. In addition, the CDC issued new CDC guidance indicating that the face covering requirement and social distancing requirements can be lifted for fully vaccinated people. In North Carolina, more than half of the population has received one vaccination dose, and North Carolina is on track to have more people be fully vaccinated and at low risk from the disease. Therefore, considering the totality of these circumstances, the Governor has determined that the capacity restrictions, social distancing requirements, should be lifted in all settings and the general face covering requirement should be lifted in most settings. The Order becomes effective on May 14, 2021 at 1:30 p.m and will remain in effect through June 11, 2021 at 5:00 p.m. Below are frequently asked questions (“FAQs”) and their answers. In addition, individuals should check with local governments to determine whether additional restrictions have been imposed in their local jurisdictions to limit the spread of COVID-19.

**This information is subject to change in light of new Centers for Disease Control & Prevention guidance and additional Executive Orders, further agency guidance, or local government declarations.**

### **FAQs related to the Order**

#### **When does this Order take effect?**

This Order takes effect on May 14, 2021, at 1:30 p.m. and will remain in effect until June 11, 2021 at 5:00 p.m., unless repealed, replaced, or rescinded.

#### **What are the major changes under this Order?**

- Face covering requirements are lifted in most settings. (See details below addressing where these requirements are still applicable.)
- Capacity restrictions are lifted in all settings.
- Social distancing requirements have been lifted in all settings. (For example, there is no longer a requirement that tables in restaurants be spaced out.)

#### **What remains the same under this Order?**

Under this Order:

- Nothing prevents people from continuing to wear face coverings, which are recommended for unvaccinated people and for all people in large venues. Employers, business owners, and local governments may require face coverings and social distancing.
- Because children are still unvaccinated and can easily spread COVID-19, face coverings are still required in child care, children’s day camps, and children’s overnight camps. Nothing in today’s Executive Order changes the StrongSchoolsNC Toolkit requirement for face coverings in schools.
- The CDC has advised that face coverings should continue to be required in several health care settings, in transportation settings like airports and bus stations, in correctional and detention facilities, and at homeless service providers. This Order continues those face covering requirements.
- Local governments can implement stricter COVID-19 face covering, capacity, and social distancing requirements.

**Why are changes to face covering requirements being made now.**

The state has continued to show progress in its key COVID-19 metrics and has reduced the risk of transmission of COVID-19. The science and data demonstrate that vaccines are working and are effective against COVID-19 variants. In addition, on May 13, 2021 CDC Guidance for Fully Vaccinated People advises that the evidence suggests that fully vaccinated people are less likely to transmit COVID-19 to others. The CDC, in its May 13 Guidance therefore advises that in most settings, fully vaccinated people can resume activities without wearing face coverings or physically distancing.

**Face covering Requirements Subject to NCDHHS Guidance**

The following establishments, businesses, and institutions are required to follow NCDHHS Guidance with respect to indoor face covering requirements and all other COVID-19 related restrictions and recommendations:

- Schools
- Child care facilities
- Children’s day or overnight camps
- Certain health care settings like long term care centers
- Public or private transportation regulated by the State of North Carolina and North Carolina airports, bus and train stations or stops
- Prisons and establishments that are providing shelter to people experiencing homelessness
- Establishments that are providing shelter to people experiencing homelessness

**Why are face coverings still required in these settings?**

Individuals in these settings may be at a higher risk of contracting COVID-19, and therefore, are subject to specific NCDHHS guidelines.

**I’m in a setting that still requires face coverings under the Order. Do any exceptions apply?**

Yes. A face covering does not need to be worn by an individual 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 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.

### *Businesses*

#### **Can businesses still require guests to wear face coverings despite the restrictions being removed?**

Yes. Businesses can still require guests to wear face coverings in their establishments.

#### **What are the capacity limits and social distancing requirements on businesses covered by this Executive Order?**

There are no capacity or social distancing requirements put in place under this Order.

#### **My home town implemented stricter face covering requirements. Do I have to follow my home town's requirements?**

Yes. The Governor recognizes that the impact of COVID-19 has been and will likely continue to be different in different parts of North Carolina. This Order does not prohibit counties and cities in North Carolina from enacting ordinances and issuing state of emergency declarations which impose greater restrictions or prohibitions

#### **I still want to wear a mask. What can I do to ensure my mask is as protective as possible?**

NCDHHS has additional recommendations to improve mask wearing based on guidance from the CDC.

To ensure masks are as protective as possible, NCDHHS recommends that you:

- Make sure your mask fits snugly against your face and covers your nose and mouth. To help with a snug fit, you can use a mask with a metal strip along the top of the mask.
- Use two or more layers for your face covering. You can do this by wearing a cloth face covering with two or more layers or by wearing one disposable mask (sometimes referred to as a surgical mask or a medical procedure mask) underneath a cloth mask.
- Do not wear two disposable masks.

- Make sure you can see and breathe easily.

For additional information on how to improve mask wearing, please see updated guidelines from the [CDC](#).

**Are other health and safety requirements, sanitation standards, other public health restrictions still in place?**

Yes. While social distancing and capacity restrictions have been removed and face covering requirements have been mostly removed, certain health and safety requirements, sanitation standards, other public health restrictions, and NCDHHS Guidance remain in effect.

*Bars, Lounges, and Night Spots*

**May private bars open indoors and provide for the sale and service of alcoholic beverages? Are there face covering and social distancing requirements?**

Yes, these establishments may open indoors and outdoors at full capacity. There are no social distancing or face covering requirements for patrons.

**Are establishments authorized to sell mixed beverages “to-go” allowed to continue to sell mixed alcoholic beverages “to-go”?**

Certain establishments specified in Executive Order No. 183, as extended by Executive Order Nos. 190, 205, and 210 may continue to sell mixed alcoholic beverages to-go until the expiration of Executive Order No. 210 or any subsequent extension, subject to the terms of that Order. Please see the FAQ for Executive Order No. 205, available [here](#), for additional information.

**Must Guests at bars, lounges, night clubs, and other venues for live performances remain seated?**

No. There are no longer seating requirements for guest bars, lounges, night clubs, and other venues. These venues may operate at full capacity.

*Sports*

**Are spectators allowed at sporting events, including youth, high school, collegiate, and professional events?**

Yes, spectators are allowed both indoors and outdoors at sporting events. At indoor and outdoor sporting events may operate a full capacity.

**Are face coverings required for athletes participating in school athletic events?**

Face Coverings are not required for those school athletes over age five (5) when exercising outdoors. School athletes over age five (5) should continue to wear a face covering when exercising indoors, unless an exception applies. Face coverings exceptions in sections 2.3 – 2.5 of Executive Order No. 209 apply under these circumstances.

**Are face coverings required for athletes participating in non-school related youth and amateur athletic events?**

No. There are no face covering requirements for these athletic events.

**Are there still capacity limitations on larger venues?**

No, large venues may operate at full capacity.

*Outdoor events*

**Are there capacity limitations on outdoor festivals and concerts?**

No.

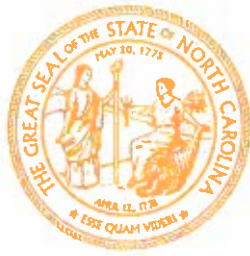
*Higher Capacity Exemptions for Large Venues*

**What are the capacity limitations for indoor facilities with seating capacity greater than five thousand (5,000) and outdoor facilities with seating capacity greater than ten thousand (10,000).**  
There are no capacity limitations for large facilities.

**Are there reasons why a State of Emergency should remain in place?**

Yes.

1. The State of Emergency maintains state's ability to receive federal funding to meet challenges presented by COVID-19.
2. The State of Emergency provides DHHS and health care facilities with increased regulatory flexibility allowing health care providers to expand their capacity to meet the state's COVID-19 needs. Today, although most adult North Carolinians have received at least one vaccination dose, more than nine hundred people in North Carolina are still hospitalized with COVID-19, and the state is still reporting more than a thousand new cases each day. Meanwhile, our state is vaccinating tens of thousands of people every day -- an effort that has required flexibility to allow vaccinations in many settings where they normally could not take place. The State of Emergency is required to keep our hospitals able to respond to this surge in patients and enable our state's surge in vaccination capacity.
3. The State of Emergency maintains the state's ability to receive federal funding to meet challenges presented by COVID-19.
4. The State of Emergency creates a pathway for continued face covering requirements in certain high risk settings like long term care centers and detention facilities.
5. The State of Emergency allows the state to be ready in case there is a spike in the disease among the non-vaccinated population.



# State of North Carolina

**ROY COOPER**  
GOVERNOR

May 14, 2021

## EXECUTIVE ORDER NO. 215

### LIFTING COVID-19 RESTRICTIONS TO REFLECT NEW PUBLIC HEALTH RECOMMENDATIONS

**WHEREAS**, on March 10, 2020, the undersigned issued Exec. Order No. 116, 34 N.C. Reg. 1744-1749 (April 1, 2020), which declared a State of Emergency to coordinate the state's response and protective actions to address the Coronavirus Disease 2019 ("COVID-19") public health emergency and provide for the health, safety, and welfare of residents and visitors located in North Carolina; and

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

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

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

**WHEREAS**, in responding to the COVID-19 pandemic, and for the purpose of protecting the health, safety, and welfare of the people of North Carolina, the undersigned has issued Executive Order Nos. 116-122, 124-125, 129-131, 133-136, 138-144, 146-153, 155-157, 161-165, 169-173, 176-177, 180-181, 183-185, 188-193, 195, 197-198, 200, 204-207, and 209-212; 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

#### Improvements in Key COVID-19 Metrics

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

**WHEREAS**, specifically, as of the date of this Executive Order, the state is experiencing lower rates of the percent of emergency department visits that are due to COVID-like illness, the number of COVID-19 daily diagnoses, the percent of total COVID-19 tests that are positive, and the number of COVID-19-associated hospitalizations; and



**WHEREAS**, these improvements are occurring across North Carolina communities, as evidenced by the fact that between April 25, 2021 and May 8, 2021, no counties in the state are rated to have a “critical” rate of COVID-19 community spread, according to the County Alert System developed by the North Carolina Department of Health and Human Services (“NCDHHS”), which evaluates a county’s COVID-19 case counts, percent positives, and hospital occupancy; and

Progress in COVID-19 Vaccination

**WHEREAS**, COVID-19 vaccines are now widely available at no cost to all eligible North Carolinians who wish to receive one, and all eligible North Carolinians are encouraged to get vaccinated; and

**WHEREAS**, the state has mounted a robust vaccination effort to distribute the state’s allocated supply of COVID-19 vaccines authorized by the Food and Drug Administration (“FDA”) to all people living in or spending significant time in North Carolina; and

**WHEREAS**, North Carolinians have made great progress in getting vaccinated, and every day, more North Carolinians are protected from this deadly disease; and

**WHEREAS**, as of the date of this Executive Order, forty-six percent (46%) of the state’s population over age eighteen (18) is fully vaccinated, and fifty-one percent (51%) of the state’s population over age eighteen (18) is partially vaccinated; and

**WHEREAS**, as of the date of this Executive Order, over seventy-five percent (75%) of the state’s population age sixty-five (65) and older is fully vaccinated, and over seventy-nine percent (79%) of the state’s population age sixty-five (65) and older is partially vaccinated; and

New Public Health Guidance for Fully Vaccinated People

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

**WHEREAS**, on May 13, 2021, the U.S. Centers for Disease Control and Prevention (“CDC”) issued new Interim Public Health Recommendations for Fully Vaccinated People; and

**WHEREAS**, the new CDC recommendations advise that currently authorized vaccines in the United States are highly effective at protecting vaccinated people against symptomatic and severe COVID-19; and

**WHEREAS**, the new CDC recommendations advise that a growing body of evidence suggests that fully vaccinated people are less likely to transmit COVID-19 to others; and

**WHEREAS**, based on this evidence, the new CDC recommendations advise that “[i]ndoor and outdoor activities pose minimal risk to fully vaccinated people,” and that in most settings, “fully vaccinated people can resume activities without wearing face coverings or physically distancing”; and

**WHEREAS**, the new CDC guidance indicates that the Face Covering requirement and social distancing requirements can be lifted for fully vaccinated people; and

**WHEREAS**, more than half of all North Carolinians have now received one vaccination dose, and North Carolina is on track to have more and more people be fully vaccinated and at low risk from the disease; and

**WHEREAS**, given current obstacles, distinguishing between vaccinated and unvaccinated North Carolinians raises enforcement concerns for law enforcement, businesses, and employers; and

**WHEREAS**, in the totality of these circumstances, the undersigned has determined that at this time the Face Covering requirement should be lifted in most settings, and the capacity restrictions, and social distancing requirements should be lifted for all settings; and

Continuing Dangers of COVID-19

**WHEREAS**, despite the recent improving trends, COVID-19 is a deadly and dangerous disease; and

**WHEREAS**, more than nine hundred eighty-nine thousand (989,000) people in North Carolina have had COVID-19, and more than twelve thousand eight hundred (12,800) people in North Carolina have died from the disease; and

**WHEREAS**, the new CDC recommendations issued on May 13, 2021 confirm that unvaccinated people put themselves at great risk if they do not wear Face Coverings in recommended settings and do not socially distance; and

**WHEREAS**, for these reasons, the COVID-19 State of Emergency must continue, and this Executive Order modifies only Face Covering requirements, capacity restrictions, and social distancing requirements; and

**WHEREAS**, it remains critical that North Carolinians exercise personal responsibility to protect themselves and their friends and neighbors from the spread of COVID-19, and the undersigned and the Secretary of the Department of Health and Human Services continue to identify Face Coverings, social distancing, and washing hands as best practices; and

**WHEREAS**, although a majority of adult North Carolinians have received at least one vaccination dose, vaccination efforts are just beginning for children; and

**WHEREAS**, children age twelve (12) to fifteen (15) have only recently been allowed to receive a COVID-19 vaccine from one approved manufacturer, and children age twelve (12) and younger have not yet been approved to receive a COVID-19 vaccine; and

**WHEREAS**, it is necessary to continue some COVID-19 requirements in schools, child care, and day or overnight camps, since for the next few weeks, almost all children will be unvaccinated and able to spread COVID-19; and

**WHEREAS**, the new CDC recommendations also suggests that in some settings where people congregate, including transportation and health care, people should continue to wear Face Coverings and socially distance; and

**WHEREAS**, if the state's COVID-19 case rate increases, if the state's vaccination rate slows, or if new evidence arises regarding the risks of COVID-19 and its variants, it may be necessary to reevaluate whether additional restrictions are necessary to reduce the risk of death and serious illness from COVID-19; 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-19.23 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**, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(i), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because not all local authorities have enacted such appropriate ordinances or issued such appropriate declarations restricting the operation of businesses and limiting person-to-person contact, thus needed control cannot be imposed locally; and

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

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

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

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

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

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

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

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

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

**Section 1. Introduction.**

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

**1.1. Definitions.**

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

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

- b. “**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.
- c. “**Surgical Mask**” means American Society for Testing and Materials (“ASTM”) Level 1, 2, or 3 approved procedural and surgical masks.

**1.2. Exemptions.**

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

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

This Executive Order fully lifts the capacity and social distancing requirements on businesses in Executive Order No. 209, and lifts the indoor Face Covering requirement on most all businesses and operations. To control the spread of COVID-19 and protect lives during the State of Emergency, this Section lists restrictions on the operations of certain 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 and 3 are prohibited from operating unless they follow all applicable restrictions stated in these sections.

**Section 2. Face Coverings.**

In public school units, as defined by N.C. Gen. Stat § 115C- 5(7a), and non-public schools covered by Article 39 of Chapter 115C of the General Statutes, the StrongSchoolsNC Public Health Toolkit (K-12) (“Toolkit”) sets any Face Covering requirements. As of the date of this Executive Order, the Toolkit currently requires Face Covering indoors. During the remainder of the school year, any future changes to the Face Covering requirement in schools will be issued in the Toolkit.

In addition, Face Coverings are also required in the settings listed in Section 3 of this Executive Order below. In all settings where Face Coverings apply, the exceptions listed in Sections 2.3 to 2.5 of Executive Order No. 209 apply. Otherwise, the Face Covering requirements in Executive Order No. 209 are rescinded.

### **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. Child Care Facilities.**

- a. **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.
- b. **Additional Health and Safety Requirements.** Operators of child care facilities must follow all applicable NCDHHS guidelines.
- c. **Relationship to Other Executive Orders.** Subsections 3.3(a) and (b) above completely replace Subsections 2(C) and 2(D) of Executive Order No. 130. Subsections 2(A)-(B) and 2(E)-(H) of Executive Order No. 130 and Section 3 of Executive Order No. 139 shall continue in effect as specified in Executive Order Nos. 152, 177, 193, 211, and any subsequent executive orders.

#### **3.2. Children’s Day or Overnight Camps.**

- a. **Requirements.** Operators of Day Camps and Overnight Camps must follow all applicable NCDHHS guidelines.

#### **3.3. Health Care Settings.**

- a. **Infection Prevention in Health Care Facilities.** All residents, workers, and visitors in health care settings including hospitals, outpatient healthcare settings, Long Term Care (“LTC”) Facilities, including skilled nursing facilities (“SNF”), and intermediate care facilities for individuals with intellectual disabilities (“ICF/IID”), must follow the requirements in the CDC Healthcare Infection and Prevention Control Recommendations in Response to COVID-19 Vaccination. <https://www.cdc.gov/coronavirus/2019-ncov/hcp/infection-control-after-vaccination.html>
- b. **Other Requirements.** Additional requirements in health care settings can be found in Executive Order Nos. 130 and 139 and in the Secretarial Orders issued under Executive Order Nos. 152, 165, 177, 193, 211, and any subsequent extensions thereof.

#### **3.4. 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 indoor at all times, unless an exception applies. This provision does not apply to people traveling in their personal vehicles, alone or with family or friends, but does apply to ride-shares, cabs, vans, and shuttles, even if the vehicles are privately owned. Guests may be removed from or denied entry to public transportation if they refuse to wear a Face Covering.

#### **3.5 State and Local Correctional and Detention Facilities and Homeless Service Providers.**

All persons indoors on-premises at state and local correctional and detention facilities must wear Face Coverings at all times, unless an exception applies. All workers of homeless service providers and clients of homeless service providers must wear Face Coverings indoors anytime they are not in their room or on their bed mat in shared sleeping areas unless an exception applies. A Face Covering is not required to be worn by an individual when sleeping alone on-site at a correctional or detention facility or a facility serving the homeless.

### **3.6 Private Businesses May Require Face Coverings.**

Nothing in this Executive Order is intended to prohibit or discourage private businesses not covered by Sections 2 or 3 herein from requiring Face Coverings for their employees or Guests, unless an exception applies for that individual, or to prevent such businesses from enforcing any existing rights under the law to prohibit Guests from entering without Face Coverings.

### **Section 4. Recommendations for Large Venues.**

It is strongly recommended that all individuals continue to wear Face Coverings in all large indoor seating facilities with a seating capacity greater than five thousand (5,000) individuals, unless an exception applies.

### **Section 5. Miscellaneous Provisions.**

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

**5.1.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.

**5.2.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.

### **5.3.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 this Subsection 5.3, 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 5.3(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 Prevent COVID-19 Testing.** To ensure that COVID-19 testing is available to the maximum extent possible, and to create certainty and uniformity across the state for businesses and operations that are providing this valuable testing, the undersigned specifically prohibits all local prohibitions and restrictions that would prevent or restrict businesses or operations from providing COVID-19 testing or would prevent or restrict businesses or operations from advertising COVID-19 testing services that they are providing to the public. This

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

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

**5.4. Previous Executive Orders.** Except for Sections 2.3 to 2.5 of Executive Order No. 209, which remain in place, this Executive Order amends, restates, and replaces Executive Order Nos. 141, 153, 162, 163, 169, 170, 176, 180, 181, 188, 189, 195, 204, and 209 in full. The State of Emergency established in Executive Order No. 116 remains in effect, and no other executive orders are modified or rescinded by this Executive Order except as expressly stated herein.

**Section 6. 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 June 11, 2021 at 5:00 pm.

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 7. 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 8. 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 9. 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 10. Enforcement.**

- 10.1. 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.
- 10.2. 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.
- 10.3. 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 11. Effective Date.**

This Executive Order is effective May 14, 2021, at 1:30 pm. This Executive Order shall remain in effect through June 11, 2021, at 5:00 pm, 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 14<sup>th</sup> day of May in the year of our Lord two thousand and twenty-one.

  
\_\_\_\_\_  
Roy Cooper  
Governor

ATTEST:

  
\_\_\_\_\_  
Elaine F. Marshall  
Secretary of State

