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EMAIL TO: All Sheriffs
FROM: Eddie Caldwell
Executive Vice President and General Counsel
North Carolina Sheriffs' Association
SENT: May 7, 2020
SUBJECT: Executive Order No. 138 - Easing Restrictions on Travel,
Business Operations, and Mass Gatherings: Phase 1

On May 5, 2020, Governor Roy Cooper issued Executive Order No. 138, which will implement Phase 1 of the Governor's plan to systematically ease restrictions set in place due to COVID-19. For your convenience, a copy of Executive Order No. 138 is attached to this email, as well as a frequently asked questions document and comparison chart issued by the Governor.

The requirements of Executive Order No. 138 are effective beginning at 5:00 p.m. on Friday, May 8, 2020, and will remain in effect until May 22, 2020 at 5:00 p.m., unless replaced or rescinded by another Executive Order.

Personal Grooming Businesses, Entertainment Facilities and Gaming Facilities Must Remain Closed

Section 5 of Executive Order No. 138 states that personal grooming businesses and entertainment facilities must remain closed. This is an extension of the Governor's closure of these businesses in Executive Order No. 120.

Personal grooming businesses that must remain closed include barber shops, beauty salons, hair salons, nail salons, massage parlors, tanning salons and tattoo parlors. A personal grooming business does not include pet groomers. Pet grooming services are allowed to continue to operate.

Entertainment facilities must also remain closed, which includes bowling alleys, health clubs, indoor/outdoor pools, skating rinks, indoor exercise facilities, movie theaters, spas, bingo parlors, live performance venues and gaming establishments.

Gaming establishments that must remain closed include any gaming and business establishments that allow gaming activities, such as video poker, gaming, sweepstakes, video games, arcade games, pinball machines or other computer,



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electronic or mechanical devices played for amusement. Therefore, any arcade or video sweepstakes parlor is required to remain closed. However, a convenience store that has a pinball machine or video sweepstakes machine can remain open to sell goods so long as the game or games are not allowed to be played.

Bars to Remain Closed

Executive Order No. 138 states that bars are to remain closed for onsite consumption of alcoholic beverages.

As with previous Executive Orders, Executive Order No. 138 does not direct the closure of businesses that currently provide for the sale of beer or wine for off-premises consumption (such as convenience stores or specialty beer or wine shops).

ABC stores are to remain open.

All Other Businesses May Open

Executive Order No. 138 eliminates the distinction between Essential Businesses and Operations and Non-Essential Businesses and Operations from previous Executive Orders. Therefore, unless the business is prohibited from operating as described above, it may reopen on May 8, 2020 at 5:00 p.m.

Retail Businesses Must Continue Using Safety Precautions

Section 3 of Executive Order No. 138 places various restrictions on retail businesses in order to avoid the spread of COVID-19. For example, occupancy is limited to no more than 50% of the stated fire capacity of the retail business and occupancy must also be limited so customers can remain six feet apart, even if that means admitting less than the 50% limit. In addition, retail businesses must do the following: (1) mark six feet of spacing at points of sale and in high traffic areas; (2) perform routine cleaning and disinfecting of high traffic areas; (3) conduct daily screenings of employees to determine if any have COVID-19 symptoms; (4) send symptomatic employees home; (5) have a plan in place for isolating workers that develop COVID-19 symptoms while at work; (6) post signage at main entrances reminding people to stay six feet apart; and (7) provide hand sanitizer whenever available.

Finally, Section 3 C. contains various recommendations for retail businesses that are not requirements, such as using clear shields at cash registers and providing designated shopping times for seniors and persons with high risk health conditions.

Restrictions on Restaurants Remain in Effect

Executive Order No. 138 does not change the previous restrictions placed on restaurants and other establishments that prepare and serve food, such as fast food establishments, cafeterias, dining halls and food courts. Section 4 of Executive Order No. 138 provides these businesses may remain open, but they will remain limited to providing in-house delivery, third-party delivery, drive-through, curbside pick-up, and carry-out for their customers.

Allowing customers to eat food at indoor or outdoor seating areas of the establishment remains prohibited.

Mass Gatherings Remain Limited to 10 People But Do Not Include Church Services, First Amendment Gatherings, Work and Obtaining Certain Services

Mass gatherings continue to be limited to 10 people, which means an event or convening that brings together more than 10 people at the same time in a single space, such as an auditorium, stadium, arena, conference room, meeting hall, or any other confined indoor or outdoor space is prohibited.

However, this mass gathering restriction does **NOT** apply to groups larger than 10 that are gathered for worship services or to groups gathered to exercise First Amendment rights, such as attending a protest.

In addition, the mass gathering restriction does **NOT** apply to groups larger than 10 that are gathered: (1) for work; (2) to receive governmental services; (3) for health and safety reasons; or (4) to look for or to obtain goods or services.

The mass gatherings that are allowed to occur must take place outdoors unless it is “impossible” to have the gathering outdoors. They must also follow the Recommendations to Promote Social Distancing and Reduce Transmission [as specified in Executive Order 138] “as much as possible.”

Funerals

As with previous Executive Orders, mass gatherings at funerals are permitted for up to 50 people and attendees should follow the Recommendations to Promote Social Distancing and Reduce Transmission [as specified in Executive Order 138] “to the extent practicable.”

Stay at Home Order Remains in Effect But is Greatly Diminished

Although the Governor’s stay at home order remains in effect, the impact is greatly diminished because citizens are now able to leave their homes for “allowable activities.” What constitutes allowable activities is broad and includes leaving the home for: (1) **work** or volunteering; (2) looking for work; (3) health or safety reasons; (4) obtaining goods or services; (5) engaging in outdoor activity; (6) worship or exercising First Amendment rights; (7) travel between places of residence; (8) attending social gatherings of no more than 10 people; (9) obtaining government services; and (10) providing care for others.

People who leave their homes for allowable activities are strongly encouraged to maintain social distancing (6 feet apart), to wear some form of face covering, and to use hand sanitizer and wash their hands frequently.

State Parks and Trails

State parks and trails may open on May 8, 2020 at 5:00 p.m. However, any playground located at these facilities must remain closed.

In addition, all other public playgrounds (such as those located in local parks) must remain closed due to the threat of spreading COVID-19.

Child Care

Child care facilities are allowed to reopen so long as they meet the health and safety requirements set in place by the North Carolina Department of Health and Human Services relating to the spread of COVID-19. For a more detailed description of this provision, please see Section 4 C. of the attached Executive Order.

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Continued School Closure

All public schools are closed through the remainder of the 2019-2020 school year.

Long Term Care Visitation Limitations

Executive Order No. 138 places restrictions on patient visitation in long term care facilities. For a more detailed description of this provision, please see Section 7 of the attached Executive Order.

Enforcement

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

Questions

If you have any questions about Executive Order No. 138 do not hesitate to contact Matthew Boyatt, NCSA Deputy General Counsel, at mboyatt@ncsheriffs.net or at 919-459-6467.

Thanks...Eddie C.



Edmond W. (Eddie) Caldwell, Jr.

Executive Vice President and General Counsel

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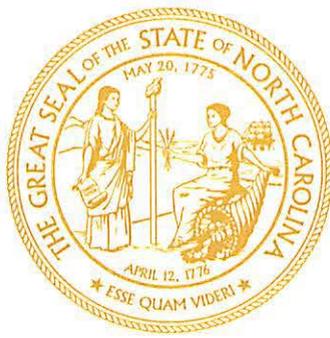
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North Carolina Sheriffs' Association

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State of North Carolina

ROY COOPER
GOVERNOR

May 05, 2020

EXECUTIVE ORDER NO. 138

EASING RESTRICTIONS ON TRAVEL, BUSINESS OPERATIONS, AND MASS GATHERINGS: PHASE 1

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, and 133-136; and

WHEREAS, more than ten thousand people in North Carolina have had laboratory-confirmed cases of COVID-19, and hundreds of people in North Carolina have died from the disease; and

WHEREAS, hospital administrators and health care providers have expressed concerns that unless the spread of COVID-19 is limited, existing health care facilities may be insufficient to care for those who become sick; and

WHEREAS, the undersigned and the Secretary of Health and Human Services have directed hospitals, physicians' practices, and other health care entities to undertake significant actions as part of North Carolina's emergency response to address the COVID-19 pandemic; and

WHEREAS, slowing and controlling community spread of COVID-19 is critical to ensuring that the state's healthcare facilities remain able to accommodate those who require medical assistance; and

WHEREAS, the continued community spread of COVID-19 within North Carolina requires the state to continue some measures to slow the spread of this virus during the pandemic; and

WHEREAS, since the issuance of executive orders to slow the spread of COVID-19, North Carolina has “flattened the curve” and prevented a surge or spike in cases across the state, and North Carolina has also increased its capacity for testing, tracing and the availability of personal protective equipment (“PPE”); and

WHEREAS, despite the overall stability in key metrics, North Carolina’s daily case counts of COVID-19 continue to increase slightly in the context of increased testing, demonstrating the state must remain vigilant in its work to slow the spread of the virus; and

WHEREAS, the risk of COVID-19 transmission remains high, particularly with regard to indoor settings with an increased likelihood of close contact; and

WHEREAS, people in North Carolina are encouraged to use a cloth face covering to reduce the spread of COVID-19, but some populations may experience increased anxiety and fear of bias and being profiled if wearing face coverings in public spaces; and

WHEREAS, if someone is the target of ethnic or racial intimidation as the result of adhering to the mask provision or as a result of the pandemic, they are encouraged to report the matter to law enforcement or another government entity; and

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, N.C. Gen. Stat. § 166A-19.10(b)(4) gives the undersigned the authority to “cooperate and coordinate” with the President of the United States; 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, 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)(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; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), during a Gubernatorially declared State of Emergency, the undersigned has the power to “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 this Article.”

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. Definitions.

In this Executive Order:

1. “Allowable Activities” are defined in Section 2(C) of this Executive Order.

2. “Bars” means establishments that are not eating establishments or restaurants as defined in N.C. Gen. Stat. §§ 18B-1000(2) and 18B-1000(6) and have a permit to sell alcoholic beverages for onsite consumption under N.C. Gen. Stat. § 18B-1001.
3. “Face Covering” means a covering of the nose and mouth by wearing a cloth covering or mask for the purpose of ensuring the physical health or safety of the wearer or others as defined in Session Law 2020-3 s. 4.3(a). In the context of the COVID-19 emergency, the Face Covering predominantly functions to protect other people more than the wearer.
4. “Home” means someone’s house, place of residence, or current place of abode.
5. “Mass Gathering” is defined in Section 6(A) of this Executive Order.
6. “Recommendations to Promote Social Distancing and Reduce Transmission” are defined in Section 2(A) of this Executive Order.
7. “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.
8. “Retail Business” means any business in which customers enter a space to purchase goods or services, including but not limited to grocery stores, convenience stores, large-format retail stores, pharmacies, banks, ABC stores, hardware stores, and vehicle dealerships. “Retail Business” also includes retail establishments operated by the State, its political subdivisions, or agencies thereof.

Section 2. Allowable Activities for Individuals Outside the Home.

All individuals currently in the State of North Carolina may undertake Allowable Activities permitted by this Executive Order. Otherwise, individuals are ordered to stay at home.

- A. **Recommendations to Promote Social Distancing and Reduce Transmission.** Individuals leaving their residence for Allowable Activities are strongly advised to take the following steps to 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 cloth Face Covering 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. These coverings function to protect other people more than the wearer.
 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, phones.
 6. Stay at home if sick.
- B. **High-Risk Individuals:** People who are at high risk of severe illness from COVID-19 continue to be strongly encouraged to stay home and travel only for absolutely essential purposes. The Centers for Disease Control and Prevention (“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 with chronic lung disease, moderate-to-severe asthma, serious heart conditions, severe obesity, diabetes, with chronic kidney disease undergoing dialysis, or liver disease.

- C. **Allowable Activities**: People may leave their residence for the following Allowable Activities. When engaged in activities outside their home, individuals should, as much as reasonably possible, adhere to the Recommendations to Promote Social Distancing and Reduce Transmission above, and are subject to any applicable Mass Gathering or activity restrictions pursuant to Sections 3 to 7 of this Executive Order.
1. **For health and safety**. People may leave their homes to engage in activities or perform tasks for the health and safety of themselves, their family or household members, or those who are unable to or should not leave their home (including, but not limited to, pets). For example, and without limitation, people may leave their homes to seek emergency services, obtain medical supplies or medication, or visit a health care professional or veterinarian.
 2. **To look for and obtain goods and services**. People may leave their homes to look for or obtain goods and services from a business or operation that is not closed by a current Executive Order. This authorization does not include attendance as a spectator at a sporting event, concert, or other performance.
 3. **To engage in outdoor activity**. People may leave their homes to engage in outdoor activities unless prohibited by this Executive Order.
 4. **For work**. People may leave their homes to perform work at any business, nonprofit, government, or other organization that is not closed by this Executive Order. For example, and without limitation, people can leave the house for employment, or to serve as a contractor at a for-profit business, a nonprofit organization, a part of government, a single-person business, a sole proprietorship, or any other kind of entity or operation.
 5. **To look for work**. People may leave their homes to seek employment.
 6. **To take care of others**. People may leave their homes to care for or assist a family member, friend, or pet in another household, and to transport family members, friends, or pets as allowed by this Executive Order. This includes attending weddings and funerals.
 7. **To worship or exercise First Amendment rights**. People may leave their homes to travel to and from a place of worship or exercise any other rights protected under the First Amendment to the U.S. Constitution and its North Carolina counterparts.
 8. **To travel between places of residence**. People may leave their homes to return to or to travel between one's place or places of residence. This includes, but is not limited to, child custody or visitation arrangements.
 9. **To volunteer**. People may leave their homes to volunteer with organizations that provide charitable and social services.
 10. **To attend small outdoor get-togethers**. People may travel to another person's home for social purposes, so long as no more than ten (10) people gather and the activity occurs outside.
 11. **To provide or receive government services**. People may leave their homes for governmental services. Nothing in this Executive Order shall prohibit anyone from performing actions for, or receiving services from, the state or any of its political subdivisions, boards, commissions, or agencies. This Executive Order does not apply to the United States government.

D. **Specific Situations.**

1. **Homelessness.** Individuals experiencing homelessness are exempt from the order to stay at home, but they are strongly urged to obtain shelter and services that allow them to meet the Recommendations to Promote Social Distancing and Reduce Transmission.
2. **Travel permitted for unsafe homes.** Individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their home and stay at a safe alternative location.
3. **Public transit.** People riding on public transit must comply with the Recommendations to Promote Social Distancing and Reduce Transmission as defined in Subsection 2(A) to the greatest extent feasible.

Section 3. Orders for Businesses and Parks.

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

A. **Most Businesses and Organizations Can Be Open.** All businesses that are not closed under Section 5 may operate. Some businesses must operate under restrictions, as stated in Sections 3, 4, 6, and 7 of this Executive Order.

B. **Requirements Specific to Retail Businesses.**

Retail Businesses that operate during the effective period of this Executive Order must:

1. Limit customer occupancy to not more than 50% of stated fire capacity. Retail Businesses that do not have a stated fire capacity must limit customer occupancy to twelve (12) customers 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 customers.
2. Limit customer occupancy so that customers can stay six (6) feet apart, even if this requires reducing occupancy beneath the 50% limit stated above.
3. Direct customers to stay at least six (6) feet apart from one another and from workers, except at point of sale if applicable.
4. Mark six (6) feet of spacing in lines at point of sale and in other high-traffic areas for customers, such as at deli counters and near high-volume products.
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).
6. Provide, whenever available, hand sanitizer (at least 60% alcohol); systematically and frequently check and refill hand sanitizer stations; and provide soap and hand drying materials at sinks.
7. Conduct daily symptom screening of workers, using a standard interview questionnaire of symptoms, before workers enter the workplace.
8. Immediately send symptomatic workers home.
9. Have a plan in place for immediately isolating workers from the workplace if symptoms develop.
10. Post signage at the main entrances that reminds people to stay six (6) feet apart for social distancing, requests people who are or who have recently been symptomatic not to enter, and notifies customers of the Retail Business's reduced capacity.

The North Carolina Department of Health and Human Services ("NCDHHS") will make available on its website a sample screening checklist questionnaire and sample signs that may

be used to meet the requirements above. Retail Businesses do not need to use the NCDHHS sample questionnaires and signs to meet the requirements of this Executive Order.

C. **Additional Recommendations Specific to Retail Businesses.**

Retail Businesses that operate during the effective period of this Executive Order are strongly encouraged to do the following:

1. Direct workers to stay at least six (6) feet apart from one another and from customers, to the greatest extent possible.
2. Provide designated times for seniors and other high-risk populations to access services.
3. Develop and use systems that allow for online, email, or telephone ordering, no-contact curbside or drive-through pickup or home delivery, and contact-free checkout.
4. High-volume Retail Businesses, such as grocery stores and pharmacies, are strongly encouraged to take the following additional measures to reduce transmission:
 - a. Use acrylic or plastic shields at cash registers.
 - b. Clearly mark designated entry and exit points.
 - c. Provide assistance with routing through aisles in the store.
5. Take all the additional actions listed in Subsection 3(D) below.

D. **Recommendations for All Businesses (Retail or Other).**

All businesses that operate during the effective period of this Executive Order are strongly encouraged to:

1. Continue to promote telework and limit non-essential travel whenever possible.
2. Promote social distancing by reducing the number of people coming to the office, by providing six (6) feet of distance between desks, and/or by staggering shifts.
3. Limit face-to-face meetings to no more than ten (10) workers.
4. Promote hygiene, including frequent hand-washing and use of hand sanitizer.
5. Recommend workers wear cloth Face Coverings; provide workers with Face Coverings; and provide information on proper use, removal, and washing of cloth Face Coverings. A Face Covering functions to protect other people more than the wearer.
6. Make accommodations for workers who are at high risk of severe illness from COVID-19, for example, by having high-risk workers work in positions that are not public-facing or by allowing teleworking where possible.
7. Encourage sick workers to stay home and provide support to do so with a sick leave policy.
8. Follow the CDC guidance if a worker has been diagnosed with COVID-19.
9. Provide workers with education about COVID-19 prevention strategies, using methods like videos, webinars, or FAQs.
10. Promote information on helplines for workers such as 211 and the Hope4NC Helpline.

E. **Parks and Trails.**

1. All people in North Carolina are encouraged to engage in outdoor activities, so long as they do not form prohibited Mass Gatherings and are engaged in Allowable Activities under this Executive Order. State parks and trails may reopen upon the general Effective Date of this Executive Order. However, because public playground equipment may increase spread of COVID-19, public playgrounds remain closed during the effective phase of this Executive Order, including public playground equipment located in parks.
2. Park operators shall follow the requirements for Retail Businesses listed in Subsection (B) above, and they are strongly encouraged to follow the recommendations for Retail Businesses and the recommendations for all businesses in Subsections (C) and (D) above.

Section 4. Orders for Restricted Business Types.

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

A. **Restaurants.**

1. **Restaurants may remain open if consumption occurs off-premises.** Restaurants 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. Schools and other entities that provide free food services to students or members of the public may continue to do so under this Executive Order when the food is provided for carry-out, drive-through, or delivery.
2. **Restaurants should follow social distancing and transmission reduction recommendations.** Restaurants are encouraged to comply with the Recommendations to Promote Social Distancing and Reduce Transmission, including use of Face Coverings, when providing carry-out, drive-through, and delivery services. These coverings function to protect other people, more than the wearer.
3. **Further orders.** The Governor, in consultation with and at the recommendation of the Secretary of Health and Human Services, the State Emergency Management Director, and the State Health Director, orders the following limitations on the sale of food and beverages to carry-out, drive-through, and delivery only:
 - a. The Secretary of Health and Human Services, pursuant to N.C. Gen. Stat. § 130A-20(a), has determined that the seating areas of restaurants and bars constitute an imminent hazard for the spread of COVID-19 and that, to abate the imminent hazard, restaurants must be restricted to carry-out, drive-through, and delivery only and bars must close, and has issued an order of abatement dated May 4, 2020.
 - b. The undersigned directs that restaurants are restricted to carry-out, drive-through, and delivery only.
4. **No sit-down service.** Sit-down food or beverage service is prohibited at any kind of businesses, including but not limited to grocery stores, pharmacies, convenience stores, gas stations and charitable food distribution sites.

B. **Bars.**

1. Bars are directed to not serve alcoholic beverages for onsite consumption.
2. 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. If the Alcoholic Beverage Control Commission (the “ABC Commission”) identifies other state laws, regulations, and policies that may affect bars, restaurants, and other dining establishments identified in Subsections 4(A)-(B) of this Executive Order, it is directed to

inform the Office of the Governor in writing. Upon written authorization from the Office of the Governor, the ABC Commission may interpret flexibly, modify, or waive those state laws, regulations and policies, as appropriate, and to the maximum extent permitted under applicable state and federal law, to effectuate the purposes of this Executive Order.

C. Child Care.

1. Must operate in compliance with NCDHHS guidelines. Child care facilities may be open only if they operate in full compliance with Executive Order No. 130 and all guidelines issued by NCDHHS.
2. Expanding children that may be served. The relevant language in Subsection 2(C) of Executive Order No. 130 is amended and replaced by the following:

Children that may be served. Child Care Facilities approved by NCDHHS to operate under the Emergency Facility Guidelines shall provide child care only to the following persons:

1. Children of anyone who performs work on behalf of a business or operation that is not closed by an Executive Order; or
 2. Children of anyone who is leaving the home to seek employment; or
 3. Children who are receiving child welfare services; or
 4. Children who are homeless or who are living in unstable or unsafe living arrangements.
3. Term. Section 2 of Executive Order No. 130 shall remain in effect through 5:00 pm on May 22, 2020.

D. Day Camps and Programs for Children and Teens.

1. Must operate in compliance with NCDHHS guidelines. Day camps and programs may operate only if they are in full compliance with the Interim Coronavirus Disease 2019 (COVID-19) Guidance for Day Camp or Program Settings Serving Children and Teens. Day programs and camps for adults are not covered by this section.
2. No sports or other activities without social distancing. Day camps and programs may not allow sports except for sports where close contact is not required, and day camps may not allow activities where campers would not maintain at least six (6) feet social distancing from one another.
3. Day camps within another business or operation. Day camps and programs operating within a business, facility, or location closed by Subsection 5(B) of this Executive Order or at a school may open for the purpose of the day camp or program, but must otherwise remain closed to the general public. To the extent day camps permit swimming by camp attendees, local health departments may permit the pool's usage for attendees of the day camp, but not for the general public.
4. No overnight camps. Overnight camps and programs for children or adults may not operate.

E. Schools.

1. School facilities remain closed for in-person instruction. Consistent with Executive Orders No. 117 and 120, public school facilities are to remain closed as in-person instructional settings for students for the remainder of the 2019-2020 school year.
2. School and health officials to continue efforts. NCDHHS, the North Carolina Department of Public Instruction ("NCDPI"), and the North Carolina State Board of Education are

directed to continue to work together to maintain and implement measures to provide for the health, nutrition, safety, educational needs, and well-being of children during the school closure period.

3. Graduation and other year-end ceremonies. Local school boards and superintendents will determine whether to conduct graduation and/or other year-end ceremonies. If local school leaders elect to hold graduation ceremonies or similar events, then those gatherings must operate in compliance with Executive Orders and NCDPI/NCDHHS guidelines in effect at the time of the event. Local school leaders are encouraged to engage with students and families to identify the best solutions for their communities. Local plans should include consultation with local public health officials and, where appropriate, local law enforcement.

Section 5. Orders for Businesses to Remain Closed.

A. Personal Care and Grooming Businesses.

1. The ability to practice the social distancing necessary to reasonably protect against COVID-19 is significantly reduced in certain establishments where individuals are in extended close proximity or where service personnel are in direct contact with clients. Therefore, personal care and grooming businesses, including but not limited to the following, are ordered to close:
 - Barber Shops
 - Beauty Salons (including but not limited to waxing and hair removal centers)
 - Hair Salons
 - Nail Salons/Manicure/Pedicure Providers
 - Tattoo Parlors
 - Tanning Salons
 - Massage Therapists (except that massage therapists may provide medical massage therapy services upon the specific referral of a medical or naturopathic healthcare provider).

B. Entertainment Facilities Without a Retail or Dining Component.

1. In addition to the restrictions on Mass Gatherings identified in Section 6 of this Executive Order, entertainment facilities that operate within a confined indoor or outdoor space and do not offer a retail or dining component are ordered to close. Any retail or dining component within an entertainment facility may operate solely for retail or dining, but those components must comply with the restrictions set out in Subsection 4(A) of this Executive Order.
2. Entertainment facilities restricted by this Subsection include, but are not limited to, the following types of business:
 - Bingo Parlors, including bingo sites operated by charitable organizations
 - Bowling Alleys
 - Indoor Exercise Facilities (e.g., gyms, yoga studios, martial arts facilities, indoor trampoline and rock climbing facilities)
 - Health Clubs, Fitness Centers, and Gyms
 - Indoor/Outdoor Pools
 - Live Performance Venues
 - Movie Theaters
 - Skating Rinks
 - Spas, including health spas
 - Gaming and business establishments which allow gaming activities (e.g., video poker, gaming, sweepstakes, video games, arcade games, pinball machines or other computer, electronic or mechanical devices played for amusement).

Section 6. Mass Gatherings Prohibited.

- A. **Prohibition.** Mass Gatherings are prohibited. “Mass Gathering” means an event or convening that brings together more than ten (10) persons at the same time in a single space, such as an auditorium, stadium, arena, conference room, meeting hall, or any other confined indoor or outdoor space. This includes parades, fairs, and festivals.

Mass Gatherings do not include gatherings for health and safety, to look for and obtain goods and services, for work, for worship, or exercise of First Amendment rights, or for receiving governmental services. A Mass Gathering does not include normal operations at airports, bus and train stations or stops, medical facilities, shopping malls, and shopping centers. However, in these 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 no sustained contact between people.

- B. **Dividing one event or convening into multiple sessions.** Nothing in this Executive Order prohibits holding several events or convenings instead of one so that at any time, no more than ten (10) people are gathered in the same space. Organizations that need to hold events or convenings in a single space are encouraged to hold multiple sessions so that no more than ten (10) people are present at a time. In addition, nothing in this Executive Order prohibits holding meetings remotely, and all people in North Carolina are encouraged to hold gatherings electronically so that large groups can meet.
- C. **Outdoor meetings if possible.** Because the risk of COVID-19 spread is much greater in an indoor setting, any gatherings of more than ten (10) people that are allowed under Subsection 6(A) shall take place outdoors unless impossible.
- D. **Funerals.** Notwithstanding the above, and in an effort to promote human dignity and limit suffering, Mass Gatherings at funerals are permitted for up to fifty (50) people. People meeting at a funeral should observe the Recommendations to Promote Social Distancing and Reduce Transmission to the extent practicable.
- E. **Drive-ins.** Events are not prohibited Mass Gatherings if the participants all stay within their cars, such as at a drive-in movie theater.
- F. **Households.** A household where more than ten (10) people reside is not a Mass Gathering.

Section 7. Long Term Care.

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

- A. **Long Term Care Visitation Limitations.**
1. Long term care facilities shall restrict visitation of all visitors and non-essential health care personnel, except for certain compassionate care situations, for example, an end-of-life situation.
 2. This restriction does not include essential health care personnel.
 3. For purposes of this Subsection 7(A) only, long term care facilities include all of the following:
 - a. Skilled nursing facilities;
 - b. Adult care homes;
 - c. Family care homes;
 - d. Mental health group homes; and
 - e. Intermediate care facilities for individuals with intellectual disabilities.

B. Long Term Care Risk Mitigation Measures.

1. Scope of this Subsection. This Subsection of this Executive Order places mandatory requirements on skilled nursing facilities. This Subsection strongly encourages the same measures, to the extent possible given constraints on the availability of personal protective equipment, for other kinds of long term care facilities, including adult care homes, family care homes, mental health group homes, and intermediate care facilities for individuals with intellectual disabilities.
2. Mitigation measures. Skilled nursing facilities shall:
 - a. Remind workers to stay home when they are ill and prevent any workers who are ill from coming to work and/or staying at work.
 - b. Screen all workers at the beginning of their shift for fever and respiratory symptoms. This shall include:
 - i. Actively taking that worker's temperature.
 - ii. Documenting an absence of any shortness of breath, any new cough or changes in cough, and any sore throat. If the worker is ill, the facility must have the worker put on a facemask and leave the workplace.
 - iii. Canceling communal dining and all group activities, including internal and external activities.
 - iv. Implementing universal use of a facemask for all workers while in the facility, assuming supplies are available.
 - v. Actively monitor all residents upon admission, and at least daily, for fever and respiratory symptoms (shortness of breath, new cough or change in cough, and sore throat), and shall continue to monitor residents.
 - vi. Notify the local health department immediately about either of the following:
 1. Any resident with new, confirmed, or suspected COVID-19.
 2. A cluster of residents or workers with symptoms of respiratory illness. A "cluster" of residents or workers means three (3) or more people (residents or workers) with new-onset respiratory symptoms in a period of 72 hours.
 - c. Other kinds of long term care facilities. Adult care homes, family care homes, mental health group homes, and intermediate care facilities for individuals with intellectual disabilities are strongly encouraged to follow the mitigation measures listed in Subsections 7(B)(2)(b)(i) through (vi) above, assuming supplies are available.

- C. **Effective Date and Duration.** This Section of this Executive Order shall remain in effect unless repealed, replaced, or rescinded by another applicable Executive Order.

Section 8. Local Orders.

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

A. **Effect on local emergency management orders.**

1. 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. Urban areas have seen more rapid and significant spread than most rural areas of the state. 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 A(2) and A(3) of this Section, 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.

2. Local restrictions cannot restrict state or federal government operations. Notwithstanding Subsection 8(A)(1) 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.
3. Local restrictions cannot set different retail requirements. Notwithstanding Subsection 8(A)(1) 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 Subsections 3(B)(1)–(2) of this Executive Order. 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 Subsections 3(B)(1)–(2) of this Executive Order.

B. Mandatory local government operations.

1. To the extent that local government functions are required under state and federal law, the undersigned directs the appropriate local government agencies and officials to continue to exercise their responsibilities, including but not limited to local county Department of Social Services (“DSS”) offices, Health Departments, Registers of Deeds, and other local government functions that are required to protect lives and property.
2. Notwithstanding Subsection 8(B)(1) above, local governments are strongly encouraged to follow the Requirements Specific to Retail Businesses in Subsection 3(B) and Recommendations for Retail Businesses in Subsection 3(C) for functions where members of the public enter a space to receive or use government services. Local governments are also strongly encouraged to follow the Recommendations for All Businesses (Retail or Other) included in Subsection 3(D).

Section 9. 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 May 22, 2020.

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 10. 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 11. 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 12. 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 13. 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.
- 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. 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 14. Effective Date

This Executive Order is effective at 5:00 pm on May 8, 2020.

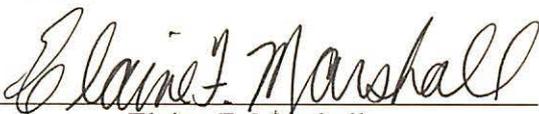
Section 7 of this Executive Order shall remain in effect for the period stated in Subsection 7(C) of this Executive Order. The remainder of this Order shall remain in effect through 5:00 pm on May 22, 2020 unless repealed, replaced, or rescinded by another applicable Executive Order. An Executive Order 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 5th day of May in the year of our Lord two thousand and twenty.



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Secretary of State



Frequently Asked Questions for Executive Order No. 138

May 5, 2020

This Frequently Asked Questions (“FAQ”) document provides guidance for the implementation of Executive Order No. 138 (“Order”). The Order moves North Carolina into “Phase 1” of easing certain COVID-19 restrictions to help revive the economy while protecting public health.

This information is subject to change in light of new CDC guidance and additional Executive Orders or local government declarations.

When does Phase 1 go into place?

This Order begins Phase 1 at 5 PM on Friday, May 8, 2020 and remains in place through 5 PM on May 22, 2020.

Does this Order lift the Governor’s Stay at Home Order?

No, people should still stay at home, but it increases the number of reasons people are allowed to leave. All North Carolina residents should continue to stay at home except for the purposes outlined in this Order. Anyone who is feeling sick should stay home and should leave the house only to seek health care or for some other necessary reason.

What is different about Phase 1?

This Phase 1 Executive Order does the following:

- Eliminates the distinction between essential and non-essential businesses;
- Allows most retail businesses (with exceptions) that can comply with specific requirements to open at 50 percent capacity;
- Allows people to leave home for non-essential goods or services;
- Encourages state parks and trails that are closed to open;
- Specifically allows people to gather outdoors while following the Recommendations to Promote Social Distancing and Reduce Transmission, and with up to ten people;
- Opens child care to working families; and
- Encourages North Carolinians to wear cloth face coverings when outside the home in order to protect others.

What stays the same in Phase 1?

This Phase 1 Executive Order does not change the following:

- A Stay at Home Order remains in place;
- Mass gatherings are generally limited to no more than ten people;
- Teleworking is encouraged;
- Social distancing, hand hygiene, and other methods to slow the spread of COVID-19 should be practiced, including staying at least six feet apart;
- Restaurants and bars remain closed for dine-in service and on-premises beverage consumption;

- Personal care and grooming businesses, including barber shops, beauty, hair, nail, and tanning salons, and tattoo parlors, remain closed;
- Entertainment facilities, including movie theaters, bowling alleys, and performance venues, remain closed;
- Fitness facilities such as health clubs and gyms remain closed;
- People may leave their homes to obtain medical services, obtain goods and services, engage in outdoor exercise, take care of others or volunteer;
- Playgrounds remain closed;
- Open retail businesses must meet certain requirements to ensure the safety of their employees and customers; and
- Visitation continues to be banned at long-term care facilities, except for certain compassionate care situations.

What are the allowable activities for which North Carolinians may leave their homes?

North Carolinians may leave their homes in Phase 1 to:

- Work at any business, nonprofit, government, or other organization that is not closed by an Executive Order, or seek employment;
- Take care of health and safety needs, including to seek emergency medical services, obtain medical supplies and medication, or visit a health care professional or veterinarian;
- Receive goods, services, or supplies from any business or operation that is not closed by an Executive Order;
- Engage in outdoor activities, including to walk, hike, run, golf, hunt, fish, or bike outdoors;
- Take care of others, including assisting a family member, friend or pet, or attend weddings or funerals;
- Worship or exercise First Amendment rights, outdoors and following Recommendations to Promote Social Distancing and Reduce Transmission;
- Travel between places of residence, including child custody or visitation arrangements;
- Volunteer with organizations that provide charitable and social services;
- Gather at other people's homes with no more than ten people outdoors while following Recommendations to Promote Social Distancing and Reduce Transmission Requirements; and
- Provide or receive government services.

Does this mean that residents of North Carolina are safe from COVID-19?

The State of North Carolina is guided by data and facts. Enough of the key indicators are moving in the right direction to make this transition to Phase 1. Public health experts' analysis indicate that if restrictions are eased gradually with safety practices still in place, North Carolina can benefit from increased economic activity without a surge in new cases.

Despite this progress, COVID-19 is a highly contagious virus, and state officials will continue to monitor key metrics. COVID-19 spreads from person to person easily,

especially indoors or if people come in close contact for more than ten minutes. While this Order will ease certain restrictions, there remains a need for a Stay at Home Order and other COVID-19 rules remain in place.

What does this Executive Order mean for North Carolina businesses?

Phase 1 removes the designation of essential and non-essential businesses, allowing a business to open if it can practice social distancing and other transmission reduction strategies. Retail businesses can operate at 50 percent capacity. A business cannot re-open if it has been specifically closed, such as bars, personal care or grooming establishments, and entertainment venues. North Carolinians are allowed to leave their homes to engage in commercial activity at businesses that are open.

What businesses must remain closed during Phase 1?

The following businesses remain closed:

- Restaurants remain closed for dine-in services, but may continue to stay open to provide drive-through, take-out, and delivery;
- Personal care and grooming businesses, including barber shops, hair salons, and nail salons, remain closed;
- Health clubs, fitness centers, gyms, and other indoor exercise facilities remain closed, including yoga studios, martial arts facilities, indoor trampoline and rock climbing facilities; and
- Entertainment facilities remain closed, including performance venues, movie theaters, bowling alleys, and indoor and outdoor pools.

Are North Carolina's restaurants allowed to open for dine-in meals?

No. Based on public health advice, restaurants will remain closed for dine-in meals. Take-out, drive-through, and delivery services continue to be allowed.

What requirements do retail businesses need to follow?

All retail businesses open to the public must:

- Direct customers and staff to stay at least six feet apart except at point of sale if applicable;
- Limit occupancy to not more than 50 percent of stated fire capacity and ensure that social distancing of six feet apart is possible;
- Mark six feet of spacing in lines at point of sale and in other high-traffic customer areas;
- Perform frequent and routine environmental cleaning and disinfection of high-touch areas with an EPA-approved disinfectant for COVID-19;
- Provide, whenever available, hand sanitizer stations, and ensure soap and hand drying materials are available at sinks;
- Conduct daily symptom screening of employees before entering the workplace and immediately send symptomatic workers home;
- Have a plan in place to immediately isolate an employee from work if symptoms develop; and
- Post signage at the main entrances to remind people about Recommendations to Promote Social Distancing and Reduce Transmission, to request people who

are or have recently been symptomatic not to enter, and to notify customers of the reduced store capacity.

Retail businesses are also strongly encouraged to:

- Direct workers to stay at least six feet apart from one another and from customers, to the greatest extent possible;
- Provide designated times for seniors and other high-risk populations to access services; and
- Develop and use systems that allow for online, email, or telephone ordering, no-contact curbside or drive-through pickup or home delivery, and contact-free checkout.

High-volume retail businesses, such as grocery stores and pharmacies, are strongly encouraged to:

- Install acrylic or plastic shields at cash registers;
- Clearly mark designated entry and exit points; and
- Provide assistance with routing through aisles in the store.

What are recommended policies all businesses should follow to reduce the spread of COVID-19?

In addition to the required activities above, all businesses, retail and otherwise, are strongly encouraged to:

- Continue to promote telework and limit non-essential travel whenever possible;
- Promote social distancing by reducing the number of people coming to the office, providing six feet of distance between desks, and/or staggering shifts;
- Limit face-to-face meetings to no more than ten people;
- Promote hygiene, including frequent hand washing and use of hand sanitizer;
- Recommend employees wear cloth face coverings and provide employees with information on proper use, removal, and washing of cloth face coverings, which protect other people more than the wearer;
- Make accommodations for workers who are at high risk of severe illness from COVID-19, such as having high risk workers work in a position that is not public facing;
- Encourage sick employees to stay home and provide support to do so by providing sick leave policies;
- Follow CDC guidance if an employee has been diagnosed with COVID-19;
- Provide education on COVID-19 strategies for staff such as videos, webinars, FAQs; and
- Promote information on helplines for employees such as 211 and Hope4NC Helpline.

Does Phase 1 change the gathering limit of ten people?

Most gatherings of more than ten people are still prohibited.

Should North Carolinians continue to work from home if possible?

Yes. All businesses in North Carolina are strongly encouraged to direct employees to telework, if possible. Additionally, non-essential travel and in-person meetings should be avoided.

Does this Executive Order mean that I can gather freely with individuals outside of my household?

When Phase 1 starts, North Carolinians can once again hold small outdoor get-togethers that follow Recommendations to Promote Social Distancing and Reduce Transmission and do not have more than ten people. Because studies show that the risk of spreading COVID-19 is much greater indoors than outdoors, these social gatherings should be outdoors.

What does this Executive Order mean for schools and graduations?

School facilities remain closed for in-person instruction for the remainder of the 2019-2020 school year. NCDHHS, the North Carolina Department of Public Instruction (NCDPI), and the North Carolina State Board of Education will continue to work together to provide for the educational needs, health, nutrition, safety, and well-being during the school closure period.

Local school boards and superintendents will determine whether to conduct graduation and/or other year-end ceremonies. If these events are held, they must operate in compliance with all Executive Orders and NCDHHS and NCDPI guidelines in effect at the time of the event. Local school leaders are encouraged to engage with students and families to identify best solutions for their communities. Local plans should include consultation with local public health officials and, where appropriate, local law enforcement.

What does this Executive Order mean for childcare?

Childcare facilities will be open for the children of North Carolinians who are working at a business that is not closed by an Executive Order, who are seeking employment, or who are homeless or receiving child welfare services. Childcare facilities must follow the health and safety requirements in Executive Order No. 130 and all guidelines issued by NCDHHS.

What does this Executive Order mean for camps?

Day camps and programs for children and teens may operate only if they are in full compliance with the CDC's guidance for these programs. Day camps may not allow sports except for those sports where close contact is not required, and any activities where campers cannot maintain at least a six foot distance from one another are not allowed. If a day camp is operating within a business, facility, or school that is closed per this Executive Order, the camp may operate but the location must otherwise remain closed to the general public. Overnight camps may not operate under Phase 1.

What does this Executive Order mean for parks, trails, and playgrounds?

The Order encourages the reopening of all state parks and trails. North Carolinians are encouraged to engage in outdoor activities, so long as they maintain

Recommendations to Promote Social Distancing and Reduce Transmission. The same policies to reduce transmission in retail settings should be followed in parks. Public playgrounds remain closed under Phase 1 because public playground equipment may increase the spread of COVID-19.

What does this Executive Order mean for places of worship?

Places of worship may hold services that exceed the Mass Gathering Limit of ten people if those services are held outdoors in an unenclosed space and if attendees follow Recommendations to Promote Social Distancing and Reduce Transmission.

Does this Executive Order allow for people to stay at hotels or other short-term vacation rentals?

Yes, hotels and short-term vacation rentals are allowed. However, individuals should practice Stay at Home, Recommendations to Promote Social Distancing and Reduce Transmission, and other COVID-19 mitigation measures at any short-term rental. Rental landlords should follow CDC guidelines on cleaning hotels and rental units including using an EPA-approved disinfectant for COVID-19 between customers.

What actions are recommended to protect North Carolinians from contracting COVID-19 when they are not at home?

North Carolinians are encouraged to limit non-essential travel and stay at home if they are sick. People can protect themselves against the spread of COVID-19 by following the Phase 1 rules and remembering the three Ws:

- Wear a face covering;
- Wash your hands for 20 seconds or use hand sanitizer; and
- Wait six feet apart from other people to keep your distance.

Does this Executive Order require North Carolinians to wear masks when outside the home?

It is strongly recommended but not required that a cloth face covering of the nose and mouth should be worn when you leave your house and may be within six feet of other people who are not household and family members. This would include indoor community, public and business settings. These coverings function to protect other people more than the wearer. Face coverings should also be worn outdoors when you cannot stay at least six feet away from other people.

Some populations experience increased anxiety and fear of bias and being profiled if wearing face coverings in public spaces, but everyone should adhere to this guidance without fear of profiling or bias. If someone is the target of ethnic or racial intimidation as the result of adhering to the protective nose and mouth covering guidance or as a result of the pandemic, they are encouraged to report the matter to local law enforcement agencies or other government entities.

What if I am stopped by a law enforcement officer and directed to remove my face covering?

A person wearing a cloth face covering for the purposes of ensuring the physical health or safety of the wearer or others needs to remove the cloth face covering, upon request by a law enforcement officer, in any of the following circumstances:

- During a traffic stop, including a checkpoint or roadblock, as required by law; and/or
- When a law enforcement officer has reasonable suspicion or probable cause during a criminal investigation, as required by law.

Are funerals allowed under Phase 1?

Yes, funerals continue to be permitted to have up to fifty people in attendance. People attending a funeral should observe Recommendations to Promote Social Distancing and Reduce Transmission as much as possible.

Are individuals allowed to gather but stay in their vehicles in Phase 1?

Yes, events such as drive-in worship services or drive-in movies are allowed if all participants stay inside their vehicles.

Why does the Executive Order allow for some gatherings outdoors but not indoors?

When people gather together, there is always a risk of transmitting COVID-19. Therefore, gatherings of large groups of people must be restricted in accordance with this Executive Order. Where people gather together indoors, the air they breathe is recirculated, and they are likely to touch the same surfaces. As a result, the risk of spreading COVID-19 is high. A recent study found that people spread diseases like COVID-19 in a closed, indoor environment at a rate 18.7 times higher than when they are outdoors in an open-air environment.

How does this Executive Order impact policies set by local government?

Most of the restrictions in this order are minimum requirements, and local governments, like cities and counties, can impose greater restrictions. However, local governments cannot restrict state government operations, and local restrictions cannot set different requirements for the maximum occupancy standard of retail establishments.

This Executive Order is Phase 1 of lifting restrictions. What will be the next restrictions the Governor will lift in Phase 2, and when will that happen?

The end of this Order does not necessarily mean the state will move to Phase 2. Phase 1 will be extended unless data shows the state is prepared to move to Phase 2. Phase 2 will likely open more businesses to the public. Social distancing, hand hygiene, and use of cloth face coverings will still be recommended. Depending on state COVID-19 trends, restrictions may be lifted more slowly or some restrictions might have to be re-instated to ensure the health and safety of North Carolinians.

Why is it an appropriate time to lift some restrictions related to COVID-19?

North Carolina is guided by data and science. State officials are monitoring key metrics to know when it is acceptable to move to the next phase of easing restrictions. This is a careful, deliberate process because removing all restrictions at

once would cause a dangerous spike in infections that North Carolina has so far avoided. Public health experts and analyses indicate that if we gradually ease restrictions but keep safety practices in place, North Carolina can benefit from economic recovery without a renewed outbreak.

The key metrics show that North Carolina can move to Phase 1, which keeps critical safety measures in place. People can protect themselves against the spread of COVID-19 by following the Phase 1 rules and remembering the three Ws:

- Wear a face covering;
- Wash your hands for 20 seconds or use hand sanitizer; and
- Wait six feet apart from other people to keep your distance.

What's new in **Phase One**?

On **Friday, May 8 at 5pm**, North Carolina will move into Phase One. The **Stay at Home order** remains in place with some modifications. Here's what Phase One means for our state:

| | Through May 8 | Phase One |
|---|--|--|
| Commercial activity | People should only leave home for essential purposes (food, medicine, etc) | People can leave home for commercial activity and more businesses are open |
| Retail | 20% capacity allowed | 50% capacity allowed with cleaning and social distancing |
| Gatherings | 10 person limit | 10 person limit-gathering outdoors with friends allowed |
| Childcare | Childcare centers open for essential workers only | Childcare centers open for working parents or those looking for work |
| Teleworking | Encouraged | Encouraged |
| Bars and Restaurants | Take-out and delivery | Take-out and delivery |
| Barbers/Salons/Massage | Closed | Closed |
| Theaters, Music Venues, Bowling Alleys | Closed | Closed |
| Gyms | Closed | Closed |
| Playgrounds | Closed | Closed |
| Visitation at Longterm Care Centers | Not allowed | Not allowed |
| Worship Services | Outdoor services allowed | Outdoor services allowed |
| State Parks and Trails | Local discretion | Opening encouraged |
| Face Coverings | Encouraged | Encouraged |