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**EMAIL TO:** All Sheriffs

**FROM:** Eddie Caldwell  
Executive Vice President and General Counsel  
North Carolina Sheriffs' Association

**SENT:** July 31, 2020

**SUBJECT:** Executive Order No. 153 – Restricting Late Night Sale or Service of  
Alcoholic Beverages

On July 28, 2020, Governor Roy Cooper issued Executive Order No. 153, which implements time restrictions on the service of alcoholic beverages to minimize the spread of COVID-19. The following information will assist you in understanding the provisions in this Executive Order:

- A copy of Executive Order No. 153 is attached for your reference.
- A frequently asked questions document is also attached for your reference.

The requirements of Executive Order No. 153 are effective beginning at 11:00 p.m. on Friday, July 31, 2020, and will remain in effect until August 31, 2020 at 11:00 p.m., unless replaced or rescinded by another Executive Order.

**Sale or Service of Alcoholic Beverages For ON-SITE Consumption is Prohibited Between 11:00 p.m. and 7:00 a.m.**

Section 2 of Executive Order No. 153 prohibits the sale or service of alcoholic beverages for **on-site** consumption between the hours of 11:00 p.m. and 7:00 a.m. at restaurants (including private clubs and members only clubs), wineries, breweries, distilleries, and any other businesses that sell or serve alcoholic beverages for **on-site** consumption and that are permitted to remain open under previous Executive Orders.

However, if they are otherwise permitted to do so under previous Executive Orders, these establishments may remain open to continue **food service** after 11:00 p.m.

The Order also prohibits these establishments from providing **off-site** table service, catering, or bartending for sale or consumption of alcoholic beverages **if the alcoholic beverages are to be consumed at the place where sold or served.**



100% Membership

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Finally, bars and other businesses that were ordered to close under previous Executive Orders must remain closed.

### **Sale and Service of Alcoholic Beverages for OFF-SITE Consumption is Permitted After 11:00 p.m. Unless Prohibited By Local Ordinance**

Executive Order No. 153 does not prohibit businesses that currently provide for the sale of alcoholic beverages for **off-site** consumption (such as grocery stores, convenience stores or specialty beer or wine shops) from continuing to do so. These businesses may continue to sell alcoholic beverages for **off-site** consumption after 11:00 p.m. unless otherwise prohibited by a local ordinance. This means that, for example, a brewery open for food service at 11:30 p.m. may sell beer to a patron to take home.

Restaurants and other businesses that serve food and beverages continue to remain subject to the previous requirements and restrictions set forth in Executive Orders Nos. 141, 147, and 151. For a detailed analysis of these Orders and their restrictions, please refer to the Association's memorandums that summarize these Executive Orders, which can be accessed on the Association's COVID-19 information page at the following link: <https://ncsheriffs.org/covid-19>

### **Local Governments May Impose Greater Restrictions**

Executive Order No. 153 provides that local governments may impose greater restrictions than those in this Executive Order, but local governments may not implement less restrictive measures concerning the service of alcoholic beverages for **on-site** consumption. The restrictions in Executive Order No. 153 are minimum requirements.

### **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. 153, 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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#### **Edmond W. (Eddie) Caldwell, Jr.**

*Executive Vice President and General Counsel*

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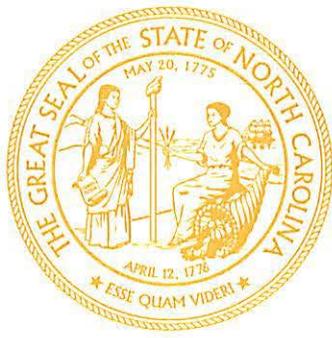
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**North Carolina Sheriffs' Association**

***Proudly Serving the Sheriffs and Citizens of North Carolina since 1922***

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# State of North Carolina

**ROY COOPER**  
GOVERNOR

July 28, 2020

**EXECUTIVE ORDER NO. 153**

**RESTRICTING LATE NIGHT SERVICE OF ALCOHOLIC BEVERAGES**

## Background Statement

### The COVID-19 Public Health Emergency

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

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

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

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

**WHEREAS**, in responding to the COVID-19 pandemic, and for the purpose of protecting the health, safety, and welfare of the people of North Carolina, the undersigned has issued Executive Order Nos. 116-122, 124-125, 129-131, 133-136, 138-144, and 146-152; and

**WHEREAS**, more than 116,000 people in North Carolina have had laboratory-confirmed cases of COVID-19, and over 1,800 people in North Carolina have died from COVID-19; and

### The Need to Take Additional COVID-19 Measures

**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**, 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**, in Executive Order No. 141, issued on May 20, 2020, the undersigned urged that all people in North Carolina follow social distancing recommendations, including that

everyone wear a cloth face covering, wait six (6) feet apart and avoid close contact, and wash hands often or use hand sanitizer; and

**WHEREAS**, to reduce COVID-19 spread, the undersigned, in Executive Order No. 141, required safety measures in certain business settings, limited mass gatherings, and closed certain types of businesses and operations; and

**WHEREAS**, the undersigned issued Executive Order Nos. 147 and 151 to address troubling trends in COVID-19 metrics following the issuance of Executive Order No. 141, including increasing daily case counts of COVID-19, increasing emergency department visits for COVID-19-like illnesses, increasing hospitalizations for COVID-19, and a continued elevated percentage of positive COVID-19 tests; and

**WHEREAS**, Executive Order No. 147 continued the measures of Executive Order No. 141 and imposed additional measures tailored to mitigate the spread of COVID-19, including requiring face coverings in certain settings; and

**WHEREAS**, Executive Order No. 151 continued the measures of Executive Order Nos. 141 and 147 in place until August 7, 2020 at 5:00 pm; and

**WHEREAS**, while taking a phased approach to re-opening restaurants and other businesses, the undersigned cautioned that with an increase in the spread of COVID-19, it could be necessary to reinstate certain restrictions eased by Executive Order No. 141 so as to protect the health, safety, and welfare of North Carolinians; and

**WHEREAS**, North Carolina's daily case counts of COVID-19 have been increasing and remain at a high level, the percentage of COVID-19 tests that are positive remains elevated, emergency department visits for COVID-19-like illnesses are increasing, and hospitalizations for COVID-19 have increased; and

**WHEREAS**, these trends, and the continued high rates of COVID-19 across North Carolina, require the undersigned to take additional measures to slow the spread of the virus during the pandemic; and

#### Risk Factors for COVID-19 Infection

**WHEREAS**, the risk of contracting and transmitting COVID-19 is higher in settings that are indoors, where air does not circulate freely and where people are less likely to maintain social distancing by staying six (6) feet apart; and

**WHEREAS**, the risk of contracting and transmitting COVID-19 is higher in settings where people are in close physical proximity for an extended period of time (more than 15 minutes); and

**WHEREAS**, the risk of contracting and transmitting COVID-19 is higher in gatherings of larger groups of people because these gatherings offer more opportunity for person-to-person contact with someone infected with COVID-19; and

**WHEREAS**, the risk of contracting and transmitting COVID-19 is higher in settings where consistently wearing face coverings is difficult; and

**WHEREAS**, the risk of contracting and transmitting COVID-19 is higher in settings where people have higher respiratory effort from actions like talking loudly, yelling, singing, and laughing, all of which cause more propulsion of respiratory droplets; and

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

**WHEREAS**, to lower the risk of contracting and transmitting COVID-19, the undersigned has imposed restrictions on businesses that limit the number of contacts between people,

particularly in settings that are indoors or, involve people being in close physical proximity for an extended period of time; and

#### COVID-19 Transmission Risks Arising from Alcohol Consumption

**WHEREAS**, some restaurants stay open until early morning hours with limited food service but with continued consumption of alcohol, and patrons frequenting those businesses during late hours often do not maintain social distancing; and

**WHEREAS**, the Center for Disease Control and Prevention (“CDC”) and the North Carolina Department of Health and Human Services (“DHHS”) have stated that the consumption of alcohol lowers inhibitions and makes people more likely to engage in behaviors that increase the risk of spread of COVID-19; and

**WHEREAS**, the consumption of alcohol makes people less likely to practice social distancing or wear face coverings as required by Executive Order No. 147 and other Orders designed to stop the spread of COVID-19; and

**WHEREAS**, people who are drinking beverages cannot consistently wear face coverings; and

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

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

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

**WHEREAS**, though bars in North Carolina remain closed, the undersigned is concerned about the role that alcohol consumption in other businesses serving food and drink late at night plays in promoting the spread of COVID-19 for the reasons mentioned above; and

**WHEREAS**, some, but not all, county and municipal governments have imposed restrictions on the sale of alcohol as part of their efforts to prevent the spread of COVID-19; and

**WHEREAS**, the undersigned, in consultation with the Secretary of Health and Human Services, the Secretary of the Department of Public Safety, and the Director of the Division of Emergency Management, has determined that limitations on the sale of alcohol in businesses and other establishments that serve alcohol to the public for on-premises consumption is necessary to counter the spread of 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**, 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-19.30(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 regarding sale of alcoholic beverages for on-premises consumption 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)(3) authorizes the undersigned to restrict the possession, transportation, sale, purchase, and consumption of alcoholic beverages; and

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

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

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), during a Governorially 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, and for the reasons and pursuant to the statutes listed above, **IT IS ORDERED**:

**Section 1. Definitions**

- A. “Bars” means establishments that are not eating establishments or restaurants as defined in N.C. Gen. Stat. §§ 18B-1000(2) and 18B-1000(6), that have a permit to sell alcoholic beverages for onsite consumption under N.C. Gen. Stat. § 18B-1001, and that are principally engaged in the business of selling alcoholic beverages for onsite consumption.
- B. “Breweries, Wineries and Distilleries” are those establishments which produce alcoholic beverages pursuant to a commercial permit issued by the Alcoholic Beverage Commission (N.C. Gen. Stat. §§ 18B-1101 to 18B-1105) and are authorized by such permit to also have retail sales to consumers.
- C. “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.

**Section 2. Temporary Restrictions Regarding Alcoholic Beverage Sales for Onsite Consumption**

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

- A. To control the spread of COVID-19 and protect lives during the State of Emergency, this Section lists restrictions upon the sale, purchase, and service of alcoholic beverages, along with restrictions on business establishments and other places to or from which people may travel or at which they may congregate. Restaurants, breweries, wineries, distilleries, and any other businesses or organizations that (1) are not currently required to close under existing Executive Orders issued to address this State of Emergency and that (2) sell or serve alcoholic beverages for onsite consumption are prohibited from operating unless they follow the restrictions stated in this Section.
- B. Restaurants, breweries, wineries, distilleries, and any other businesses or organizations that (1) are not currently required to close under existing Executive Orders issued to address this State of Emergency and that (2) sell or serve alcoholic beverages for onsite consumption shall cease the sale and service of alcoholic beverages for onsite consumption between 11:00 pm and 7:00 am. The agents or employees of establishments that are permitted to sell or serve alcoholic beverages for onsite consumption shall likewise not sell or serve alcoholic beverages for onsite consumption between 11:00 pm and 7:00 am.
- C. Restaurants, breweries, wineries, distilleries, and any other businesses or organizations may not provide off-site table service, catering service or bartending service for the sale and consumption of alcoholic beverages between 11:00 pm and 7:00 am for the purposes of consumption at the premises where the alcoholic beverage is being served.
- D. Restaurants, breweries, wineries, distilleries, and any other businesses or organizations otherwise authorized to remain open after 11:00 pm under existing law may continue to do so under this Executive Order so long as there is no sale or service of alcohol for onsite consumption.

- E. Nothing in this Executive Order shall be interpreted to change the laws regarding the hours of sales for alcoholic beverages for off-premises consumption or authorize sale, service, possession, transportation, or consumption of alcoholic beverages at times or places where not previously allowed before this Executive Order was issued. Nothing in this Executive Order shall be interpreted to impact the operations of bars, which remain closed.
- F. Restaurants, breweries, wineries, distilleries, and any other businesses or organizations that serve food and beverages remain subject to all requirements and guidance set forth in Executive Order Nos. 141, 147, and 151, including but not limited to the requirements to ensure social distancing and ensure sanitation in Executive Order No. 141 Section 6(C).

### **Section 3. 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 4. Effect on local emergency management orders.**

- A. The restrictions imposed in this Executive Order are minimum requirements, and local governments can impose greater restrictions. The undersigned recognizes that although COVID-19 has had a heavy impact upon all parts of North Carolina, the impact of COVID-19 has been and will likely continue to be different in different parts of North Carolina. There will also be differences in different parts of North Carolina in the number and nature of restaurants and how restaurants may serve alcohol, the subject-matter of this Executive Order. 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 on the sale of alcoholic beverages to a greater degree than in this Executive Order, to the extent authorized under North Carolina law. To that end, nothing herein, except where specifically stated below in Subsections B 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 on the sale or consumption of alcoholic beverages to the extent authorized under North Carolina law.
- B. Local governments cannot set more permissive policies concerning the sale of alcoholic beverages for onsite consumption during the hours specified herein. Notwithstanding Subsection A above, the undersigned amends all local prohibitions and restrictions imposed under any local state of emergency declarations to remove any language that permits the sale of alcoholic beverages for onsite consumption after 11:00 pm or before 7:00 am or otherwise directly conflicts with 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 permit the sale of alcoholic beverages for onsite consumption after 11:00 pm or before 7:00 am or otherwise directly conflicts with this Executive Order.

### **Section 5. 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 6. 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 7. 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. In addition to being enforced by state and local law enforcement officers, this Executive Order is enforceable by the Division of Alcohol Law Enforcement of the North Carolina Department of Public Safety as set forth under N.C. Gen. Stat. § 18B-500. Pursuant to N.C. Gen. Stat. § 18B-500(b1) and for the reasons set forth above, the undersigned determines that enforcement of this Executive Order is needed to protect people because of the disaster and State of Emergency from the spread of COVID-19, and the undersigned directs the Division of Alcohol Law Enforcement to take enforcement action as necessary against entities acting in violation of this Executive Order.
- D. Establishments under the jurisdiction of the Alcoholic Beverage Control Commission that are determined to have violated this Executive Order may be subject to sanction pursuant to N.C. Gen. Stat. § 18B-203(a)(12).

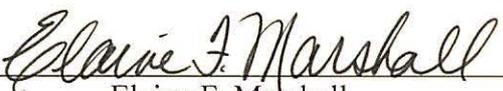
**Section 8. Effective Date.**

This Executive Order is effective at 11:00 pm on July 31, 2020. This Executive Order shall remain in effect through 11:00 pm on August 31, 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.

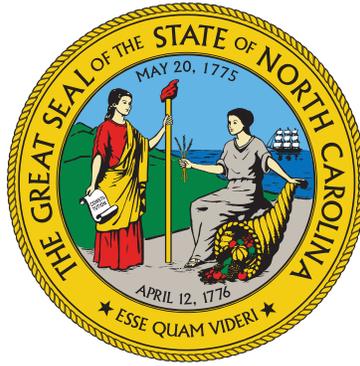
**IN WITNESS WHEREOF**, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 28<sup>th</sup> day of July in the year of our Lord two thousand and twenty.

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

**ATTEST:**

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





## Frequently Asked Questions (“FAQ”) for Executive Order No. 153

July 28, 2020

This FAQ provides guidance for the implementation of Executive Order No. 153 (“Order”). Under the terms of that Order, effective Friday, July 31, 2020, Governor Roy Cooper ordered that restaurants, breweries, wineries, distilleries, and other establishments which serve alcohol for on-site consumption must cease alcohol sales and service at 11:00 p.m. and may not resume them until 7:00 a.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 CDC guidance and additional Executive Orders or local government declarations.**

### FAQs related to the Order

**When does this Order take effect?**

This Order takes effect on Friday, July 31, 2020 at 11:00p.m.

**Does this Order permit bars currently closed to reopen or serve alcohol until 11:00 p.m.?**

No. Bars remain closed. This Order applies to establishments that are currently authorized to operate under Executive Order No. 141, as extended by Executive Orders Nos. 147 and 151. This Order does not “open” an establishment currently closed by the Executive Orders that are in place.

**Does this Order apply to breweries, wineries, and distilleries?**

Yes. Breweries, wineries, and distilleries must cease the sale of alcohol for on-site consumption at 11:00 p.m.

**May breweries, wineries, and distilleries make sales for off-site consumption past 11:00 p.m.?**

This Order does not address the sale of alcohol for off-site consumption.

**Does this Order require grocery stores, convenience stores, or other retail establishments to cease alcohol sales at 11:00 p.m.?**

Grocery stores, convenience stores, and retail establishments that are permitted to serve alcohol for on-premises consumption must cease alcohol sales at 11:00 p.m. Stores that are permitted to do so can continue alcohol sales for off-site consumption after 11:00 p.m. unless prohibited by city or county ordinance.

**May I order multiple drinks at one time before the 11:00 p.m. cut off and drink them after 11:00 p.m.?**

Current state law still applies. A customer may order no more than two beer or wine beverages at a time, or one liquor drink. Any beverages ordered before 11:00 p.m. may reasonably be finished after the cut off time.

**Who enforces the curfew on alcohol sales?**

Local law enforcement, the Alcohol Law Enforcement Division (ALE) and the State Alcoholic Beverage Control Commission may enforce the terms of this Order.

**If I see an establishment violating this Order and wish to report it, who should I call?**

Local law enforcement, including local police departments and sheriff's offices, can field reports of alleged violations of this Order.

**Does this apply to country clubs and other private venues?**

Yes. This Order applies to all restaurants, as that term is defined in Executive Order No. 141, and which includes private and members-only clubs.

**May a restaurant continue to serve food after 11:00 p.m.?**

Yes. However, if a local Order prohibits the sale of food after 11:00p.m., you must abide by the local order.

**What about a local emergency ordinance that cuts off sales of alcohol for off-premises consumption after a certain time?**

This Order does not preempt local city or county orders regarding the sale, service, or consumption of alcohol that either relate to off-premises sales or have a cut off time of before 11:00 p.m.

**If I order an alcoholic beverage at 10:30p.m. and have not finished it by 11:00 p.m., does it have to be removed from the table?**

No. The Order prohibits the sale of alcohol after 11:00 p.m. Patrons may finish beverages, whether it's a mixed drink or a bottle of wine, that were ordered prior to the cut off.

**If my local order ceases alcohol sales earlier than the Governor's Order, which one do I follow?**

The local order should be followed where it is more restrictive than what the Governor has ordered.

**If my local order ceases alcohol sales later than the Governor's Order, which one do I follow?**

The statewide Order should be followed if the local order ceases alcohol sales later than the Governor's Order.

**Can a restaurant start serving drinks again at 12:01 a.m. since it is a new day?**

A restaurant or other establishment may not sell or serve alcohol for on-premises consumption between the hours of 11:00 p.m. and 7:00 a.m.

**What is the consequence for serving alcohol for on-site consumption after 11:00 p.m.?**

Violations of this Executive Order are a Class 2 Misdemeanor. Violators of this Executive Order may also be subject to further action by the Alcoholic Beverage Control Commission.

**If I am a customer and order an alcoholic beverage after 11:00 p.m., may I be charged with violating this Order?**

This Order prohibits the sale or service of alcoholic beverages for on-premises consumption after 11:00p.m. Local law enforcement, the Alcohol Law Enforcement, and the State Alcoholic Beverage Control Commission have discretion in making charging decisions.