

Frequently Asked Questions for Executive Order No. 141

May 20, 2020

This Frequently Asked Questions (“FAQ”) document provides guidance for the implementation of Executive Order No. 141 (“Order”). The Order moves North Carolina into a Safer At Home “Phase 2” 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 guidance from the Center for Disease Control and Prevention (“CDC”) and additional Executive Orders or local government declarations.

When does Phase 2 go into place?

Phase 2 begins at 5:00pm on Friday, May 22, 2020 and remains in place until June 26, 2020, unless changed or cancelled.

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

Yes, this order lifts the statewide Stay at Home Order and moves the state to a Safer At Home recommendation. It is important to stay home if you are sick. While in public, people should wear a cloth face covering, practice social distancing by waiting six feet apart from others while in public, and wash their hands or use hand sanitizer. High-risk individuals are urged to stay at home and travel only for absolutely essential purposes. The CDC defines high-risk individuals as:

- people 65 years or older; and
- people of any age who have serious underlying medical conditions, including: people who are immunocompromised or who have chronic lung disease, moderate-to-severe asthma, serious heart conditions, severe obesity, diabetes, chronic kidney disease undergoing dialysis, or liver disease.

What is different about Phase 2 compared to Phase 1?

This Phase 2 Executive Order does the following:

- Lifts the Stay at Home Order and moves the state to a Safer at Home recommendation;
- Allows restaurants to open for on-premises dining with limits on occupancy, specific requirements for disinfection of common spaces, and six feet between each group of customers sitting at each table;
- Allows child care businesses to open to serve all children, as long as they follow state health guidelines;

- Allows overnight camps to operate, following specific public health requirements and guidance;
- Allows personal care, grooming, massage, and tattoo businesses to open with specific requirements for disinfection of equipment, face coverings for the service providers, six feet of distance between customers, and at 50 percent reduced occupancy;
- Allows indoor and outdoor pools to open with 50 percent reduced occupancy, following specific public health requirements;
- Allows people to gather together for social purposes, so long as they do not exceed the mass gathering limit of 10 people indoors and 25 people outdoors; and
- Allows sporting and entertainment events to occur in large venues for broadcast to the public, so long as the events occur in large venues and spectators are limited to the mass gathering limit of 10 people indoors and 25 people outdoors.

What stays the same in Phase 2?

This Phase 2 Executive Order does not change the following:

- The [Three Ws](#) (Wear, Wait, Wash) should be practiced;
- Public playgrounds remain closed;
- Bars and nightclubs remain closed;
- Movie theaters, museums, bowling alleys, amusement parks, arcades, and skating rinks remain closed;
- Bingo parlors and other gaming establishments remain closed;
- Teleworking continues to be encouraged whenever possible; and
- Visitation at long-term care facilities remains restricted, except for certain compassionate care situations; and
- The following facilities that operate within an indoor space remain closed: exercise facilities, gyms, fitness studios, martial arts facilities, dance studios, trampoline and rock-climbing facilities, roller skating rinks, ice skating rinks, and basketball courts.

What is the new mass gathering limit?

In Phase 2, gatherings of more than ten people in a single indoor space remains prohibited. In outdoor spaces, gatherings of more than 25 people are prohibited.

These mass gathering limits include parades, fairs, festivals, auditoriums, stadiums, arenas, conference rooms, and meeting halls.

The mass gathering limit does not apply to retail businesses, restaurants, personal care and grooming businesses, pools, child care, day camps, and overnight camps. In these settings, there are other restrictions, such as 50 percent reduced occupancy or

putting six feet of distance between each group at a restaurant, to ensure that there is not overcrowding.

The prohibition on mass gatherings does not include gatherings for health and safety, to look for and obtain goods and services, for work, or for receiving governmental services. A mass gathering does not include normal operations at airports, bus and train stations or stops, medical facilities, libraries, shopping malls, and shopping centers. It also does not apply to the exercise of First Amendment rights. However, in these settings, people are strongly encouraged to follow the [Three Ws](#), and should avoid congregating in groups.

Regarding indoor spaces that are public facing, is the mass gathering limit calculated by the entire building or per room?

In public-facing facilities, the mass gathering limit applies per each room of the facility.

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

No. The State of North Carolina is guided by data and facts in making decisions regarding COVID-19. Enough of the key indicators are leveling or moving in the right direction to make this transition to Safer At Home Phase 2. Public health experts' analysis indicates that if restrictions are eased gradually with safety practices still in place, North Carolina may benefit from increased economic activity without a surge in new cases that would exceed our health care system's ability to respond.

Despite this progress, COVID-19 remains a highly contagious virus, and state officials continue to monitor key metrics. COVID-19 spreads from person to person easily, especially indoors or if people come in close contact (less than six feet apart) for more than ten minutes. If key indicators move in the wrong direction, restrictions may be put back into place.

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 remembering the [Three Ws](#):

- Wear a [cloth 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 requirements do open retail businesses need to follow?

All open retail businesses must:

- Limit customers inside the store to Emergency Maximum Occupancy;

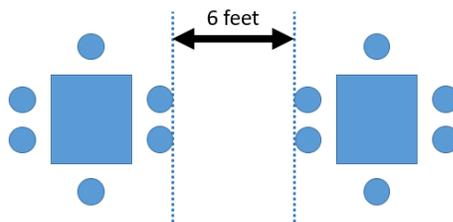
- Mark six feet of spacing in lines at point of sale and in other high-traffic areas for customers, such as at deli counters and near high-demand products;
- Post the Emergency Maximum Occupancy in a noticeable place;
- Post signs reminding customers and workers about social distancing and requesting that people who have been sick with a fever and/or cough not enter;
- Conduct daily symptom screening of workers, using a standard interview questionnaire of symptoms, before workers enter the workplace;
- Immediately isolate and remove sick workers; and
- Perform frequent and routine environmental cleaning and disinfection of hightouch areas with an EPA-approved disinfectant for SARS-CoV-2 (the virus that causes COVID-19).

The North Carolina Department of Health and Human Services has prepared sample signs and a [sample screening checklist questionnaire](#) that may be used to meet some of the requirements above. Businesses or operations do not need to use the NCDHHS sample signs and questionnaires to meet the requirements of this Executive Order.

What requirement do open restaurants need to follow?

All open restaurants must do the following:

- Limit customers in indoor and outdoor seating areas to the Emergency Maximum Occupancy limit;
- Limit customers at tables so that no more than ten people shall be seated together at the same table. More than ten people may sit together at the same table, however, if they are members of the same household;
- Ensure that customers sitting at a table are not within six feet of any customers sitting at another table (as shown in the diagram below), and ensuring that customers at counters are separated by six feet;



- Post the Emergency Maximum Occupancy in a noticeable place;
- Post signs reminding customers and workers about social distancing (staying at least six feet away from others) and requesting that people who have been sick with a fever and/or cough not enter;
- Conduct daily symptom screening of workers, using a standard interview questionnaire of symptoms, before workers enter the workplace;

- Immediately isolate and remove sick workers;
- Perform frequent and routine environmental cleaning and disinfection of hightouch areas with an EPA-approved disinfectant for SARS-CoV-2 (the virus that causes COVID-19);
- Increase disinfection during peak times or high customer density times, and disinfect all shared objects (e.g., dining tables, booths, counters, payment terminals, tables, countertops/bars, receipt trays, condiment holders, and reusable menus) between each use;
- Promote frequent use of hand-washing and hand sanitizer for wait staff and food service staff throughout the shift and upon reporting to work. Hand washing must at least meet the requirements specified in the North Carolina Food Code Manual; and
- Mark six (6) feet of spacing in lines at high-traffic areas for customers, such as a cash register or place where customers wait to be seated at their table.

Face coverings for employees and customers are strongly encouraged. People sitting at a table do not need to be members of the same household. This Executive Order does not require servers and wait staff to stay six feet away from customers.

All types of restaurants may open in Phase 2, including, but not limited to, 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 airports, shopping centers, educational institutions, or private clubs where food and beverages are permitted to be consumed on premises.

Can breweries and wineries be open in Phase 2?

Bars, which are defined in Executive Order 141 as “businesses that are principally engaged in the business of selling alcoholic beverages for onsite consumption,” are closed in Phase 2. However, breweries, wineries, cideries, and distilleries are able to open under Phase 2. This is because these entities are principally engaged in the business of producing alcoholic beverages for commercial sale off-premises. Any open brewery, winery, cidery, or distillery must follow the requirements for restaurants under this executive order.

What requirements do personal care and grooming businesses need to follow?

Personal care and grooming businesses may open in Phase 2 and they must comply with the following:

- Limit customers to Emergency Maximum Occupancy;
- Arrange seating so that groups of customers are separated from one another by six feet;
- Mark six feet of spacing in lines at point of sale and in other high-traffic areas for customers, such as cash registers and waiting areas;
- Post the Emergency Maximum Occupancy in a noticeable place;

- Post signs requesting that people who have been sick with a fever and/or cough not enter;
- Conduct daily symptom screening of workers, using a standard interview questionnaire of symptoms, before workers enter the workplace;
- Immediately isolate and remove sick workers;
- Perform frequent and routine environmental cleaning and disinfection of hightouch areas with an EPA-approved disinfectant for SARS-CoV-2 (the virus that causes COVID-19);
- Ensure that all equipment that comes into direct personal contact with customers and all furniture in service areas (such as chairs, capes, and the shampooing area in a barber shop or salon) is completely cleaned and disinfected between each customer; and
- Employees of personal care and grooming businesses must wear face coverings at all times while in the business.

It is also strongly recommended that customers at personal care and grooming businesses wear a face covering at all times while in the business, and that businesses institute an appointment process and encourage people wait in their vehicle or offsite before being served.

Personal care and grooming businesses include, but are not limited to: barber shops; beauty salons; waxing and hair removal centers; hair salons; nail salons; manicure or pedicure providers; tattoo parlors; tanning salons; and massage therapists/businesses.

How is Emergency Maximum Occupancy calculated for restaurants?

Emergency Maximum Occupancy for restaurants is the lowest number produced by applying the following three tests:

- Fifty percent of stated fire capacity (or, for spaces without a stated fire capacity, no more than twelve customers for every 1,000 square feet of the location's total square footage, including the parts of the location that are not accessible to customers or guests).
- Limiting the number of people in the space so that everyone can stay six feet apart.
- People sitting at a table must not be within six feet of any customers sitting at another table. Moreover, each group of customers sitting at a counter should be separated from other groups by six feet.

If the restaurant expands beyond its existing space, for instance, an approved expansion onto a sidewalk or parking lot, then that expansion space would be counted when making the Emergency Maximum Occupancy calculation.

How is Emergency Maximum Occupancy calculated for retail and personal care and grooming businesses?

Emergency Maximum Occupancy for retail and personal care and grooming businesses is the lowest number produced by applying the following two tests:

- Limiting the number of customers in the store to fifty percent of stated fire capacity (or, for spaces without a stated fire capacity, no more than twelve customers for every 1,000 square feet of the location's total square footage, including the parts of the location that are not accessible to customers or guests).
- Limiting the number of people in the store so that everyone can stay six feet apart.

Should North Carolinians continue to work from home if possible?

Yes. All businesses in North Carolina are strongly encouraged to continue directing 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?

Under Safer At Home Phase 2, North Carolinians can hold small get-togethers that do not have more than ten people indoors, or 25 people outdoors. Individuals are encouraged to follow the [Three Ws](#) to reduce the chance of spreading COVID-19.

Are houses of worship allowed to hold services in Phase 2?

The mass gathering limit and other requirements of this Executive Order do not apply to worship, religious, and spiritual gatherings, funeral ceremonies, wedding ceremonies, and other activities constituting the exercise of First Amendment rights. Individuals are encouraged to follow the [Three Ws](#) to reduce the chance of spreading COVID-19.

Are weddings and funerals allowed to be held in Phase 2?

Yes. Even though there is no mass gathering cap on the people who may attend a wedding or funeral ceremony, receptions or visitations before or after weddings and funerals are subject to the mass gathering limit. Individuals are encouraged to follow the [Three Ws](#) to reduce the chance of spreading COVID-19.

Are in-person high school graduation ceremonies allowed in Phase Two?

Phase 2 lifts the Stay at Home order but strongly encourages individuals to maintain at least six feet social distancing from other individuals. Phase 2 also limits an event that brings together more than ten people indoors and twenty-five people outdoors.

Educational institutions are exempt from these mass gathering requirements. The intent of this exemption was to allow educational institutions the ability to gather more individuals together on their premises if necessary to support planning for summer learning and for the 2020 - 2021 school year. This exemption was not intended to allow for large, in-person events, such as graduation ceremonies.

Accordingly, the Governor's Office and NC Department of Health and Human Services strongly recommend that local school leaders continue to follow the [COVID-19: Guidance on High School Graduation Ceremonies](#) originally issued on May 1, 2020, and the Recommendations to Promote Social Distancing and to Reduce Transmission outlined in Executive Order No. 141. These continued efforts will support local education leaders as they mitigate the spread of COVID-19 when considering how to safely and responsibly honor graduating students. This response provides clarification on the mass gathering exemption for educational institutions and does not change or override the terms of any Executive Orders.

Are there any visitation restrictions at long-term care facilities?

Yes, long-term care facilities should continue to restrict visitation of all visitors and non-essential care personnel, except for certain compassionate care situations, like end-of-life situations. The restrictions do not apply to essential health care personnel. Long-term care facilities include skilled nursing facilities, adult care homes, family care homes, mental health group homes, and intermediate care facilities for individuals with intellectual disabilities.

Are child care facilities open under Phase 2?

Yes, child care facilities are open to serve all children in Phase 2. All open child care facilities must:

- Follow all applicable NCDHHS guidelines;
- Perform frequent and routine environmental cleaning and disinfection of hightouch areas with an EPA-approved disinfectant for SARS-CoV-2 (the virus that causes COVID-19);
- Conduct daily symptom screening of workers and children using a standard interview questionnaire of symptoms when workers/children begin their day;
- Immediately isolate sick workers and children from the rest of the facility and send them home;
- Have a plan to work with local health departments to identify close contacts of confirmed cases in the child care setting; and
- Before reopening, child care facilities will submit the Emergency Child Care Provider Application to NCDHHS. NCDHHS must approve the Emergency Child Care Provider Application before the child care facility can reopen.

Are overnight camps open in Phase 2?

Yes, overnight camps can operate in Phase 2 and must follow [NC DHHS's guidance for overnight camps](#). The guidance is published by NC DHHS and available electronically on their website. Overnight camps must:

- Perform frequent and routine environmental cleaning and disinfection of hightouch areas with an EPA-approved disinfectant for SARS-CoV-2 (the virus that causes COVID-19);

- Immediately isolate sick workers and campers, if symptoms develop, from the rest of the camp;
- Conduct daily symptom screenings of staff/campers; and
- Have a plan to work with local health departments to identify close contacts of confirmed cases in the camp setting.

Are pools open in Phase 2?

Yes, indoor and outdoor pools may be open if specific public health requirements are followed. Open indoor and outdoor pools must:

- Limit user capacity in the pool to no more than Emergency Maximum Occupancy;
- Post the Emergency Maximum Occupancy in a noticeable place;
- Post signage reminding pool attendees and workers about social distancing (staying at least six feet away from others) and requesting that people who have been sick with a fever and/or cough not enter;
- Conduct daily symptom screening of workers, using a standard interview questionnaire of symptoms, before workers enter the workplace;
- Immediately isolate and remove sick workers; and
- Perform frequent and routine environmental cleaning and disinfection of hightouch areas with an EPA-approved disinfectant for SARS-CoV-2 (the virus that causes COVID-19).

These requirements apply only to shared pools in commercial settings or at residential complexes, not to family pools at people's homes.

What are the rules about gathering at parks and trails or on beaches?

Each group of people at a park, trail, or beach must be limited so that the group, counted on its own, does not exceed the outdoor mass gathering limit of 25 individuals.

Can concerts, spectator sports, or other entertainment events take place in Phase 2?

Entertainment and professional sports events at large venues may take place so they can be broadcast to the public, but spectators are subject to the mass gathering limit. Professional entertainers, athletes, coaches, performers, support staff, and broadcast staff will not count toward the mass gathering limit. Employees and other workers at facilities where entertainment events occur also will not count toward the mass gathering limit. Venue operators allowing such events must follow specific public health requirements.

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 face covering for health and safety purposes must remove the 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
- when a law enforcement officer has reasonable suspicion or probable cause during a criminal investigation, as required by law.

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

Most of the restrictions in this order are minimum requirements. Local governments, like cities and counties, can impose greater restrictions but they cannot restrict state government operations or set different Emergency Maximum Occupancy requirements.

What will change in Phase 3 and when will that happen?

Phase 2 will be in place until data shows the state is prepared to move forward with Phase 3. Phase 3 will likely ease even more restrictions on businesses and increase occupancy and mass gathering limits, but this is subject to the data. 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 may have to be reinstated to ensure the health and safety of North Carolinians.

DHHS has issued guidance for the following topics:

- Restaurants
- Salons and Personal Care
- Places of Worship
- Large Venues

- Overnight Camp
- Child Care
- Day Camp
- Tattoo Businesses
- Pools
- Sports
- Retail

Guidance can be accessed at <https://covid19.ncdhhs.gov/guidance>.