

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.