

EXECUTIVE ORDERS

<https://www.nc.gov/covid-19/covid-19-orders>

REOPENING PLAN AND SITE

<https://www.nc.gov/covid19>
<https://www.nc.gov/covid-19/staying-ahead-curve>

GENERAL TOPIC	SUMMARY	SECTION #
Executive Orders	EO 138 (Phase 1): Effective at 5:00 pm on May 8, 2020. EO 141 (Phase 2): Effective at 5:00 pm on May 22, 2020, then extended. EO 147 (face masks): Effective June 24, 2020. EO 151 (extend Phase 2): Effective July 17, 2020 EO 155 (extending Phase 2): Effective August 5, 2020 EO 163 (Phase 2.5): Effective September 4, 2020 EO 169 (Phase 3): Effective October 2, 2020 EO 170 (extend Phase 3): Effective October 23, 2020	
General	The Orders implement the first three phases for gradually re-opening North Carolina businesses and easing restrictions on travel and mass gatherings.	
Shelter in Place - Modifications	Phase 1: The Order provided an updated listed of Allowable Activities defined below. Individuals in the state of North Carolina may undertake Allowable Activities, but are otherwise ordered to continue to stay at home. Phase 2: Stay at home mandate lifted. High risk individuals are “strongly encouraged” to stay at home. Individuals are “strongly encouraged” to telework to the greatest extent permitted by employers. When outside the home, individuals are strongly encouraged to social distance, wear masks, etc. Phase 3: Same as Phase 2, but no reference to telework.	EO 138 §2 (c) EO 141 §2, 3 EO 169§1.4
Opening of Resumed Businesses	Phase 1: All businesses that are not expressly closed under the Order may resume operations. These newly reopened businesses must operate under specific restrictions outlined in additional detail below. In Phase 1, personal care and grooming business remained closed.	EO 137 §3(A) & (B) EO 138 § 5(A)

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	<p>Phase 2: Personal care and grooming businesses opened, subject to compliance with certain requirements.</p> <p>Phase 3: All other businesses opened, subject to stated restrictions</p> <p>See https://www.nc.gov/covid-19/staying-ahead-curve</p>	<p>EO 141 §6, 8</p> <p>EO 169</p>
Essential Businesses	Not addressed by these Orders. See original closing orders.	
Public/Entertainment Venues/Gyms	<p>Phase 1: State parks and trails may reopen, however, public playgrounds will remain closed during this phase of the reopening process. Entertainment and fitness facilities without retail or dining component will remain closed. Those facilities with a retail or dining component may operate the retail or dining component so long as they are in compliance with the remaining provisions of this order.</p> <p>Phase 2: Pools may open, subject to capacity and other requirements. Public playgrounds remain closed. Entertainment and fitness facilities without retail or dining component will remain closed (however, an exception is provided for venues that have at least two entrances and exits and a stated fire capacity of at least five hundred (500), who can meet social distancing requirements; spectators must meet gathering limits)</p> <p>Phase 3: Amusement parks may reopen, subject to certain restrictions. Bars, music halls, lounges, sport facilities, adult entertainment may reopen, subject to certain restrictions. Gyms, exercise facilities, health clubs, bowling alleys, etc may open, subject to certain restrictions. Movie theaters, entertainment venues may open, subject to certain restrictions</p> <p>See https://www.nc.gov/covid-19/staying-ahead-curve</p>	<p>EO 138 § 3(E)</p> <p>EO 138 § 5 (B)</p> <p>EO 141 §6(E), 7(B), 9</p> <p>EO 169 §3.5, 3.8</p>
Restaurants, Bars	<p>Phase 1: Restaurants may remain open if consumption occurs off premises via carry-out, drive-through, and delivery. Restaurants should follow social distancing and transmission reduction recommendations. Sit-down food and beverage services is prohibited at any kind of business. Bars are directed not to serve alcoholic beverages for onsite consumption. The Order does not direct the closure of retail beverage venues that provide alcohol for off-site consumption and does not require the closure of production operations at breweries, wineries, or distilleries.</p>	<p>EO 138 § 4(A)</p> <p>EO 138 § 4(B)</p> <p>EO 141 §6(C)</p>

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	<p>Phase 2: Restaurants may allow on-premises consumption of food and beverages. Restaurants must meet the sanitation requirements of this Section even if they are open only for take-out or delivery service. Certain capacity limits and other restrictions apply. Bar restrictions remain in place.</p> <p>Phase 3: Bars may reopen for outdoor service, subject to certain restrictions. Late night curfew on serving alcoholic beverages</p> <p>See https://www.nc.gov/covid-19/staying-ahead-curve</p>	EO 169 §4
Permitting Elective Surgeries, Etc.	Not addressed by these Orders	
Facemask Requirements	<p>Phase 1: Individuals are “encouraged” to wear face coverings when leaving the home and to wear them inside all public settings.</p> <p>Phase 2: Workers in restaurants and personal care businesses “strongly encouraged” to wear face masks when within 6 ft of another person.</p> <p>EO 147: Effective 6/24/20, all persons are <u>required</u> to wear Face Coverings in <u>certain listed settings</u>, whether they are inside or outside. Certain exceptions provided.</p> <p>Phase 3 (EO 169): Face Coverings must be worn in <u>any public place</u>, business or establishment, indoor or outdoor, where it is not possible to consistently be physically distant by more than six (6) feet from non-household members. Certain exceptions provided. Honor system for individual compliance. Employers must make good faith effort to provide employees with face masks (see order for details).</p>	<p>EO 138 § 2(A) EO 141 §6(C)</p> <p>EO 147</p> <p>EO 169</p>
Gatherings	<p>Phase 1: Mass gatherings of more than ten (10) people at a time at a single space are prohibited. The order provides exceptions for events that involve multiple sessions of no more than 10 people at a time, funerals, drive-ins, and households where more than ten (10) people reside. There are additional exceptions for gatherings related to allowable activities and for normal operations of airports, bus and train stations, medical facilities, shopping malls, and shopping centers.</p> <p>Phase 2: Mass gathering limit increased to 10 people indoors or 25 people outdoors. See order for details.</p> <p>Phase 3: Mass gathering limit increased to 25 people indoors or 50 outdoors. See order for details. Additional provisions for events at</p>	<p>EO 138 § 6 (A)-(F)</p> <p>EO 141 § 7(A)</p> <p>EO 169 §5, 6</p>

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	very large facilities (capacity 10,000 or more)	
Liability Provisions	Not addressed by these Orders	
Other	Provisions relating to child care, day camps, overnight camps, price gouging. In Phase 2, professional athletes and athletes performing on an agreement with an educational institution to receive a scholarship or other benefit may train within indoor fitness facilities that otherwise would be closed under Subsection A above, provided they do not exceed the Mass Gathering limit	
APPENDIX AND DEFINITIONS (SUMMARY)		
Requirements for Resumed/Reopened Retail Businesses	<p>Phase 1: Under EO 138, Retail businesses must:</p> <ul style="list-style-type: none"> Limit customer occupancy to either: <ul style="list-style-type: none"> 50% or less of the business' stated fire capacity; or, 12 customers for every 1000 square feet of retail space (excluding areas not accessible to customers) if there is no stated fire capacity In any event, customers must be able to stay six (6) feet apart, even if this requires reducing occupancy beneath the limits stated above Direct customers to stay six (6) feet apart from one another and workers except at point of sale if applicable Mark six (6) feet of spacing in lines at point of sale and other high traffic areas Perform frequent and routine cleaning of high-touch areas with an EPA-approved disinfectant for SARS-CoV-2 Provide hand sanitizer when available and soap and hand drying materials at sinks. These stations should be checked and refilled frequently Conduct symptom screening of workers using standard interview questionnaire before workers enter workplace <ul style="list-style-type: none"> The NC Department of Health and Human Services will make a sample screening checklist available online Immediately send symptomatic workers home Have a plan in place for isolating workers from workplace if symptoms develop 	EO 138 § 3(B)

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	<ul style="list-style-type: none"> Promote information on helplines for workers such as 211 and Hope4NC Helpline <p>For Phase 2 revisions, see Public Health Guidance re Phase 2 and Phase 2 Extension FAQ</p> <p>For Phase 3 revisions, see Public Health Guidance for Businesses 10/2/20 and Phase 3 FAQ</p>	
Entertainment and Fitness Venues	<p>Phase 1 and 2 businesses remaining closed. Reopened in Phase 3 subject to limits:</p> <ul style="list-style-type: none"> Bingo Parlors, including bingo sites operated by charitable organizations Bowling Alleys Indoor Exercise Facilities (e.g., yoga studios, dance studios, martial arts facilities, indoor trampoline and rock climbing facilities) Gyms Indoor Fitness Facilities, including but not limited to indoor basketball courts, volleyball courts, racquetball courts, squash courts, and tennis courts Health Clubs and Fitness Centers Movie Theaters Skating Rinks 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) Venues for Receptions or Parties Museums Amusement Parks Bars Night Clubs, Dance Halls, or Music Halls where patrons are not seated. 	EO 141, EO 169
Essential Businesses	Not addressed by these Orders	
Minimum Basic Operations	Not addressed by these Orders	

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Allowable Activities	Under Phase 1, there were restrictions on individuals leaving their residences, limited to certain Allowable Activities. These restrictions were lifted in Phase 2.	
Essential Travel	Not addressed by these Orders	
Minimum Basic Operations	Not addressed by these Orders	
Social Distancing Requirements	Individuals are encouraged to following social distancing guidelines by avoiding mass gatherings and keeping six (6) feet of distance from other individuals with the exception of family or household members.	EO 138 § 2(A)

DISCLAIMER: *This information is provided for convenience only, and should not be relied upon in making decisions for your business. As this is a rapidly changing area, reference should always be made to the official order and related interpretative guidance. If you have specific questions about how any particular jurisdiction's Order affects your business, or other COVID-19 topics, please contact a member of the Holland & Knight's COVID-19 Response Team – State and Local Orders and Regulations.*

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