

# SUMMARY OF NC EXECUTIVE ORDER 163 RELATED TO DOING BUSINESS

## PHASE 2.5 SAFER AT HOME

The information listed below refers to specific Executive Orders signed by Governor Roy Cooper. The full text of these orders can be accessed via this link: <https://www.nc.gov/covid-19/covid-19-executive-orders>.

Under [Executive Order 163](#), North Carolina will enter Safer At Home Phase 2.5 of lifting COVID-19 restrictions at **5 p.m. Friday, Sept. 4**. Under this phase, people are also required, with some exceptions, to wear face coverings while out in public when physical distancing of 6 feet is not possible.

### Executive Order 163 Section 3 - **Face Coverings**

#### 1. Face Covering Definitions.

- a. "Face Covering" means a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears or is simply wrapped around the lower face. A Face Covering can be made of a variety of synthetic and natural fabrics, including cotton, silk, or linen. Ideally, a Face Covering has two (2) or more layers. A Face Covering may be factory-made, sewn by hand, or can be improvised from household items such as scarfs, bandanas, t-shirts, sweatshirts, or towels. These Face Coverings are not intended for use by healthcare providers in the care of patients. Based on recommendation from the Centers for Disease Control and Prevention, beginning on the date that this Executive Order becomes effective, face shields will no longer meet the requirements for Face Coverings.
- b. "Surgical Mask" means American Society for Testing and Materials ("ASTM") Level I, 2, or 3 approved procedural and surgical masks.
- c. "N95 respirator" means a Face Covering approved by the National Institute for Occupational Safety and Health ("NI OSH") (or a respirator from another country allowed by the Occupational Safety & Health Administration, the Food & Drug Administration, or the CDC) and is not recommended for general public use or use in public settings, as it should be reserved for healthcare providers and other medical first responders in a health care setting. However, if worn, these respirators would meet both the Face Covering and Surgical Mask requirements of this Executive Order.

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

2. Where Face Coverings Are Required. People are required to wear Face Coverings in the following settings, whether they are inside or outside, unless an exception applies.
  - a. In Retail Businesses. Retail Businesses must have all workers wear Face Coverings when they are or may be within six (6) feet of another person. In addition, Retail Businesses must have all customers wear Face Coverings when they are inside the establishment and may be within (6) feet of another person, unless the customer states that an exception applies.
  - b. In Restaurants. Restaurants must have all workers wear Face Coverings when they are or may be within six (6) feet of another person. In addition, restaurants must have all customers wear Face Coverings when not at their table, unless the customer states that an exception applies.

- c.** In Personal Care, Grooming, and Tattoo Businesses. Personal Care, Grooming, and Tattoo Businesses must have workers wear Face Coverings when they are or may be within six (6) feet of another person. In addition, the business must have all customers wear Face Coverings when they are inside the establishment and may be within six (6) feet of another person, unless the customer states that an exception applies. Customers may take off their Face Coverings if they are receiving a facial treatment, shave, or other services on a part of the head which the Face Covering covers or by which the Face Covering is secured.
- d.** In Child Care Facilities, Day Camps, and Overnight Camps. Child care facilities, day camps, and overnight camps must have workers, all other adults, and children five (5) years or older on site wear Face Coverings when they are or may be within six (6) feet of another person.
- e.** In State Government. State government agencies headed by members of the Governor's Cabinet and the Governor's Office must have their on-site workers wear Face Coverings when they are or may be within six (6) feet of another person. Public facing operations of state government agencies under the jurisdiction of the undersigned must also follow the requirements for Retail Businesses established in this Executive Order. All other state and local government agencies are strongly encouraged to adopt similar policies that require Face Coverings.
- f.** In Transportation. All workers and riders on public or private transportation regulated by the State of North Carolina, as well as all people in North Carolina airports, bus and train stations or stops, must wear Face Coverings when they are or may be within six (6) feet of another person. This provision does not apply to people traveling alone with household members or friends in their personal vehicles, but does apply to ride-shares, cabs, vans, and shuttles, even if the vehicles are privately owned. Notwithstanding the foregoing, no customer will be removed from or denied entry to public transportation for failure to wear a Face Covering.
- g.** In Certain High-Density Occupational Settings Where Social Distancing is Difficult. Social distancing is inherently difficult where multiple workers are together in manufacturing settings, at construction sites, and in migrant farm, other farm, and agricultural settings. Therefore, in businesses or operations within North American Industry Classification System (NAICS) sectors 311 to 339 (manufacturing), 236 to 238 ( construction), and 111, 112, 1151, and 1152 (agriculture), all workers not requiring a respiratory protection program must wear Face Coverings when they are or may be within six (6) feet of another person. Notwithstanding the above, workers may remove their Face Covering if they become overheated, or to eat and drink while working.
- h.** In Meat or Poultry Processing Plants. All workers in any meat or poultry processing plant, packing plant, or slaughterhouse not requiring a respiratory protection program must wear Face Coverings when they are or may be within six (6) feet of another person, and those Face Coverings must be Surgical Masks, as long as Surgical Mask supplies are available.
- i.** Long Term Care Facilities. All workers in Long Term Care ("LTC") Facilities, including skilled nursing facilities ("SNF"), adult care homes ("ACH"), family care homes ("FCH"), mental health group homes, and intermediate care facilities for individuals with intellectual disabilities ("ICF-IID"), must wear Face Coverings while in the facility, and those Face Coverings must be Surgical Masks, as long as Surgical Mask supplies are available.

- j. **Other Health Care Settings.** Health care facilities other than LTC facilities must follow the Face Covering requirements in the CDC Infection Control Guidance for Healthcare Professionals about Coronavirus (COVID-19).
- k. **In Gyms and Other Exercise Facilities.** All workers in gyms and other facilities within the scope of Subsection 6(8) of this Executive Order must wear Face Coverings when they are or may be within six (6) feet of another person, unless the worker is strenuously exercising. In addition, these businesses must have all customers wear Face Coverings when they are inside the establishment and not strenuously exercising, unless the customer states that an exception applies.
- l. **In Museums and Aquariums.** Workers in museums and aquariums must wear Face Coverings when they are or may be within six (6) feet of another person. In addition, customers must wear Face Coverings, unless the customer states that an exception applies.

Where this Subsection 3(2) uses the phrase "unless the customer states that an exception applies," the exception stated by the customer must be one of the exceptions listed in this Section 3 of this Executive Order.

- 3. **Employer Good Faith Obligation to Provide a Face Covering.** Employers who have workers who perform work outside of their home in North Carolina and have not already provided face coverings for their workers shall make good-faith efforts to provide a one week supply of reusable Face Coverings or a new disposable face covering daily as soon as possible for workers to use at their place of employment. New face coverings should be provided during the work day if the worker's face covering becomes soiled or wet.
- 4. **Exceptions.** This Executive Order does not require Face Coverings for-and a Face Covering does not need to be worn by-a worker, customer, or patron who:
  - a. Should not wear a Face Covering due to any medical or behavioral condition or disability (including, but not limited to, any person who has trouble breathing, or is unconscious or incapacitated, or is otherwise unable to put on or remove the Face Covering without assistance);
  - b. Is under five (5) years of age;
  - c. Is actively eating or drinking;
  - d. Is strenuously exercising;
  - e. Is seeking to communicate with someone who is hearing-impaired in a way that requires the mouth to be visible;
  - f. Is giving a speech for a broadcast or to an audience;
  - g. Is working at home or is in a personal vehicle;
  - h. Is temporarily removing his or her Face Covering to secure government or medical services or for identification purposes;
  - i. Would be at risk from wearing a Face Covering at work, as determined by local, state, or federal regulations or workplace safety guidelines;
  - j. Has found that his or her Face Covering is impeding visibility to operate equipment or a vehicle; or
  - k. Is a child whose parent, guardian, or responsible person has been unable to place the Face Covering safely on the child's face.
- 5. **Application of Exceptions.** Under this Executive Order, all North Carolinians will be on the honor system about whether or not there is a reason why they cannot wear a Face Covering. Everyone in this state is asked to tell the truth and-if they are healthy and able to wear a mask-to wear a Face Covering so that they do not put other people at risk of serious illness and death.

6. How Businesses May Accommodate Exceptions. If a customer states that an exception applies, a business may choose to offer curbside service, provide home delivery, or use some other reasonable measure to deliver its good or services.

7. Enforcement of Face Covering Requirements.

- a. Citations under this Section shall be written only to businesses or organizations that fail to enforce the requirement to wear Face Coverings. Operators of businesses and organizations are entitled to rely on their customers or patrons about whether or not they are accepted from the Face Covering requirements, and businesses and organizations do not violate this Executive Order if they rely on customers' or patrons' compliance.
- b. Law enforcement personnel are not authorized to criminally enforce the Face Covering requirements of this Executive Order against individual workers, customers, or patrons.
- c. However, if a business or organization does not allow entry to a worker, customer, or patron because that person refuses to wear a Face Covering, and if that worker, customer, or patron enters the premises or refuses to leave the premises, law enforcement personnel may enforce the trespassing laws and any other laws (other than N.C. Gen. Stat. § 14-288.20A) that the worker, customer, or patron may violate.

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| Executive Order 163 Section 6 - <b>Restrictions on Certain Businesses and Operations</b> |
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For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

Anyone who declines to wear a Face Covering for these reasons should not be required to produce documentation or any other proof of a condition. Children under two (2) years of age should not wear a Face Covering.

1. **Prohibition.** Prohibition. To control the spread of COVID-19 and protect lives during the State of Emergency, Section 3 and this Section list restrictions on the operations of business establishments and other places to or from which people may travel or at which they may congregate. Businesses or operations within the scope of Section 3 or this Section are prohibited from operating unless they follow any applicable restrictions stated in Section 3 and this Section.

2. Retail Businesses.

a. Requirements for Retail Businesses. While this Executive Order is in effect, all open Retail Businesses must do all of the following.

i. Limit customers inside the store to Emergency Maximum Occupancy. Under this Executive Order, the Emergency Maximum Occupancy for a Retail Business is the lowest number produced by applying the following two tests:

1. Limit the number of customers in the store to fifty percent (50%) of stated fire capacity (or, for spaces without a stated fire capacity, no more than 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 or guests).

2. Limit the number of people in the store so that everyone can stay six (6) feet apart.
- ii. 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-demand products.
- iii. Follow the Core Signage, Screening, and Sanitation Requirements as defined in this Executive Order.

### 3. Restaurants.

- a. Restaurants May Open for On-Premises Service. During the effective period of this Executive Order, 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.
- b. Requirements. While this Executive Order is in effect, all open restaurants must do all of the following:
  - i. Limit customers in indoor and outdoor seating areas to Emergency Maximum Occupancy. Under this Executive Order, the Emergency Maximum Occupancy for a restaurant is the lowest number produced by applying the following three tests:
    1. Limit the number of customers in the restaurant to fifty percent (50%) of stated fire capacity (or, for spaces without a stated fire capacity, no more than 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 or guests).
    2. Limit the number of people in the space so that groups can stay six (6) feet apart.
    3. Arrange the restaurant so that customers sitting at a table are not within six (6) 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 (6) feet.
  - ii. Limit customers at tables so that no more than ten (10) people shall be seated together at the same table. However, more than ten (10) people may sit together at the same table if they are members of the same household.
  - iii. Follow the Core Signage, Screening, and Sanitation Requirements as defined in this Executive Order, along with the following additional requirements:
  - iv. 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.
  - v. 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.

- vi. 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.
- c. Clarifications. People sitting at a table need not be members of the same household and do not need to stay six (6) feet apart. Moreover, this Executive Order does not require servers and wait staff to stay six (6) feet away from customers.
- d. Miscellaneous. A restaurant that operates consistent with the terms of this Subsection of this Executive Order shall continue to be considered an "Essential Business" for the purpose of N.C. Sess. L. 2020-03, Sec. 4.14 (a) to the extent that COVID-19-related claims are made against the restaurant.

#### **4. Personal Care, Grooming, and Tattoo Businesses**

- a. Personal Care, Grooming, and Tattoo Businesses May Open. During the effective period of this Executive Order, Personal Care, Grooming, and Tattoo Businesses may operate, but must be in compliance with this Section.
- b. Requirements. While this Executive Order is in effect, all open Personal Care, Grooming, and Tattoo Businesses must do all of the following:
  - i. Limit customers inside the store to Emergency Maximum Occupancy. Under this Executive Order, the Emergency Maximum Occupancy for a Personal Care, Grooming, and Tattoo Business is the lowest number produced by applying the following two tests:
    - 1. Limit the number of customers in the store to fifty percent (50%) of stated fire capacity ( or, for spaces without a stated fire capacity, no more than twelve ( 12) customers for every one thousand ( 1 000) square feet of the 13 location's total square footage, including the parts of the location that are not accessible to customers or guests).
    - 2. Limit the number of people in the store so that patrons can stay six (6) feet apart.
  - ii. Arrange seating so that groups of customers are separated from one another by six (6) feet.
  - iii. Follow the Core Signage, Screening, and Sanitation Requirements as defined in this Executive Order, except for the requirement to have signage remind people about staying six (6) feet apart.
  - iv. 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.
  - v. Mark six (6) feet of spacing in lines at point of sale and in other high-traffic areas for customers, such as at cash registers and waiting areas.

#### **5. Pools**

- a. Indoor and Outdoor Pools May Open. During the effective period of this Executive Order, indoor or outdoor pool facilities (whether stand-alone or part of other facilities) may operate, but must be in compliance with this Subsection.
- b. Requirements. While this Executive Order is in effect, all open pool facilities must do all of the following:
  - i. Limit the user capacity in the pool to no more than 50% of maximum occupancy as determined by fire code (or, when fire code number is not known, thirty-three (33) people per one thousand (1000) square feet in deck areas, wading pools and splash pads), and a maximum occupancy in the water often (10) people per one thousand (1000) square feet. This user capacity is the Emergency Maximum Occupancy for the pool facility.
  - ii. Follow the Core Signage, Screening, and Sanitation Requirements as defined in this Executive Order.
- c. Establishments that are not Amusement Parks and offer waterslides over fifteen (15) feet in height must abide, for each waterslide, by the occupancy restrictions for pools stated in this Section.
- d. This Subsection applies only to shared pools in commercial settings or at residential complexes. It does not apply to family pools at people's homes.

## 6. Child Care Facilities.

- a. Child Care Facilities May Open and May Serve All Children. Child care facilities may open or reopen, and they may serve all children in North Carolina. All references to "covered children" in Executive Order Nos. 130 and 138 shall refer to all children.
- b. Requirements. Child care facilities that are open or reopened consistent with the Executive Order must abide by the following requirements:
  - i. Follow all applicable NCDHHS guidelines.
  - ii. Follow the Core Signage, Screening, and Sanitation Requirements as defined in this Executive Order.
  - iii. Conduct a daily health screening on all individuals who are entering the building.
  - iv. Immediately isolate sick workers and children from the rest of the facility and send them home.
  - v. Have a plan to work with local health departments to identify close contacts of confirmed cases in the child care setting.
  - vi. Before reopening, child care facilities shall submit to NCDHHS the Emergency Child Care Provider Application. NCDHHS must approve the Emergency Child Care Provider Application before the child care facility can reopen.

- c. Relationship to Other Executive Orders. Subsections 6(6)(a) and 6(6)(b)(i) above completely replace Subsections (C) and (D) of Section 2 of Executive Order No. 130. Subsections 2(A)-2(B) and 2(E)-(H) of Executive Order No. 130 and Section 3 of Executive Order No. 139 shall continue in effect as specified in Executive Order No. 152 and any subsequent executive orders.

7. **Day Camps and Overnight Camps.** To the extent, if any, that day camps and overnight camps continue to operate during the effective period of this Executive Order, the requirements of Executive Order No. 141 (as amended) which are applicable to Day Camps and Overnight Camps in that Order shall continue to apply to those camps.

8. **Fitness and Competitive Physical Activity Facilities.**

- a. May Open. The following types of establishments are covered by this Subsection and may be open or reopen, subject to the requirements herein; provided, however, that the following establishments must remain closed if located within an Amusement Park:

- i. Exercise facilities ( e.g., yoga studios, dance studios, ballrooms for dancing, martial arts facilities, gymnastics, indoor trampoline and rock climbing facilities)
- ii. Gyms
- iii. Fitness or competitive facilities, including but not limited to basketball courts, baseball fields, volleyball courts, racquetball courts, squash courts, hockey rinks, soccer fields, sports teams and leagues, professional or amateur wrestling, and tennis courts (with spectators, if any, limited as stated in Section 9 of this Executive Order)
- iv. Health clubs and fitness centers
- v. Boxing clubs
- vi. Skating rinks
- vii. Bowling alleys
- viii. Golf courses and driving ranges
- ix. Golf ball hitting bays
- x. Mini-golf courses
- xi. Go-cart tracks, speedways, and raceways (with spectators, if any, limited as stated in Section 9 of this Executive Order)
- xii. Paintball, laser tag, and similar fields and arenas

- b. Requirements for Gyms and Other Fitness Facilities. While this Executive Order is in effect, these facilities must do all of the following:

- i. Limit any customers in indoor areas to 30% Emergency Maximum Occupancy. Under this Executive Order, 30% Emergency Maximum Occupancy is the lowest number produced by applying the following two tests:
  - 1. Limit the number of customers in the facility to thirty percent (30%) of stated fire capacity (or, for spaces without a stated fire capacity, no more than seven (7) 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 or guests).
  - 2. Limit the number of people in any given room of the facility so that everyone can stay six (6) feet apart.

- ii. In outdoor areas, limit customers to the lowest number produced by applying the following three tests:
    - 1. Limit each group of customers to the outdoor Mass Gathering limit of fifty (50) people.
    - 2. Limit the number of customers in the outdoor area to twelve (12) customers for every one thousand (1000) square feet.
    - 3. Limit the number of people in any given outdoor area so that every person can stay six (6) feet apart.
  - iii. Require customers and workers in both indoor and outdoor areas to wear Face Coverings over the mouth and nose except when they are strenuously exercising, pursuant to Subsection 3(2)(k) of this Executive Order.
  - iv. For activities involving people spread out among fixed equipment or lanes, tape off or move the equipment, or restrict access to lanes, so that the people conducting the exercise activity are at least six (6) feet apart.
  - v. For people waiting to take their turn in the activity, space out any seating so that people can be socially distanced and stay, six (6) feet apart from each other.
  - vi. For group classes or group activities, ensure that all people are spaced at least six (6) feet apart. Instructors may come within six (6) feet of students for brief periods of time (less than 15 minutes).
  - vii. Promote frequent use of hand washing and hand sanitizer for workers and customers. Require workers to wash hands immediately upon reporting to work, after contact with customers, after performing cleaning and disinfecting activities, and frequently throughout the day.
  - viii. Disinfect all shared equipment between users with an EPA-approved disinfectant for SARS-CoV-2 (the virus that causes COVID-19). Allow the disinfectant to sit for the adequate amount of time stated by the manufacturer. If customers are to clean equipment, the establishment must provide instructions on how to properly disinfect equipment and on the adequate amount of time that the disinfectant must sit to be effective.
  - ix. Increase disinfection during peak times or high-population-density times.
  - x. Mark six (6) feet of spacing in lines at point of sale and in other high-traffic areas for customers.
  - xi. Follow the Core Signage, Screening, and Sanitation Requirements as defined in this Executive Order.
- c. Meetings at Fitness Facilities. Meeting halls, conference rooms, amphitheaters, multipurpose rooms, and other gathering spaces within fitness facilities are limited to the Mass Gathering limits of twenty-five (25) people indoors or fifty (50) people outdoors

- d. Entertainment and Sporting Events in Fitness Facilities. Spectators at any entertainment or sporting event in a gym or other fitness facility under this Section are subject to the Mass Gathering Limit described in Section 7 of this Executive Order.
- e. Uses of Gyms That Previously Were Excepted. The indoor areas of gyms and other fitness facilities could previously be utilized, pursuant to NCDHHS guidance and previous executive orders, under exceptions for collegiate or professional athletes and for people prescribed or directed to use the indoor areas of gyms or fitness facilities by a medical professional. These previous exceptions are no longer in place under this Executive Order, and these uses must take place under the capacity and other restrictions stated above.

9. Museums and Aquariums.

- a. Museums and aquariums may open.
- b. All operators of open museums or aquariums must meet the following requirements:
  - i. Limit the number of customers in the museum or aquarium to fifty percent (50%) of stated fire capacity (or, for spaces without a stated fire capacity, no more than 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 or guests) and ensure people are able to social distance and remain 6 feet away from groups other than those in their households.
  - ii. Limit visitors to each room within a museum or aquarium such that they do not exceed the Mass Gathering limit. Restaurants located within museums and aquariums are subject to the Emergency Maximum Occupancy and other requirements on restaurants in Subsection 6(3) of this Executive Order.
  - iii. Post signage reminding attendees, customers, and workers about social distancing (staying at least six (6) feet away from others) and requesting that people who have been symptomatic with fever and/or cough not enter.
  - iv. Conduct daily symptom screening of workers, using a standard interview questionnaire of symptoms, before workers enter the workplace.
  - v. Immediately isolate and remove sick workers.
  - vi. Perform frequent and routine environmental cleaning and disinfection of high-touch areas with an EPA-approved disinfectant for SARS-Co V-2 (the virus that causes COVID-19).

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| Executive Order 163 Section 7 - <b>Mass Gatherings</b> |
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For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

1. Prohibition on Mass Gatherings.

- a. Prohibition. Mass Gatherings are prohibited. “Mass Gathering” means an event or convening that brings together more than twenty-five (25) people indoors or more than fifty (50) people outdoors at the same time in a single confined indoor or outdoor space, such as an auditorium, stadium, arena, or meeting hall. This includes parades, fairs, and festivals. In publicly accessible indoor facilities, the Mass Gathering limit applies per room of the facility. The outdoor Mass Gathering limit of fifty (50) people applies to groups of people that may gather together in an outdoor setting like a park, and on a beach or trail.
- b. Exceptions from Prohibition on Mass Gatherings. Notwithstanding Subsection 7(1 )(a) above:
  - i. The prohibition on Mass Gatherings does not apply to any of the restricted businesses and operations identified in Section 6 of this Executive Order, except 17 as specifically stated above, because in those situations, transmission of COVID-19 will be controlled through the measures specifically tailored for each situation that are listed in those Sections. The prohibition on Mass Gatherings also does not apply to educational institutions or government operations.
  - ii. 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. However, in those 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 minimal contact between people.

## **2. Parks, Trails, and Beaches**

- a. Application of Mass Gathering Limit to These Spaces. Each group of people within an outdoor park, trail, or beach must be limited so that the group, counted on its own, does not exceed the Mass Gathering limit.
- b. Requirements for Park Operators. All operators of open public or private parks must meet the following requirements:
  - i. Post signage reminding attendees, customers, and workers about social distancing (staying at least six (6) feet away from others) and requesting that people who have been symptomatic with fever and/or cough not enter.
  - ii. Conduct daily symptom screening of workers, using a standard interview questionnaire of symptoms, before workers enter the workplace.
  - iii. Immediately isolate and remove sick workers.
  - iv. 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).
- c. Playgrounds. Playgrounds may resume operation. Indoor playgrounds must follow the capacity requirements of this Executive Order for gyms and fitness facilities.

3. **Drive-Ins.** Events are not prohibited Mass Gatherings if the participants all stay within their vehicle, such as at a drive-in movie theater.
4. **Receptions, Events, or Parties.** Receptions, events, or parties, like other events or convening(s) which are not accepted from the prohibition on Mass Gatherings, are limited to the Mass Gathering limit of twenty-five (25) people indoors or fifty (50) people outdoors.

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| Executive Order 163 Section 8 - <b>Orders of Closure</b> |
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For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

**1. Entertainment Facilities.**

- a. In addition to the restrictions on Mass Gatherings identified in Section 7 of this Executive Order, the following 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 the following entertainment facilities may operate solely for retail or dining, but those components must comply with the restrictions set out in Section 6 of this Executive Order.
- b. Entertainment facilities restricted by this Subsection are places where the purpose is to engage in primarily passive forms of entertainment and any fitness benefit is largely incidental. Entertainment facilities restricted by this Subsection include, but are not limited to, the following types of businesses:
  - i. Bingo parlors, including bingo sites operated by charitable organizations
  - ii. Bridge clubs
  - iii. Movie theaters ( except for drive-in theaters, and except for movies shown in a park or other open outdoor space which complies with the Mass Gathering restrictions)
  - iv. Bars or lounges (such as cigar bars and hookah lounges) in which tobacco or related products are consumed on premises
  - v. 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)
  - vi. Pool halls, billiard parlors, and billiard rooms
  - vii. Amusement parks (as defined in Section 1 of this Executive Order)
  - viii. Tour buses, tour trains, or other scenic and sightseeing transportation that is conducted not to go from one place to another place, but for amusement
  - ix. Bars (as defined in Section 1 of this Executive Order)
  - x. Night clubs, dance halls, or music halls where patrons are not seated

Any fitness facility, restaurant, pool, or other facility opened under Section 6 above is not an entertainment facility closed under this Section 8 of this Executive Order.

Entertainment areas within establishments that are open must remain closed. For example, a museum that is open under Subsection 6(9) above may not open an on-site movie theater or amusement devices.

- 2. Limitations of this Executive Order.** This Executive Order solely directs that bars are not to serve alcoholic beverages for onsite consumption, and 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. **ABC Commission.** 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 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.

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| Executive Order 163 Section 9 - <b>Entertainment and Sporting Events in Large Venues</b> |
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1. **Intent.** The intent of this Section is to permit venues to hold sporting or entertainment events if the venue is of sufficient size to allow people to flow in and out of the venue in a way that would avoid creating a risk of spreading COVID-19.
2. **Exception.** Therefore, as an exception to the closure of entertainment facilities in Section 8 above, an entertainment or sporting venue with at least two entrances and exits and a stated fire capacity of at least five hundred (500) may hold a performance by entertainers, performers, or athletes. The venue must control the flow of people through lobbies and other common spaces to allow social distancing and avoid the spread of COVID-19.
3. **Treatment under Mass Gathering Limit.** In this situation, and only in this situation: (1) entertainers, performers, and athletes, along with coaches, training, support, and broadcast staff, shall not count toward the Mass Gathering limit and (2) employees and other workers at facilities where entertainment and sporting events occur also shall not count toward the Mass Gathering limit.
4. **Restrictions on Spectators.** Spectators or other attendees at any sporting or entertainment events allowed under this Section must be no more than the Mass Gathering limit of twenty-five (25) people indoors or more than fifty (50) people outdoors. Moreover, any entertainers or athletes must stay six (6) feet away from spectators.
5. **Requirements for Large Venue Operators.** Any venue operator subject to this Section allowing an event permitted by this Section shall:
  - a. Follow the Core Signage, Screening, and Sanitation Requirements as defined in this Executive Order.
  - b. Increase disinfection during peak times or high customer density times, and disinfect all shared objects (e.g., payment terminals, tables, countertops/bars, receipt trays, condiment holders) between uses.
  - c. Immediately isolate and remove sick workers.
  - d. Any food service at sporting or entertainment events must comply with the restrictions set out in Subsection 6(3) of this Executive Order. Bars at sporting or entertainment events must remain closed.

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## COVID-19 GUIDANCE – FOR BUSINESSES & ADDITIONAL RESOURCES

### Phase 2 and 2.5 – NCDHHS

- [Safer At Home Phase 2.5 FAQs](#)
- [Guidance on Wearing Face Coverings](#)
- [Phase 2 Public Health Guidance](#)
- FAQs on Cloth Face Coverings ([English](#), [Spanish](#))
- NCDHHS Checklist for Business Owners ([English](#), [Spanish](#))
- Signage for Businesses
  - Know Your W's (English - [Full Color](#), [Black-White](#); Spanish - [Full Color](#), [Black-White](#))
  - Maximum Occupancy (English - [Full Color](#), [Black-White](#); Spanish - [Full Color](#), [Black-White](#))
- Stay Strong Flyer (English - [Full Color](#), [Black-White](#); Spanish - [Full Color](#), [Black-White](#))
- Symptom Screening Checklist ([English](#), [Spanish](#))
- NCDHHS guidance for [businesses](#)
- [Prevent and Protect Toolkit](#) - social media posts, videos, flyers and more
- [COVID-19 Federal Rural Resource Guide](#)
- Information from NCDHHS for [restaurants and bars](#)

### Restrictions at a Glance

|                     | Phase 1   | Phase 2 (current restrictions)  | Phase 2.5 Changes (effective 5 p.m. Sept. 4)      |
|---------------------|---|---|---|
| Commercial activity | People should only leave home for essential purposes (e.g., food, medicine) | More businesses are open  | No change   |
| Retail              | 50% capacity allowed with cleaning and social distancing                    | 50% capacity allowed with cleaning and social distancing; <a href="#">view guidance</a> | No change   |
| Gatherings          | 10-person limit; gathering outdoors with friends allowed                    | 10-person limit indoors; 25-person limit outdoors                                       | 25-person limit indoors; 50-person limit outdoors |
| Child care          | Child care centers open for working parents or those looking for work       | Open for all children; <a href="#">view guidance</a>                                    | No change   |
| Teleworking         | Encouraged  | Encouraged  | No change   |
| Restaurants         | Take-out and delivery   | 50% capacity; <a href="#">view guidance</a>   | No change   |

|  | Phase 1     | Phase 2 (current restrictions)                               | Phase 2.5 Changes (effective 5 p.m. Sept. 4) |
|--|-------------|--|--|
| Bars and nightclubs                          | Closed      | Closed   | No change                                    |
| Barbers, salons and personal-care businesses | Closed      | 50% capacity; <a href="#">view guidance</a>                  | No change                                    |
| Theaters, indoor music venues, etc.          | Closed      | Closed   | No change                                    |
| Bowling alleys, skating rinks                | Closed      | Closed   | 30% capacity; <a href="#">view guidance</a>  |
| Museums and aquariums                        | Closed      | Closed   | 50% capacity                                 |
| Gyms and fitness studios                     | Closed      | Closed   | 30% capacity; <a href="#">view guidance</a>  |
| Large venues, arenas and stadiums            | Closed      | Open but with restrictions; <a href="#">view guidance</a>    | No change                                    |
| Playgrounds                                  | Closed      | Closed   | Open   |
| Pools  | Closed      | Open but with restrictions; <a href="#">view guidance</a>    | No change                                    |
| Day camps                                    | Closed      | Open but with restrictions; <a href="#">view guidance</a>    | No change                                    |
| Long-term care visitation                    | Not allowed | Restricted, except for certain compassionate care situations | No change                                    |

|                        | Phase 1            | Phase 2 (current restrictions)   | Phase 2.5 Changes (effective 5 p.m. Sept. 4) |
|------------------------|--------------------|--|--|
| State parks and trails | Opening encouraged | Opening encouraged   | No change                                    |
| Face coverings         | Encouraged         | Required under <a href="#">Executive Order 147</a> ; <a href="#">view guidance</a> | No change                                    |