

# State of North Carolina

**ROY COOPER**  
GOVERNOR

June 24, 2020

**EXECUTIVE ORDER NO. 147**

**EXTENSION OF PHASE 2 ORDER AND  
NEW MEASURES TO SAVE LIVES IN THE COVID-19 PANDEMIC**

## Background Statement

### The COVID-19 Public Health Emergency

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

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

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

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

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

**WHEREAS**, more than fifty-six thousand people in North Carolina have had laboratory-confirmed cases of COVID-19, and more than twelve hundred people in North Carolina have died from the disease; and

### The Need to Extend Executive Order No. 141

**WHEREAS**, hospital administrators and health care providers have expressed concerns that unless the spread of COVID-19 is limited, existing health care facilities may be insufficient to care for those who become sick; and

**WHEREAS**, slowing and controlling community spread of COVID-19 is critical to ensuring that the state's healthcare facilities remain able to accommodate those who require medical assistance; and

**WHEREAS**, in Executive Order No. 141, issued on May 20, 2020, the undersigned urged that all people in North Carolina follow social distancing recommendations, including that everyone wear a cloth face covering, wait six (6) feet apart and avoid close contact, and wash hands often or use hand sanitizer; and

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

**WHEREAS**, North Carolina's daily case counts of COVID-19 are continuing to increase, the percent of COVID-19 tests that are positive has not decreased, emergency department visits for COVID-19 illnesses are increasing, and hospitalizations for COVID-19 are increasing, which require the undersigned to continue the measures of Executive Order No. 141—and impose additional measures—to slow the spread of this virus during the pandemic; and

**WHEREAS**, a phased approach to reigniting the economy and reducing restrictions on businesses and activities – with some businesses and activities that pose a risk for COVID-19 spread remaining closed— is necessary to slow the spread of COVID-19, since the operation of each group of businesses and the loosening of each restriction on businesses or activities adds incremental risk and thereby increases the aggregate risk of spread of COVID-19; and

#### Face Coverings

**WHEREAS**, face coverings can decrease the spread of respiratory droplets from people, and evidence has grown, showing in numerous recent studies that the use of face coverings decreases the spread of COVID-19 within populations; and

**WHEREAS**, in Executive Order No. 141, the undersigned required that workers in personal care, grooming, and tattoo businesses wear cloth face coverings to reduce the spread of COVID-19; and

**WHEREAS**, to prevent the spread of COVID-19, and thereby to potentially save lives, the undersigned has determined that face coverings must now be required for workers in additional business segments; and

**WHEREAS**, the undersigned strongly recommends that all people over the age of two (2) in North Carolina should wear a face covering to reduce the spread of COVID-19; and

**WHEREAS**, some people have medical or behavioral health issues, disabilities, or other reasons that mean they should be excepted from wearing a face covering, and this Executive Order puts North Carolinians on the honor system to identify if they are within one of the exceptions to face covering requirements and should not wear a mask; and

**WHEREAS**, under this Executive Order, face coverings are required in many types of businesses, but businesses have the discretion to accommodate people who cannot wear face coverings by serving them at curbside, using home delivery, or using other means to protect against the spread of COVID-19; and

**WHEREAS**, all people over the age of two (2) in North Carolina should use a face covering to reduce the spread of COVID-19, but some populations may experience increased anxiety and fear of bias and being profiled if wearing face coverings in public spaces; and

**WHEREAS**, if someone is the target of ethnic or racial intimidation as the result of adhering to the face covering provision or as a result of the pandemic, they are encouraged to report the matter to law enforcement or another government entity; and

Expanding Capacity to Respond to COVID-19

**WHEREAS**, since the issuance of executive orders to slow the spread of COVID-19, North Carolina has increased its capacity to treat COVID-19, its capacity for testing and tracing, and the availability of PPE; and

**WHEREAS**, since the declaration of a state of emergency in Executive Order 116, North Carolina has accumulated increased PPE for health care workers and first responders, has developed health care protocols and procedures for the treatment of COVID-19, and has adopted recommendations to promote social distancing and hygiene measures that reduce transmission of COVID-19; and

**WHEREAS**, the state's ability to conduct testing of individuals is vital to the effort to slow the community spread of COVID-19; and

**WHEREAS**, historically marginalized populations, including persons of color and Latinx individuals are disproportionately affected by COVID-19, and may have more trouble accessing COVID-19 testing; and

**WHEREAS**, the undersigned issued Executive Order No. 143 addressing the impact of COVID-19 on persons of color; and

**WHEREAS**, the State Health Director has been assigned authority by the Secretary of the North Carolina Department of Health and Human Services ("NCDHHS"), pursuant to N.C. Gen. Stat. § 130A-3, to exercise authorities under N.C. Gen. Stat. § 130A-5, including to investigate the causes of communicable disease affecting the public health in order to control and prevent those diseases, to provide, under the rules of the North Carolina Commission for Public Health, for the prevention, detection, reporting, and control of communicable diseases, and to develop and carry out health programs necessary for the protection and promotion of the public health and the control of diseases; and

**WHEREAS**, a state-wide standing order for COVID-19 testing will remove barriers and increase access to testing for historically marginalized and underserved populations and other individuals who do not have access to a primary care physician and facilitate widespread community testing, testing of high-risk populations, and high through-put testing sites; and

Statutory Authority and Determinations

**WHEREAS**, Executive Order No. 116 invoked the Emergency Management Act, and authorizes the undersigned to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(2), the undersigned may make, amend, or rescind necessary orders, rules, and regulations within the limits of the authority conferred upon the Governor in the Emergency Management Act; and

**WHEREAS**, N.C. Gen. Stat. § 166A-19.10(b)(3) authorizes and empowers the undersigned to delegate Gubernatorial vested authority under the Emergency Management Act and to provide for the sub-delegation of that authority; and

**WHEREAS**, N.C. Gen. Stat. § 166A-19.10(b)(4) gives the undersigned the authority to "cooperate and coordinate" with the President of the United States; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.12(3)(e), the Division of Emergency Management must coordinate with the State Health Director to revise the North Carolina Emergency Operations Plan as conditions change, including making revisions to set "the appropriate conditions for quarantine and isolation in order to prevent the further transmission of disease," and following this coordination, the Emergency Management Director and the State Health Director have recommended that the Governor develop and order the plan and actions identified in this Executive Order; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.23 in conjunction with N.C. Gen. Stat. §§ 75-37 and 75-38, the undersigned may issue a declaration that shall trigger the prohibitions against excessive pricing during states of disaster, states of emergency or abnormal market disruptions; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), the undersigned may utilize all available state resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of state agencies or units thereof for the purpose of performing or facilitating emergency services; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the undersigned may take such action and give such directions to state and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of the Emergency Management Act and with the orders, rules, and regulations made thereunder; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(i), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because not all local authorities have enacted such appropriate ordinances or issued such appropriate declarations restricting the operation of businesses and limiting person-to-person contact, thus needed control cannot be imposed locally; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(ii), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because some but not all local authorities have taken implementing steps under such ordinances or declarations, if enacted or declared, in order to effectuate control over the emergency that has arisen; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(iii), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because the area in which the emergency exists spreads across local jurisdictional boundaries and the legal control measures of the jurisdictions are conflicting or uncoordinated to the extent that efforts to protect life and property are, or unquestionably will be, severely hampered; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(iv), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection of lives and property of North Carolinians because the scale of the emergency is so great that it exceeds the capability of local authorities to cope with it; and

**WHEREAS**, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(1) authorizes the undersigned to prohibit and restrict the movement of people in public places; and

**WHEREAS**, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(2) authorizes the undersigned to prohibit and restrict the operation of offices, business establishments, and other places to and from which people may travel or at which they may congregate; and

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

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

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), during a Governorially declared State of Emergency, the undersigned has the power to “give such directions to State and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of this Article.”

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, and for the reasons and pursuant to the statutes listed above and in Executive Order No. 141, **IT IS ORDERED:**

**Section I. Extension and Amendment of Phase 2 Order.**

Executive Order No. 141 shall remain in effect, as amended below, until 5:00 pm on July 17, 2020. The effective date provision of Executive Order No. 141 is amended to have that order continue in effect through the above-listed time and date.

**Section II. New Requirements to Wear Face Coverings.**

Executive Order No. 141 is amended to add the following section.

**Section 3.5. Face Coverings.**

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

A. **Definitions.** “**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. “**Surgical Mask**” means American Society for Testing and Materials (“ASTM”) Level 1, 2, or 3 approved procedural and surgical masks. An N95 respirator approved by the National Institute for Occupational Safety and Health (“NIOSH”) (or a respirator from another country allowed by the Occupational Safety & Health Administration, the Food & Drug Administration, or the CDC) 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. A face shield that covers the nose and mouth also meets the Face Covering requirements of this Executive Order.

B. **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.

1. **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.
2. **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.
3. **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.

4. **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 eleven (11) years or older on site wear Face Coverings when they are or may be within six (6) feet of another person.
5. **In State Government.** State government agencies headed by members of the Governor's Cabinet 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.

6. **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.

7. **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 must wear Face Coverings when they are or may be within six (6) feet of another person.
8. **In Meat or Poultry Processing Plants.** All workers in any meat or poultry processing plant, packing plant, or slaughterhouse 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.
9. **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.
10. **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 \(COVID-19\)](#).

C. **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:

1. 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);
2. Is under eleven (11) years of age;
3. Is actively eating or drinking;
4. Is strenuously exercising;
5. Is seeking to communicate with someone who is hearing-impaired in a way that requires the mouth to be visible;
6. Is giving a speech for a broadcast or to an audience;
7. Is working at home or is in a personal vehicle;
8. Is temporarily removing his or her Face Covering to secure government or medical services or for identification purposes;
9. Would be at risk from wearing a Face Covering at work, as determined by local, state, or federal regulations or workplace safety guidelines;
10. Has found that his or her Face Covering is impeding visibility to operate equipment or a vehicle; or
11. Is a child whose parent, guardian, or responsible person has been unable to place the Face Covering safely on the child's face.

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.

D. **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.

E. **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.

F. **Enforcement of Face Covering Requirements.**

1. 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' statements about whether or not they are excepted from the Face Covering requirements, and businesses and organizations do not violate this Executive Order if they rely on such statements.
2. Law enforcement personnel are not authorized to criminally enforce the Face Covering requirements of this Executive Order against individual workers, customers, or patrons.
3. 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.

Section 15(A) of Executive Order No. 141 is amended to read:

- A. Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the provisions of this Executive Order shall be enforced by state and local law enforcement officers. Enforcement of Section 3.5 shall be limited as stated in that Section. Law enforcement and other public safety and emergency management personnel are strongly encouraged to educate and encourage voluntary compliance with all the provisions of this Executive Order.

Section 1(4) of Executive Order No. 141 is amended to read, “‘Face Covering’ is defined in Section 3.5(A).”

Section 6(A) of Executive Order No. 141 is amended to read as follows:

- A. **Prohibition.** To control the spread of COVID-19 and protect lives during the State of Emergency, Section 3.5 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 3.5 or this Section are prohibited from operating unless they follow any applicable restrictions stated in Section 3.5 and this Section.

Sections 6(C)(2)(c), 6(D)(2)(c), and 6(D)(3) of Executive Order No. 141 are removed, since the substance of those provisions has been replaced with new Section 3.5 above.

### **Section III. Increase Access to COVID-19 Testing Through a Statewide Standing Order.**

Executive Order No. 141 is amended to add the following additional section.

#### **Section 9.5. Statewide Standing Order for COVID-19 Testing.**

In order to further protect the public health by providing greater access to COVID-19 testing, the undersigned orders the State Health Director, in addition to and in accordance with her powers set out in N.C. Gen. Stat. Chapter 130A, to issue any statewide standing order needed in her medical judgment that would allow individuals who meet NCDHHS criteria for testing to access and undergo testing for COVID-19, subject to the terms of the standing order. This standing order may continue for the duration of the State of Emergency.

### **Section IV. More Precisely Tailored Mitigation Measures for Long Term Care.**

Section 10(B) of Executive Order No. 141 and Section 7 of Executive Order No. 138 are removed and replaced by the following provision added to Executive Order No. 141.

#### **Section 10.5. Limitations on Certain Long Term Care Facilities.**

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

- A. **Scope of this Section.** This Section applies only to skilled nursing facilities (SNF) and combination homes (combined skilled nursing and assisted living facilities).
- B. **Limitations.** Facilities within the scope of this Section shall restrict visitation of all visitors and non-essential health care personnel, except for certain compassionate care situations, such as an end-of-life situation. Facilities within the scope of this Section shall also cancel communal dining and all group activities, including internal and external activities.



**Section V. Extension of Price Gouging Period.**

Section 11 of Executive Order No. 141 is amended to read as follows:

Pursuant to N.C. Gen. Stat. § 166A-19.23, the undersigned extends the prohibition against excessive pricing, as provided in N.C. Gen. Stat. §§ 75-37 and 75-38, from the issuance of Executive Order No. 116 through 5:00 pm on July 17, 2020.

The undersigned further hereby encourages the North Carolina Attorney General to use all resources available to monitor reports of abusive trade practices towards consumers and make readily available opportunities to report to the public any price gouging and unfair or deceptive trade practices under Chapter 75 of the North Carolina General Statutes.

**Section VI. Effective Date.**


This Executive Order is effective at 5:00 pm on June 26, 2020. This Executive Order shall remain in effect through 5:00 pm on July 17, 2020 unless repealed, replaced, or rescinded by another applicable Executive Order. An Executive Order rescinding the Declaration of the State of Emergency will automatically rescind this Executive Order.

Notwithstanding any provision of this Section and Section 16 of Executive Order No. 141, any statewide standing order for COVID-19 testing issued by the State Health Director under Section 9.5 of Executive Order No. 141 (as added by Section III of this Executive Order) shall remain in effect for the duration of the State of Emergency unless specifically repealed, replaced, or rescinded.

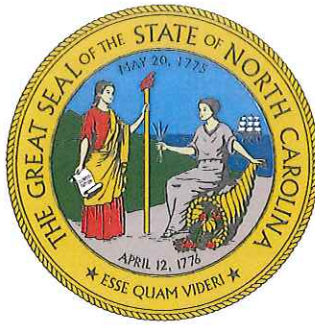
**IN WITNESS WHEREOF**, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 24th day of June in the year of our Lord two thousand and twenty.

  
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Roy Cooper  
Governor

ATTEST:

  
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Elaine F. Marshall  
Secretary of State





## Frequently Asked Questions for Executive Order No. 147 June 24, 2020

This Frequently Asked Questions (“FAQ”) document provides guidance for the implementation of Executive Order No. 147 (“Order”). The Order extends North Carolina’s “Safer At Home Phase 2” through 5:00 pm on July 17, 2020 with additional amendments to protect public health. This information is subject to change in light of new guidance from public health studies and the Centers for Disease Control and Prevention (“CDC”) and additional Executive Orders or local government declarations.

### Extending Phase 2

#### **Why is North Carolina extending Safer at Home Phase 2?**

The Governor and public health officials remain guided by science, data, and facts in making decisions regarding COVID-19. Since moving into Phase 2 on May 22, 2020, several key metrics have been trending in a concerning direction.

North Carolina’s daily number of positive COVID-19 tests are continuing to increase; the percent of COVID-19 tests that are positive has remained high; emergency department visits for COVID-19 like illnesses are increasing; and hospitalizations for COVID-19 continue to increase. Doctors, public health officials, hospital administrators, and health care providers are concerned that unless the spread of COVID-19 is limited, existing health care facilities may not have the capacity to care for those who become sick.

Additionally, Dr. Anthony Fauci, Director of the National Institute of Allergy and Infectious Diseases, testified before Congress on June 23, 2020 that the “next couple weeks are going to be critical” in the country’s ability to address increasing rates of COVID-19 infection.

In order to address these troubling metrics and slow the spread of COVID-19, North Carolina is continuing the measures of Executive Order No. 141, “the Phase 2 Executive Order” for an additional three weeks – and is imposing a face covering requirement – to slow the spread of this virus during the pandemic.

#### **How long will North Carolina be in Safer at Home Phase 2?**

The state will continue to be in Phase 2 until 5:00 pm on July 17, 2020.

#### **What is changing in Safer at Home Phase 2?**

Face coverings will be required in public places with some exceptions.

### What stays the same in Safer at Home Phase 2?

All aspects of Phase 2 as delineated in Executive Order No. 141 remain in place, including:

- Certain businesses may be open with restrictions and following state health guidelines, including: restaurants; child care businesses; overnight and day camps; personal care; grooming, massage, and tattoo businesses; and indoor and outdoor pools;
- People may gather together for social purposes, so long as they do not exceed the mass gathering limit of 10 people indoors and 25 people outdoors;
- Sporting and entertainment events may occur in large venues for broadcast to the public, so long as the number of spectators at the events is limited to the mass gathering limit of 10 people indoors and 25 people outdoors.
- Public playgrounds remain closed;
- Bars and nightclubs remain closed;
- Movie theaters, museums, bowling alleys, amusement parks, arcades, and skating rinks remain will closed;
- Bingo parlors and other gaming establishments will remain closed;
- Teleworking continues to be encouraged whenever possible;
- Visitation in skilled nursing homes and combination homes remains restricted except for certain compassionate care situations; and
- The following facilities that operate within an indoor space remain closed: martial arts facilities, dance studios, trampoline and rock-climbing facilities, roller skating rinks, ice skating rinks, and basketball courts.

### Face Coverings

#### Does this Order require North Carolinians to wear face coverings?

Yes. People are now required to wear face coverings in public spaces, whether inside or outside, where physical distancing of six feet is not possible. This includes but is not limited to:

- *Retail Businesses:* Retail businesses must have all workers wear face coverings. Retail businesses must also have all customers wear face coverings when they are inside the establishment and may be within six feet of another person, unless the customer comes under an exception identified in the Order. If a customer states that an exception applies, the retailer should try to make an accommodation. The business may choose to provide curbside service, provide home delivery, allow the customer to enter without a face covering, or use some other reasonable measure to deliver goods.
- *Restaurants:* Restaurants must have all workers wear face coverings. Restaurants must also have all customers wear face coverings when not at their table, unless the customer comes under an exception identified in the Order.
- *Personal Care, Grooming, and Tattoo Businesses:* Personal care, grooming, and tattoo businesses must have workers wear face coverings. These businesses must also have all customers wear face coverings when they are inside the establishment and may be within feet of another person, unless an individual

has an exception as outlined in the Order. If a customer states that an exception applies, the business may choose to have the customer wait outside for his or her appointment rather than sitting in a waiting room. 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.

- *Child Care Facilities:* Child care, day camps, and overnight camps must have workers and all other adults wear face coverings. All children eleven years and older must also wear face coverings on site unless they have an exception. Children under two should not wear a face covering.
- *State Government Employees:* State government agencies headed by members of the Governor's Cabinet must have their on-site workers wear face coverings. Other state and local government agencies are strongly encouraged to adopt similar policies.
- *Transportation:* All workers and riders on public or private vehicles, as well as all people in North Carolina airports, bus and train stations or stops, must wear face coverings. Passengers will not be denied access to public transportation for failure to use face coverings. This provision does not apply to people traveling alone with household members or friends in their personal vehicles, but does apply to ride-shares like Ubers and Lyfts, cabs, vans, and shuttles, even if the vehicles are privately owned.
- *Manufacturing, Construction Sites, Agricultural Settings:* Social distancing is difficult where multiple workers are together in manufacturing settings, at construction sites, and in migrant farm, other farm, and agricultural settings. This Order specifies that manufacturing, construction, and agriculture businesses or operations must require workers to wear face coverings.
- *Meat or Poultry Processing Plants:* All workers in any meat or poultry processing plant, packing plant, or slaughterhouse must wear surgical masks, as long as surgical mask supplies are available. If surgical masks are not available, cloth face coverings must be provided.
- *Long Term Care Facilities:* All workers in long term care (LTC) facilities, including skilled nursing facilities, adult care homes, family care homes, mental health group homes, and intermediate care facilities for individuals with intellectual disabilities, must wear surgical masks while in the facility, as long as surgical mask supplies are available.

Health care facilities other than LTC facilities must follow the face covering requirements in the [CDC Infection Control Guidance for Healthcare Professionals about Coronavirus](#).

The NC Department of Health and Human Services (NCDHHS) has released guidance to the general public on the use of face coverings, and will make signage available to businesses. Guidance and signage are available at: [https://covid19.ncdhhs.gov/guidance - phase-2-easing-of-restrictions](https://covid19.ncdhhs.gov/guidance-phase-2-easing-of-restrictions).

### **What are some of the exceptions for wearing face coverings?**

A face covering does not need to be worn by a worker, customer, or patron who meets one of the following exceptions:

- 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);
- Is under eleven years of age;
- Is actively eating or drinking;
- Is strenuously exercising;
- Is seeking to communicate with someone who is hearing-impaired in a way that requires the mouth to be visible;
- Is giving a speech for a broadcast or to an audience;
- Is working at home or is in a personal vehicle;
- Is temporarily removing his or her face covering to secure government or medical services or for identification purposes;
- Would be at risk from wearing a face covering at work, as determined by local, state, or federal regulators or workplace safety guidelines;
- Has found that their face covering is impeding visibility to operate equipment or a vehicle; and/or
- Is a child whose parent, guardian, or responsible person has been unable to place the face covering safely on the child's face.

No proof or documentation is required if an individual falls into an exception category.

### **What is a cloth face covering?**

A cloth face covering is a material that covers the nose and mouth. It can be secured to the head with ties or straps or simply wrapped around the lower face. It can be made of a variety of materials, such as cotton, silk, or linen. A cloth face covering may be factory-made or sewn by hand or can be improvised from household items such as scarfs, T-shirts, sweatshirts, or towels. Ideally, a face covering has two or more layers. These face coverings are not intended for use by healthcare providers in the care of patients. Surgical Masks, Procedure Masks, and N95 respirators are not recommended for general public use or use in community settings, as these should be reserved for specific high-risk occupational settings, healthcare providers and other medical first responders in a health care setting.

### **When should I wear a cloth face covering?**

You should wear face coverings when in public places, particularly when those locations are indoors or in other areas where physical distancing is not possible. Under this Order, face coverings are required in retail businesses, restaurants, personal care and grooming businesses, and several other settings.

**How should I wear a cloth face covering?**

Be sure to place the face covering over your nose and your mouth and keep it in place at all times while you wear it. Be careful not to touch your eyes, nose, and mouth when removing or adjusting a face covering and wash hands immediately after removing or adjusting.

**How should I care for a cloth face covering?**

Wash your cloth face covering frequently, ideally after each use, or at least daily. Have a bag or bin to keep cloth face coverings in until they can be laundered with detergent and hot water and dried on a hot cycle. If you must re-wear your cloth face covering before washing, wash your hands immediately after putting it back on and avoid touching your face. Discard cloth face coverings that:

- No longer cover the nose and mouth;
- Have stretched out or damaged ties or straps;
- Cannot stay on the face; and/or
- Have holes or tears in the fabric.

**How well do cloth face coverings work to prevent spread of COVID-19?**

Scientific evidence suggests that use of cloth face coverings by the public during a pandemic can help reduce disease transmission. Cloth face coverings can reduce the release of infectious particles into the air when someone speaks, coughs, or sneezes. Cloth face coverings are not a substitute for staying six feet apart, washing hands, and staying home when ill.

**Do I need to wear a face covering while exercising or walking outdoors?**

No. If you are able to safely maintain at least six feet distance from others, you do not need to wear a face covering when exercising and walking outdoors.

**Should children wear cloth face coverings?**

Cloth face coverings should NOT be put on babies and children under the age of 2 because of danger of suffocation. Children over the age of 2 should wear cloth face coverings if they can reliably wear, remove, and handle cloth face coverings throughout the day.

**What if I am a person with hearing loss and am concerned about not being able to read lips?**

Deaf and Hard of Hearing people often use lipreading to help understand what those around them are saying. When people are wearing cloth face coverings, other communication strategies are needed. Try finding a cloth face covering that has a clear plastic area that allows the lips to be visible, writing notes back and forth, writing on a white board to communicate, using a free speech to text app on mobile

device, and gesturing - or if needed stepping several additional feet back from the person and removing face cloth face covering long enough to communicate.

**What if I am a person with, or I support someone with a disability who cannot wear a face covering?**

Some people may have trouble breathing or sensitivity to having something placed over their face. If you or someone you support is unable to wear a cloth face covering, be sure to take other steps to help avoid unnecessary exposure.

**What if I am worried about being profiled or being subjected to bias if I wear a cloth face covering?**

Some people may experience increased anxiety and fear of bias and being profiled wearing face coverings in public spaces - but wearing a cloth face covering protects your family, friends and neighbors. If you are the target of ethnic or racial intimidation as the result of adhering to the face covering provision or as a result of the pandemic, you are strongly encouraged to report the matter to law enforcement or other government entity. Everyone should be able to wear cloth face coverings without fear of profiling or bias, and any type of racial intimidation, profiling or bias for wearing a face covering should not be tolerated.

**Will children have to wear face coverings at day or overnight camps, and at child care?**

Children eleven years or older must wear face coverings at day or overnight camps when they are or may be within six feet of another person.

**Will children in K-12 public schools be required to wear cloth face coverings?**

Masks are required for all school staff and adult visitors, and all middle and high school students when they are or may be within 6 feet of another person, unless the person (or family member, for a student) states that an exception applies. Cloth face coverings must be worn by students and staff inside school buildings, and anywhere on school grounds, including outside. They will also be required while traveling on buses or other transportation vehicles. Cloth face coverings remain strongly encouraged for elementary school students, if appropriate for that child, but are not required for them.

**How will the face covering requirement be enforced?**

Citations related to this Order can be written 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' statements about whether or not they are exempt from the face covering requirements, and businesses and organizations do not violate this Order if they rely on customer or patron statements. Law enforcement personnel cannot criminally enforce the face covering requirements of this Order against individual workers, customers, or patrons.

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.

**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.

**What if I can't afford face coverings?**

If an individual cannot afford to buy face coverings, a cloth face covering may be sewn by hand or can be improvised from household items such as scarfs, T-shirts, sweatshirts, or towels.

**Other Topics**

**How does this 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.

**Do businesses have to report to the state, other employees, or customers when an employee tests positive? Do they have to close down?**

Businesses should work with their local health departments on contact tracing and cleaning recommendations. Some facilities, such as child care settings and schools, do have to report positive cases. [CDC guidance](#) addresses what businesses need to do if someone gets sick.

**What is the mass gathering limit?**

Gatherings of more than ten people in a single indoor space remains prohibited. In confined 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 like the right to attend a worship service. However, in these settings, people are strongly encouraged to follow the Three Ws (Wear a face covering, Wash hands, and Wait six feet apart from others), and should avoid congregating in groups.

**Are bars allowed to open?**

As under Executive Order 141, businesses that are principally engaged in the business of selling alcoholic beverages for onsite consumption remain closed in Phase 2.

**Are water parks allowed to be open?**

Water parks may be open to the extent they are operating pool facilities as defined under G.S. 130A-280, to include: plunge pools and run out lanes, wave pools, rapid rides, lazy rivers. However, they are not permitted to operate any "amusement device" as defined under § 95-111.3, which are regulated by the Department of Labor and include waterslides that exceed 15 feet of vertical drop.

**Are weddings and funerals allowed to be held?**

Yes. Even though there is no mass gathering limit 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 (Wear a face covering, Wash hands, and Wait six feet apart from others) to reduce the chance of spreading COVID-19.

**Are parades and fireworks shows allowed to be held?**

For parades and fireworks shows, no more than 25 spectators - the outdoor mass gathering limit - can gather in any confined place like a stadium or seating stand. Regardless of setting, people should socially distance to reduce COVID-19 spread.

**Are college and professional sports going to be able to play with fans/spectators?**

Spectators are allowed at entertainment or sporting venues, fitness events in indoor or outdoor gyms, exercise facilities, or fitness facilities, but must remain in compliance with the mass gathering limits and social distancing guidelines.

**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.

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

Yes, visitation in skilled nursing facilities and combination homes, which are nursing homes with assisted living facilities, is restricted to compassionate care situations.

**What if I want to report a business or group not adhering to this Order?**

You can report violations of this Order to your local law enforcement's non-emergency line. People should not call 911 if they wish to report a violation and are encouraged to use non-emergency lines only.