



## Frequently Asked Questions (“FAQ”) for Executive Order No. 195

February 24, 2021

This FAQ provides guidance for the implementation of Executive Order No. 195 (“Order”), which lifts a number of provisions of the Modified Stay at Home order and eases certain restrictions on businesses and gatherings. The Order increases the mass gathering limit for indoor gatherings, increases the capacity limits for certain businesses, and permits alcohol sales for on-site consumption until 11:00 p.m. While the Order eases certain restrictions, other public health restrictions remain in effect to continue to protect against the spread of the virus. The Order becomes effective February 26, 2021 at 5:00 p.m. Below are frequently asked questions (“FAQs”) and their answers. In addition, individuals should check with local governments to determine whether additional restrictions have been imposed in their local jurisdictions to limit the spread of COVID-19.

**This information is subject to change in light of new Centers for Disease Control & Prevention guidance and additional Executive Orders, further agency guidance, or local government declarations.**

### FAQs related to the Order

#### **Why are certain restrictions able to be relaxed at this time?**

Over the past month, North Carolina has experienced improvement in key COVID-19 metrics, including COVID-19 daily diagnoses, the percent of total COVID-19 tests that are positive, the number of emergency department visits that are due to COVID-like illnesses, and the number of COVID-19 associated hospitalizations. Due to public health measures taken within the state, enhanced knowledge of the COVID-19 virus by public health experts, and the persistence of North Carolinians in adhering to executive orders and public health guidance, it is necessary to continue with the “dimmer switch” approach in reopening the state.

#### **Are other public health precautions still in place?**

Yes. Because the state’s key COVID-19 metrics remain elevated, lives are still being lost to the virus, and the impact of the presence of new variants of the disease remains unknown, lifting some restrictions must continue to be done in a targeted,

safe, and phased manner to protect the health and safety of all North Carolinians. North Carolinians must still be vigilant in adhering to the 3 Ws and businesses must be persistent in practicing public health and safety protocols.

#### **When does this Order take effect?**

This Order takes effect on February 26, 2021 at 5:00 p.m. and will remain in effect until March 26, 2021 at 5:00 p.m., unless repealed, replaced, or rescinded.

#### **What are the major changes under this Order?**

Under this Order:

- The Night-Time Public Closure period for certain businesses and facilities is lifted. These establishments are no longer ordered to close to the public between 10:00 p.m. and 5:00 a.m.
- The Modified Stay at Home Order for individuals is lifted. Individuals no longer must stay at home or the place they will remain for the night between 10:00 p.m. and 5:00 a.m.
- Indoor areas of bars may reopen, subject to reduced capacity limits and other requirements.
- The curfew on alcohol sales remains in place but is modified to take effect at 11:00 p.m. instead of 9:00 p.m. The sale and service of alcoholic beverages is prohibited for on-site consumption between the hours of 11:00 p.m. and 7:00 a.m.
- Indoor areas of amusement parks may reopen, subject to reduced capacity limits and other requirements.
- Capacity limitations on certain businesses are increased, as detailed below.
- The mass gathering limit increases to 25 people indoors (and remains 50 people outdoors).

#### **What remains the same under this Order?**

Under this Order:

- The capacity limitations on certain businesses, sanitation standards, other public health restrictions, and [NCDHHS Guidance](#) remain in effect.
- A face covering is still required in all public indoor settings if there are non-household members present, regardless of the individual's ability to maintain social distance. Face coverings continue to be required in public outdoor settings if individuals are unable to maintain six feet of social distance from non-household members.

#### **What can I do to ensure my mask is as protective as possible?**

NCDHHS has additional recommendations to improve mask wearing based on guidance from the CDC. To ensure masks are as protective as possible, NCDHHS recommends that you:

- Make sure your mask fits snugly against your face and covers your nose and mouth. To help with a snug fit, you can use a mask with a metal strip along the top of the mask.

- Use two or more layers for your face covering. You can do this by wearing a cloth face covering with two or more layers or by wearing one disposable mask (sometimes referred to as a surgical mask or a medical procedure mask) underneath a cloth mask.
- Do not wear two disposable masks.
- Make sure you can see and breathe easily.

For additional information on how to improve mask wearing, please see updated guidelines from the [CDC](#).

### **What are the capacity limits under this Order?**

Executive Order No. 195 has two general categories of occupancy restrictions: 30% capacity and 50% capacity. Because indoor spaces have a higher risk of spread for COVID-19, indoor facilities in the 30%-occupancy category may not exceed two hundred fifty (250) people per indoor room or indoor space. However, indoor event venues with more than five thousand (5,000) seats may be excepted from the 250-person limit if they follow additional safety measures, but these facilities may not exceed fifteen percent (15%) of the stated fire capacity limit.

#### **30% Capacity Limit \*may not exceed 250-persons in indoor spaces\***

- Bars
- Meeting, Reception, and Conference Spaces
- Lounges (including tobacco) and Night Clubs
- Auditoriums, Arenas, and other venues for live performances
- Indoor areas of Amusement Parks
- Sports Arenas and Fields (includes professional, collegiate, and amateur)
- Movie Theatres
- Gaming Facilities

#### **50% Capacity Limit**

- Restaurants
- Breweries, Wineries, and Distilleries
- Recreation (e.g., bowling, skating, rock climbing)
- Outdoor areas of Amusement Parks
- Fitness and Physical Activity Facilities (e.g. gyms, yoga studios, fitness centers)
- Pools
- Museums and Aquariums
- Retail Businesses
- Salons, personal care and grooming businesses, tattoo parlors

**Do workers, entertainers, athletes, and other support staff count towards the capacity limits listed above?**

No.

**Are these businesses still required to follow public health and safety protocol?**

Yes. Establishments must follow the “Core Signage, Screening, and Sanitation Requirements” and any other specific health and safety measures outlined in the Order. Face coverings are required in public spaces, unless an exception applies, and all North Carolinians are strongly encouraged to follow the 3Ws- Wear a face covering, Wait at least 6 feet apart, and Wash your hands often!

### *Bars, Lounges, and Night Spots*

#### **May private bars open indoors and provide for the sale and service of alcoholic beverages?**

Yes, these establishments may open indoors at a 30% maximum occupancy limit. However, the establishment must not exceed 250 guests in any particular indoor room or other confined indoor space controlled by the establishment. Each group of guests must be spaced out by six (6) feet in all directions, and all guests must be seated.

#### **When must bars and other establishments stop serving alcoholic beverages?**

Bars, restaurants, and other establishments licensed to serve alcoholic beverages must cease the sale and service of alcohol for on-site consumption at 11:00 p.m. However, they are not required to close the establishment to customers at that time.

#### **May establishments authorized to sell mixed beverages “to-go” continue to continue to sell mixed alcoholic beverages “to-go”?**

Yes, under the provisions set forth in Executive Order No. 183, as extended by Executive Order No. 190, certain establishments specified in those Orders may continue to sell mixed alcoholic beverages to-go, subject to the terms of that Order. Please see the FAQ for Executive Order No. 190, available [here](#), for additional information.

#### **Must guests at bars, lounges, night clubs, and other venues for live performances remain seated?**

Yes, guests must remain seated unless entering or exiting, using amenities, visiting the restroom, or obtaining food or drinks.

#### **Are guests allowed to sit indoors at a bar counter?**

Yes. Guests may be seated at a bar counter but must be separated from other groups by six (6) feet.

### *Sports*

#### **Are spectators allowed at sporting events, including youth, high school, collegiate, and professional events?**

Yes, spectators are allowed both indoors and outdoors at sporting events. At outdoor sporting events, the facility must limit spectators to 30% of the facility’s stated fire capacity or 7 guests for every 1,000 square feet. At indoor sporting events, the facility must limit spectators to 30% of the stated fire capacity of each indoor room or space, with a maximum of 250 people allowed in each indoor room or space. Indoor sporting

event venues with more than five thousand (5,000) seats may be excepted from the 250-person limit if they follow additional safety measures, but these facilities may not exceed fifteen percent (15%) of fire capacity.

**Do the capacity limits for sporting events include the players, coaches, and officiants?**

No. These individuals are excluded from the capacity calculation.

**Are face coverings required at youth, high school, and amateur athletic events?**

Yes. Athletes over age five (5) are required to wear a face covering, unless an applicable exception applies.

**Are there additional requirements for larger venues with the capacity to seat 5,000 or more indoors and 10,000 or more outdoors?**

Yes. Larger indoor venues (5,000 seats or more) and larger outdoor venues (10,000 seats or more) must have a guest flow plan and have staff direct and monitor the flow of guests through common spaces and concourses. These larger venues must also use assigned seats and ensure, through the assigned seating, that each group of guests is physically separated from other groups by six feet in all directions.

With these additional safety measures, larger indoor venues may exceed the 250-person cap for indoor venues and admit guests up to 15% of fire capacity.

All outdoor venues, small and large, are subject to a 30% occupancy limit, with no 250-person cap.

### *Meetings Spaces, Receptions*

**What is the capacity limit for a wedding reception?**

A wedding reception, hosted in a reception hall, conference room, or other meeting space has a 30% maximum occupancy limit, not to exceed 250 people in any indoor space. Wedding ceremonies and other worship, religious, and spiritual gatherings are not subject to a limit on attendees, but guests are strongly encouraged to adhere to the 3 Ws (Wear a face covering, Wait at least 6 feet apart, and Wash your hands often!) while in attendance.

**Are guests required to be seated?**

Yes. These facilities must remain closed unless it is or becomes a seated establishment for Guests. Guests must remain seated, except to enter and leave, use amenities, visit the restroom, and obtain food or drink.

### *Outdoor events*

**What capacity restrictions apply to drive-in events?**

Drive-in events are not prohibited mass gatherings or otherwise subject to capacity limits if all participants stay within their vehicle, such as a drive-in movie theatre.

**Do outdoor festivals and concerts follow the mass gathering limit or other capacity limit?**

Outdoor parades, street fairs, and festivals are subject to the mass gathering limit of no more than fifty (50) individuals. However, concerts and other events held at outdoor venues for live performances are subject to a 30% occupancy limit or 7 guests for every 1,000 square feet.