



Frequently Asked Questions ("FAQ") for Executive Order No. 117

March 17, 2020

During a state of emergency, the Governor has the constitutional authority to perform and exercise functions, powers, and duties as are necessary to promote and secure the safety and protection of the civilian population. This FAQ provides guidance for the implementation of Executive Order No. 117 ("Order") <https://governor.nc.gov/documents/executive-order-no-117>. Individuals should check with local governments to determine whether additional restrictions have been imposed in local jurisdictions to limit the spread of COVID-19.

This information is subject to change in light of new CDC guidance and additional Executive Orders or local government declarations. For example, while the Order prohibits gatherings of more than 100 people, current CDC guidance recommends that for the next 8 weeks, organizers (whether groups or individuals) cancel or postpone in-person events that consist of 50 people or more throughout the United States. <https://www.cdc.gov/coronavirus/2019-ncov/community/index.html>. The North Carolina Department of Health and Human Services (DHHS) strongly recommends no mass gathering of more than 50 people. <https://www.ncdhhs.gov/divisions/public-health/coronavirus-disease-2019-covid-19-response-north-carolina>

Section 1(a) of the Order defines mass gathering "as any **event or convening** that brings together more than one hundred (100) persons in a single room or single space at the same time, such as an auditorium, stadium, arena, large conference room, meeting hall, theater, or any other confined indoor or outdoor space."

Section 1(a) is directed at organized events or a convening in a single space or single room.

Section 1(b) of the Order states "mass gathering does not include **normal operations** at airports, bus and train stations, medical facilities, libraries, shopping malls and centers, or other spaces where more than one hundred (100) persons may be gathered. It also does not include office environments, schools, restaurants, factories, grocery stores or other retail establishments."

Section 1(b) addresses situations where, under normal operating conditions, more than one hundred (100) people may be in the same location but not at a coordinated event or convening.

School closure is addressed in Section 2 of the Order.

Section 3 of the Order urges people to maintain social distancing recommendations of approximately 6 feet from other people whenever possible. People should continue to wash

hands, utilize hand sanitizers and practice proper respiratory etiquette. These actions will limit the spread of COVID-19.

FAQs related to the Order

1) Does the Order apply to churches?

If a church gathering has a coordinated event or convening for more than 100, such gathering would be prohibited under Section 1(a). If a church has more than 100 employees and they come to work, that would fall within the exemption of Section 1(b) because it functions as an office environment.

2) Does the Order apply to wedding ceremonies or receptions?

If a wedding ceremony or reception has more than 100 attendees, that activity would be prohibited under Section 1(a).

3) Does the Order apply to funeral homes and funerals?

A funeral home can continue to conduct retail business in assisting clients with funeral arrangements. However, a funeral that has more than 100 attendees would be prohibited under Section 1(a).

4) Are schools closed to students and staff or just students?

Section 2 of the Order directs that “all public schools close for students effective Monday, March 16, 2020 until March 30, 2020, unless extended beyond that date.” This language contemplates that public school facilities be closed as *instructional settings* for K-12 students. Local school districts may continue to utilize facilities for other purposes as identified by local boards of education and school leaders. However, usage must be consistent with other aspects of the Order, including the provisions prohibiting mass gatherings of more than 100 individuals, and potential guidance from local boards of health and emergency management officials.

5) Are school districts required to offer distance learning during this period of closure?

During this closure period, local boards of education and school leaders should create a plan for remote or distance learning opportunities in the event that a longer period of school closure is needed. The Order, however, does not mandate remote or distance learning opportunities for students be offered between March 16 to March 30. Local boards of education and school leaders may provide remote or distance learning opportunities for students if they are able. Local boards of education and school leaders should continue current virtual learning opportunities.

6) What public schools are covered by the Order?

Section 2 of the Order applies to all “public school units” as defined in N.C. Gen. Stat. § 115C-5. This Order does not apply to schools operated by the US Department of Defense, the Bureau of Indian Affairs, the NC Department of Health and Human Services (NC DHHS), and the NC Department of Public Safety (NC DPS). Given unique facility needs, NC DHHS and NC DPS may make decisions around operations for schools operated by those agencies. Public schools that offer primarily virtual instruction to students (e.g. NC Virtual Public School and virtual charter

schools) may continue to provide instruction virtually to students. However, any in-person interactions with students are subject to Section 1(a).

7) Are child care facilities closed?

The Order does not require child care facilities to close. However, child care facilities are subject to the Order Section 1(a), and shall not convene more than 100 people in a single room or single space at the same time.

8) Do private schools have to close?

The Order does not require private schools to close. However, private schools shall not convene a gathering of more than 100 people in a single room or single space at the same time as they are subject to Section 1(a).

9) Does the Order to apply to movie theaters?

A movie theater is subject to the Order. A movie theater may operate so long as it caps attendance so that no more than 100 persons are in a single room or single space at the same time. In addition, proper social distancing guidelines outlined in Section 3 of the Order should be followed.

10) Can a local gym offer a “school’s out camp” for the next two weeks?

Any such camp may be subject to child care licensure laws, and also could not gather more than 100 people in a single room or a single space at the same time.

11) Can County/City governments set up “day camps” through their parks and recreations departments if less than 100 attendees attend to care for essential personnel’s children so that essential personnel will report to work?

Recreational camps meeting current statutory and licensure requirements are allowed, however, they may not gather more than 100 people in a single room or single space at the same time.

12) Can the Order be utilized to mandate essential personnel to report to duty?

The Order addresses the State’s authority to address a serious or significant public health issue.

13) Will my gym be open?

Please contact your gym for information. However, a gym may not gather more than 100 people in a single room or single space at the same time and should follow the social distancing guidelines.

14) Will the State Farmer’s Market be open?

The State Farmer’s Market may continue normal operations as a retail establishment. However, it is subject to Section 1(a) of the Order and may not convene a group of more than 100 people in the same room or same space at the same time.

15) How will the Order be enforced?

Appropriate local law enforcement agencies and district attorneys are generally responsible for enforcement of the Order provisions.