



## Frequently Asked Questions (“FAQ”) for Executive Order No. 209

April 28, 2021

This FAQ provides guidance for the implementation of Executive Order No. 209 (“Order”). In light of the continued progress the state has achieved in its key COVID-19 metrics, and the reduced risk of transmission of COVID-19 in outdoor settings, this Order lifts the requirement that Face Coverings must be worn outdoors when six (6) feet of social distance cannot be consistently maintained from non-household members. This Order also maintains the current percentage occupancy limits on certain establishments, in anticipation of lifting most capacity and social distancing restrictions on businesses covered by the Order in June 2021. The Order also raises the Mass Gathering limits to one hundred (100) people indoors and two hundred (200) outdoors. These public health restrictions remain in effect to continue to protect against the spread of the virus. The Order becomes effective April 30, 2021 at 5:00 p.m and will remain in effect through June 1, 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

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

- This Order lifts the requirement that Face Coverings be worn outdoors anytime that social distancing of at least six (6) feet cannot consistently be maintained from non-household members. Under this Order, Face Coverings are no longer required in any outdoor setting.
- The indoor mass gathering limit is raised to one hundred (100) persons and the outdoor mass gathering limit is raised to two hundred (200) persons.
- Larger venues, auditoriums, amphitheatres, arenas, and other venues for live performances may be eligible to admit guests at a higher capacity provided the venue receives pre-approval from NCDHHS of its health and safety plan.

#### **What are the capacity limits and social distancing requirements on businesses covered by this Executive Order?**

This Order extends until June 1, 2021 most public health measures set by Executive Order No. 204, including capacity limitations and social distancing requirements. Certain large venues can host additional Guests, provided the venue receives pre-approval of its health and safety plan from NCDHHS.

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

Yes. North Carolinians must still be vigilant in adhering to the 3 Ws (Wear a Face Covering, Wait at least 6 feet apart, and Wash your hands often!) and businesses must be persistent in practicing public health and safety protocols.

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

This Order takes effect on April 30, 2021, at 5:00 pm and will remain in effect until June 1, 2021 at 5:00 p.m., unless repealed, replaced, or rescinded.

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

Under this Order:

- Capacity limitations on all businesses remain the same as under Executive Order No. 204, as detailed below.
- Businesses are divided into three general categories, based on capacity limitations detailed below.
- Social distancing protocol, 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.

### **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](#).

### **Why are Face Coverings no longer required to be worn in outdoors settings?**

Data show that the risk of transmission of COVID-19 is much lower in outdoor settings. In addition, our state has experienced improvement in its key COVID-19 metrics as compared to several months ago. The state has also expanded its access to personal protective equipment and other necessary materials to better protect the population from the spread of COVID-19. Additionally, the state has mounted a robust vaccination effort, to distribute its allocated supply of COVID-19 vaccines authorized by the Food and Drug Administration to all people living in or spending significant time in North Carolina. In light of these factors, the Governor has determined it is reasonable and necessary to lift the outdoor Face Covering requirement.

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

This Order divides businesses into three general categories for occupancy restrictions: (a) 100% occupancy indoors and outdoors; (b) 75% occupancy limit indoors and 100% occupancy outdoors; and (c) 50% occupancy limit indoors and outdoors. None of the businesses are capped at a certain number of occupants; however, these establishments must ensure six (6) feet of social distancing between Guests.

### **Indoors and Outdoors up to 100%, subject to 6 ft. social distancing**

- Museums and Aquariums

- Retail Businesses
- Salons, personal care and grooming businesses, tattoo parlors

**Indoors up to 75% and Outdoors up to 100%, subject to 6 ft. social distancing**

- Restaurants
- Breweries, Wineries, and Distilleries
- Recreation (e.g., bowling, skating, rock climbing)
- Fitness and Physical Activity Facilities (e.g., gyms, yoga studios, fitness centers)
- Pools
- Amusement Parks

**Indoors and Outdoors up to 50%, subject to 6 ft. social distancing**

- Bars
- Meeting, Reception, and Conference Spaces
- Lounges (including tobacco) and Night Clubs
- Auditoriums, Arenas, and other venues for live performances
- Sports Arenas and Fields (includes professional, collegiate, and amateur)
- Movie Theaters\*
- Gaming Facilities\*

\*Movie theaters and gaming facilities may operate at 75% capacity outdoors.

**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 protocols?**

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!

**If an establishment cannot operate at the occupancy limit stated in the Order while also ensuring six (6) feet of social distance between guests, can they continue to operate at the maximum occupancy limit?**

No. Establishments must abide by social distancing guidelines. If a business is unable to ensure six (6) feet of social distance between Guests at the maximum occupancy limit stated in the Order, the establishment must limit the number of Guests so that Guests can stay six (6) feet apart.

**For venues that can operate at up to 100% capacity, are other health and safety guidelines still in place?**

Yes. These venues, including museums, aquariums, retail, and personal care facilities, must continue to adhere to all health and safety protocols, including maintaining 6 feet of social distance between Guests. Many of the required health and safety protocols can be found in the appendix of the Order.

**Are private functions and meetings held at restaurants able to operate at the 75% (indoors) or 100% (outdoors) capacity limit set for restaurants or the 50% capacity limit (indoors and outdoors) set for meeting spaces, conference centers, and reception venues?**

A meeting or function held in a private room in a restaurant, including a reception or conference, is subject to the 50% capacity limit and other restrictions that apply to meeting spaces, conference centers, and reception venues.

### *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 and outdoors at 50% of the stated fire capacity limit. Under the Order there is no cap on the number of individuals an establishment may allow at the capacity limit. However, these establishments must limit the number of Guests so that Guests can maintain six (6) feet of social distance.

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

Executive Order No. 204 lifted restrictions on the late night sale and service of alcoholic beverages for bars, restaurants, and other establishments. These establishments must continue to abide by all other laws concerning the sale and service of alcoholic beverages, including rules and regulations established by the ABC Commission.

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

Certain establishments specified in Executive Order No. 183, as extended by Executive Order Nos. 190 and 205, may continue to sell mixed alcoholic beverages to-go until the expiration of Executive Order No. 205 or any subsequent extension, subject to the terms of that Order. Please see the FAQ for Executive Order No. 205, available [here](#), for additional information.

#### **Are establishments allowed to operate amenities, such as pool and darts, under this Order?**

Yes.

#### **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 indoor and outdoor sporting events, the facility must limit spectators to 50% of the facility’s stated fire capacity.

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

No. These individuals are excluded from the capacity calculation.

#### **Are Face Coverings required for athletes participating in youth, high school, and amateur athletic events?**

Face Coverings are not required for those recreational and school athletes over age five (5) when exercising outdoors. Recreational and school athletes over age five (5) should continue to wear a Face Covering when exercising indoors, unless an 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, these venues must take additional health and safety measures, including implementing measures to limit crowding in concourses, and providing for ticketed, socially-distanced seating. These requirements are found in Section 6 of the Order.

### *Meetings Spaces and 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 50% maximum occupancy limit, with no overarching occupancy cap. 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*

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

Outdoor parades, fairs, and festivals are subject to the mass gathering limit of no more than two hundred (200) individuals per group that may gather together. However, concerts and other events held at outdoor venues for live performances are subject to a 50% occupancy limit or 12 Guests for every 1,000 square feet.

Note: Certain qualifying large outdoor venues can seek approval from NCDHHS to increase capacity limitations. Interested venues should contact NCDHHS at [venues@dhhs.nc.gov](mailto:venues@dhhs.nc.gov). Venues should only seek approval for higher capacity limits during the duration of this Order unless otherwise extended.

#### **Are indoor and outdoor pools, in neighborhoods, waterparks, and hotels, allowed to open?**

Yes. Indoor pools may operate at no more than 75% of the maximum occupancy limit and outdoor pools may operate at 100% of the maximum occupancy limit. Establishments that do not meet the definition of an Amusement Park, as defined in the Order, and have waterslides over 15 feet, must follow the above stated occupancy limits for pools.

### *Higher Capacity Exemptions for Large Venues*

#### **Can certain large venues host additional Guests beyond the stated capacity limits, pursuant to an approved health and safety plan?**

Yes. Certain venues may host Guests at a greater occupancy, provided the venue receives pre-approval for its health and safety plan from NCDHHS in accordance with public health criteria established by the Order and by NCDHHS. Qualifying venues are those indoor facilities with seating capacity greater than five thousand (5,000) and outdoor facilities with seating capacity greater than one thousand (1,000). Interested venues and facilities should contact DHHS at [venues@dhhs.nc.gov](mailto:venues@dhhs.nc.gov). Venues should only seek approval for higher capacity limits during the duration of this Order unless otherwise extended.

#### **What will happen in June?**

In June 2021, the Governor anticipates lifting most social distancing and capacity measures in the current Order. The Governor will continue to take a science and data-driven approach to evaluating the need for public health measures to curb the spread of the virus and to advance the state's economy in a safe and effective way, which is in the best interests of all North Carolinians.