



Frequently Asked Questions (“FAQ”) for Executive Order No. 181

December 8, 2020

(updated: 01/27/2021)

This FAQ provides guidance for the implementation of Executive Order No. 181 (“Order”), which has been extended by Executive Orders Nos. 188 and 189. The Order implements a temporary night-time public closure period on certain businesses and a modified “Stay at Home” order on all North Carolinians during overnight hours. The Order also extends the capacity limitations, indoor and outdoor gathering limits, and other public health restrictions put in place under previous executive orders. The Order became effective December 11, 2020 at 5:00 p.m. and has been extended through February 28, 2021 at 5:00 p.m. by Executive Order No. 189. 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 is this Order necessary now?

North Carolina has experienced record highs in the daily COVID-19 case count, hospitalizations, and deaths. There has also been a significant and sustained increase in the percentage of positive COVID-19 tests and emergency room visits for COVID-19 associated symptoms. The measures in this Order are necessary to save lives and preserve healthcare system capacity and healthcare resources for the critically ill.

Due to continued elevated COVID-19 metrics across the state, the Governor extended the measures of Executive Order No. 181 under Executive Orders Nos. 188 and 189.

When does this Order take effect?

This Order takes effect on December 11, 2020 at 5:00 p.m.

Has this Order been extended or modified?

- Executive Order No. 188 extended this Order, as modified by Executive Order No. 183, through 5:00 p.m. on January 29, 2021.
- Executive Order No. 189 extends this Order, as modified by previous orders, through February 28, 2021, unless replaced, repealed, or rescinded.

What are the major changes under this Order?

Under this Order:

- Certain businesses and facilities are ordered to close to the public between 10:00 p.m. and 5:00 a.m. (the “Night-Time Public Closure Period”).
 - This includes restaurants (with exceptions for take-out and delivery, as noted below), bars, entertainment venues, parks, museums and aquariums, certain retail establishments, and other businesses and facilities specified below and in the Order.
- All individuals in North Carolina must stay at home or the place they will remain for the night between 10:00 p.m. and 5:00 a.m. (the “Stay at Home Period”), unless an exception applies.
- The sale and service of alcoholic beverages is prohibited for on-site consumption between the hours of 9:00 p.m. and 7:00 a.m.
- Events or convenings outside of the home must end by 10:00 p.m. and guests must leave the establishment and travel home or to the place where they will stay for the night.
- The capacity limitations on certain businesses, indoor and outdoor gathering limits, and other public health measures implemented by previous executive orders are extended through January 8, 2021, or as otherwise extended.

What remains the same under this Order?

Under this Order:

- The gathering limits remain at ten (10) individuals for indoor settings and fifty (50) individuals for outdoor settings.
- The limitations on certain businesses, sanitation standards, and other public health restrictions outlined in the Phase 3 Executive Order 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.

- Retail business locations with more than 15,000 square feet of interior space must continue to have a worker at each entrance open to the public, who is responsible for enforcing the executive orders' face covering and capacity limitations.

Temporary Night-Time Public Closure Period

Does this Order close any business completely?

No. This Order temporarily requires certain businesses to close their premises to the public from 10:00 p.m. to 5:00 a.m., during the Night-Time Public Closure Period. Establishments may remain open during those hours for workers, and may otherwise conduct their business and operations, as long as no guests are admitted onto the premises.

Which establishments are subject to the Night-Time Public Closure Period?

Establishments that are subject to this Order include: amusement parks and amusement transportation; bars, lounges, indoor venues, and arenas; fitness and physical activity facilities, movie theaters, meeting spaces, and other entertainment facilities; museums and aquariums; parks; personal care businesses; restaurants, breweries, distilleries, and wineries; and certain retail businesses.

Are there any exceptions to the Night-Time Public Closure Period?

Yes. Retail businesses that sell groceries, medication, health care supplies, and fuel may remain open between 10:00 p.m. and 5:00 a.m. Service at restaurants, breweries, distilleries, and wineries may continue for take-out and delivery after 10:00 p.m.

May my employees remain on site to stock the store, do bookkeeping, or other necessary business after 10:00 p.m. or before 5:00 a.m.?

Yes. This Order only requires closure to the public during the night-time closure period. Workers may remain on premise at the business to conduct necessary operations. During that time, businesses and facilities must still adhere to the applicable public health restrictions in the Order, including the face covering requirement.

Does this Order impose restrictions on office buildings and other professional work settings?

No. If a worker's presence is required by his or her employer, that worker may remain on the premises and conduct their normal business operations during the Night-Time Public Closure Period, as long as no clients or customers are permitted onto the premises. During that time, businesses and facilities must still adhere to the applicable public health restrictions in the Order, including the face covering requirement for their employees.

Are movie theaters and other live performances required to cease from 10:00 p.m. to 5:00 a.m.?

Yes, movies, live entertainment performances, and entertainment events must cease or pause no later than 10:00 p.m. There is an exception to the 10:00 p.m. cut-off time for professional and collegiate athletic events that are already scheduled during the effective period of this Order.

When must a restaurant stop serving food to its patrons?

Restaurants, like other businesses subject to the Night-Time Public Closure Period, must close at 10:00 p.m. Restaurants must stop taking orders from patrons for on-premise dining at a time that enables them to close for on-premise consumption at 10:00 p.m. Restaurants may continue to offer take-out and delivery services during the Night-Time Public Closure Period.

May customers come inside a restaurant to pick up take-out orders?

Yes. Customers may enter restaurants, breweries, distilleries, and wineries to pick up take-out orders after 10:00 p.m. Customers must wear a face covering and practice social distancing.

May third-party delivery services, such as Instacart, UberEats, DoorDash, and others continue to operate during the Night-Time Public Closure Period?

Yes. Third-party delivery services may continue to operate during the Night-Time Closure Period. Employees of these businesses may report to and from work and perform work duties as required by their employer during the Stay at Home Period.

Are workplace social events and functions, such as office holiday parties, subject to the Night-Time Public Closure Period?

Yes. Workplace events and functions that are outside of normal business operations must cease between 10:00 p.m. and 5:00 a.m.

If a patron refuses to leave the premises after an establishment has announced its closure, what can the establishment do?

Patrons who refuse to exit an establishment after being asking to leave may be subject to criminal trespass prosecution.

Modified Stay at Home Order

When are individuals required to stay at home?

Individuals must stay at home or the place they will stay for the night from 10:00 p.m. to 5:00 a.m.

Are there any exceptions to the modified Stay at Home Order?

Yes. Individuals may leave home during the Stay at Home Period to: travel to or from a place of work; perform work at their workplace when the worker's presence is required by the worker's employer; travel for work purposes; obtain food, medical care, fuel, or social services; travel from a business that closed at or after 10:00

p.m.; travel to a business that will open at 5:00 a.m.; travel to take care of a family member, friend or pet in another household; travel to or from a religious service; travel necessary for personal safety; and travel into or out of the state.

Are individuals permitted to stay with family and friends during the Stay at Home Period?

This Order requires individuals to remain at their home or place where they are staying for the night from 10:00 a.m. to 5:00 a.m. This Order does not prohibit individuals from staying with family and friends. However, due to evidence that gathering with friends and non-household family is associated with the spread of COVID-19, individuals are must abide by gathering limits and face covering requirements when in the presence of non-household members.

I have to go to work during the Stay at Home Period, is that okay?

Yes. Individuals may leave their home or place where they are staying to travel to or from work.

Are individuals allowed to stay at short-term vacation rentals and other temporary housing spaces, such as hotels, during the Stay at Home Period?

Yes. Individuals may stay at vacation and other temporary housing spaces and be in compliance with this Order.

Are outdoor and drive-in events- including those where people remain in their cars- required to cease from 10:00 p.m. to 5:00 a.m.?

Yes. Organizers must stop or pause events open to the public no later than 10:00 p.m. each night.

If I am outside of my home during the Stay at Home Period, am I required to show proof?

No. Individuals are not required to show documentation that they fall within an exception to the Stay at Home Order.

Will transportation services be available during the Stay at Home Period?

Yes. Using or providing shared transportation services, such as taxicabs, ride share services, buses, and trains, is not prohibited during the Stay at Home Period.

Does the Stay at Home Order apply to homeless individuals?

No. Individuals experiencing homelessness are exempt from this Order.

Can I leave my home if I feel unsafe?

Yes. Individuals in unsafe living situations, including domestic violence victims, are encouraged to leave home and find a safe place to stay.

Alcohol Sales

Are grocery stores and convenience stores required to cease selling alcohol?

Grocery stores and convenience stores, like other businesses, must cease the sale and service of alcoholic beverages for on-site consumption from 9:00 p.m. to 7:00 a.m. They may continue to sell alcoholic beverages for off-site consumption, subject to applicable laws and regulations.

Can restaurants serve alcohol after 9:00 p.m.?

Restaurants must adhere to the alcohol sales restrictions for on-site consumption. However, they may sell alcohol for off-site consumption to the extent authorized by law.

If I order an alcoholic beverage at 8:30 p.m. and have not finished by 9:00 p.m., does it have to be removed from the table?

No. The Order prohibits the sale and service of alcohol for on-site consumption after 9:00 p.m. Patrons may finish beverages, whether it is a mixed drink or a bottle of wine, that were ordered prior to the cut-off. However, establishments subject to the Night-Time Public Closure Period must close to the public at 10:00 p.m.