

**Frequently Asked Questions (“FAQ”) for
Executive Order No. 118 and Order of Abatement**

March 19, 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. 118 (Order <https://files.nc.gov/governor/documents/files/EO118.pdf>) and the Order of Abatement of Imminent Hazard issued by the Secretary of the NC Department of Health and Human Services (Order of Abatement <https://files.nc.gov/ncdhhs/documents/files/covid-19/Abatement-Order--Final-3-17-19.pdf>). Individuals should check with local governments to determine whether additional restrictions have been imposed in local jurisdictions to limit the spread of COVID-19.

The COVID-19 emergency is rapidly evolving. Please continue to get information from reliable sources such as the DHHS webpage <https://www.ncdhhs.gov/divisions/public-health/coronavirus-disease-2019-covid-19-response-north-carolina> and the CDC webpage <https://www.cdc.gov/coronavirus/2019-ncov/community/index.html> for up to date guidance and information.

In light of new information today regarding the presence of community spread of COVID-19 in North Carolina, local jurisdictions should enforce the more stringent Order of Abatement of Imminent Hazard issued by the Secretary of the NC Department of Health and Human Services, which states that “seating areas of restaurants and bars constitute an imminent hazard for the spread of COVID-19.” **Restaurants shall close all seating areas immediately and bars are directed to close immediately.** Restaurants are restricted to carry-out, drive-through, and delivery to ensure food is available while maintaining social distancing. Restaurant staff are not permitted to serve patrons indoors or in the outdoor seating area, and all areas of North Carolina are subject to mass gathering restrictions and social distancing guidelines. If a restaurant has outdoor seating, onsite consumption in the outdoor seating area is not permitted pursuant to the Order of Abatement.

Local law enforcement agencies and district attorneys are generally responsible for enforcement of the Order (N.C. Gen. Stat. § 166A-19.30(a)(2)) and the Order of Abatement. Pursuant to N.C. Gen. Stat. §§ 130A-18 and 130A-25, failure to comply with the Order of Abatement issued by the Secretary of the NC Department of Health and Human Services may result in injunctive relief against the establishment in question or prosecution for a misdemeanor offense. Violations of the Order are subject to prosecution pursuant to N.C. Gen. Stat. § 166A-19.30(d) and are punishable as a Class 2 misdemeanor in accordance with N.C. Gen. Stat. § 14-288.20A.

FAQs related to the Order and Order of Abatement

- 1) How long will restaurants and bars have to remain closed?

March 31, 2020 or until the Order and Order of Abatement are rescinded or replaced.

- 2) How does this affect country clubs, American Legion Posts, Moose Clubs, Elks Lodges and other similar clubs?

The Order and Order of Abatement define restaurants to include private or members-only clubs where food and beverages are permitted to be consumed on premise. Therefore, these clubs are restricted to offering carry-out, drive-through and delivery service only.

- 3) How does this affect hospital cafeterias that provide on-site dining facilities for employees?

Cafeterias and on-site dining facilities can provide only carry-out, drive through and delivery meals. Employees are encouraged to take their food to smaller settings to prevent large gatherings of people in one location.

- 4) How does this affect assisted living, senior living facilities, skilled nursing, and long term care facilities?

These facilities should continue to serve residents and employees only and should comply with mass gathering restrictions and social distancing guidelines.

- 5) How does this affect colleges and universities providing food service in campus cafeterias?

Cafeterias and on-site dining facilities at colleges and universities can provide only carry-out, drive through and delivery meals to students and employees. Students and employees are encouraged to take their food to smaller settings to prevent large gatherings of people in one location.

- 6) How does this affect day cares providing food service to children in their care?

These facilities should continue to serve children and employees only and should comply with social distancing guidelines.

- 7) Can airport food service facilities continue to serve food?

Yes, as long as it is carry-out or delivery. Dining areas in the airport should comply with mass gathering restrictions and social distancing guidelines. Restaurant staff are not permitted to serve patrons in the dining area.

- 8) Can I still purchase alcohol at the ABC Store and other retail establishments?

Yes, as long as it is for off-premises consumption.

- 9) Several restaurant groups have offered restaurant space as a hub for school nutrition operations, community internet access, and for storage/mustering areas. Does the Order or Order of Abatement prohibit or limit such use?

These restaurants can serve as school nutrition hubs, internet service access points and storage and muster areas. However, these operations are subject to mass gathering restrictions and social distancing guidelines. In addition, these restaurants are allowed to provide carry-out, drive-through and delivery options. Restaurant staff are not permitted to serve patrons indoors or in an outdoor seating area.

For guidance on the broadening of unemployment insurance benefits, please visit the North Carolina Department of Commerce, Division of Employment Security website:

<https://des.nc.gov/need-help/covid-19-information>

For guidance on the limiting of operations of restaurants and bars with respect to alcoholic beverages, please visit the North Carolina Alcoholic Beverage Control Commission website:

<https://abc.nc.gov/PublicResources/LegalAnnouncement/261>