

Governor Tightens Mask Requirements and

COVID-19 Response Resource Center: Timely Counsel for your Business

By Alexander Elkan and Ed Turlington on 11.24.2020

Posted in Government/Judicial Statements

This week, Governor Roy Cooper tightened mask requirements and enforcement and again extended North Carolina's Phase 3.0 COVID-19 restrictions. His new Executive Order 180 is effective on Nov. 25, 2020 at 5 p.m. and extends Phase 3.0 restrictions (first detailed in Executive Order 169) through 5 p.m. on Dec. 11, 2020.

What are the major changes under this Order?

Under this Order:

- A face covering will now be required in all indoor settings if there are non-household members present, regardless of the distance away.
 - o Under previous executive orders, face coverings were required indoors only if people were within six feet.
 - o Under this executive order, face coverings continue to be required in public outdoor settings if individuals are unable to maintain six feet of social distance with non-household members.
- In indoor gyms and fitness facilities, face coverings are now required when people are exercising.
- In restaurants, guests are required to wear face coverings at their table unless they are actively eating or drinking.
- Retail business locations with more than 15,000 square feet of interior space must have a worker, at each entrance open to the public, who is responsible for enforcing the executive orders' face covering and emergency maximum occupancy requirements.
- On public transportation, customers may be denied entry if they refuse to wear a face covering.
- The executive order's face covering requirements are now enforceable by law enforcement against individuals.

o Under previous executive orders, face covering requirements were enforceable only against businesses or organizations that failed to enforce the requirement to wear face coverings. Law enforcement continues to have this authority under this Order.

- To ensure that testing occurs to the maximum extent possible, this Order forbids all local prohibitions and restrictions that would prevent a business or organization from advertising or providing COVID-19 testing.
- The Phase 3 Executive Order is extended through Dec. 11, 2020.

What remains the same under this Order?

- As under previous executive orders, several exceptions to the face covering requirement apply. For example, face coverings are not required for people under 5 years of age, people who have a behavioral condition or disability, or people who are actively eating or drinking.
- The Mass Gathering limit remains at 10 for indoor settings and 50 for outdoor settings.
- The Phase 3 Executive Order remains in effect, including all reduced capacity limits, sanitation standards and other restrictions.
- Late night alcohol sales are still prohibited from 11:00 p.m. to 7:00 a.m.

FAQs about Facial Coverings

FAQs for the new Executive Order (some excerpts are shown below) may be accessed at this link (link is external).

- *When I am dining in at a restaurant, may I remove my face covering once I am seated at the table?*

Face coverings are required at all times the individual is not eating or drinking.

- *When I am visiting an outdoor park or trail, am I required to wear a face covering?*

Individuals must wear face coverings at outdoor parks and events, including parades, festivals, and fairs, if they are unable to maintain six feet of social distance from non-household members.

- *If I am alone taking my dog for a walk, am I required to wear a face covering?*

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Individuals are not required to wear a face covering when alone at their workplace, an indoor setting or an outdoor setting.

- *Are face coverings required for organized sports?*

For amateur and youth organized sports, face coverings are required indoors at all times for all players and spectators who are at least age 5. For professional and collegiate sports, face coverings are required unless certain conditions are met.

- *At childcare and educational facilities, are all children and staff required to wear a face covering when on site?*

All workers, adults and children 5 years and older are required to wear a face covering when on site.

- *For children who are home-schooled and those virtual learning, is a face covering required?*

Students 5 years and older and all caretakers must wear a face covering, if non-household members are present. For example, if there is a blending of students from different households, face coverings are required.

- *If I am attending an indoor social event at a friend's home with non-household members, am I required to wear a face covering?*

Yes. Face coverings must be worn indoors if anyone else is in that space who is not a member of the same household.

- *If I am riding in a personal vehicle with family and/or friends, am I required to wear a face covering?*

Individuals traveling in a personal vehicle with household members are not required to wear a face covering. Individuals traveling in a personal vehicle with non-household members are required to wear a face covering. Face coverings are required in rideshares, even if the vehicle is privately owned. There is an exception to the face covering requirement for anyone who finds that his or her face covering is impeding visibility to operate equipment or a vehicle.

- *Does this Order require face coverings at an indoor fitness facility, even if I am strenuously exercising?*

Yes, individuals must wear a face covering at all times when inside a fitness establishment, except when actively eating or drinking. Each individual must assess whether they can safely perform an exercise while wearing a face covering.

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3.0 COVID-19 Restrictions

- *May retail establishments deny a person entry into their place of business?*

Yes. Retail businesses must have all workers and guests wear face coverings. In addition, any retail business with more than 15,000 square feet of interior space must have an employee responsible for ensuring face covering compliance at each entrance that is open to the public.

- *What is the penalty for violating the face covering requirement?*

This Order is enforceable against individuals and businesses who do not follow the face covering requirements. Penalty for violating the Executive Order is a Class 2 misdemeanor, which could result in a fine of up to \$1,000 or active punishment.

If you have questions, please contact Alex Elkan or Ed Turlington, linked below.

Brooks Pierce is dedicated to keeping our clients fully informed during the COVID-19 crisis. For more information, please visit our COVID-19 Response Resources page.

Tags: Masks, Phase 3