

NC Governor Cooper Issues Statewide “Stay at Home”

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

By Alexander Elkan and Ed Turlington on 03.27.2020

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On March 27, 2020, North Carolina Governor Roy Cooper issued Executive Order No. 121, a statewide "Stay at Home" order, which is intended to slow the spread of COVID-19 in our state.

The Order goes into effect at 5 p.m. on Monday, March 30, 2020, and will remain in effect for 30 days, unless revised or rescinded by further action of the Governor. It supplements prior orders, the provisions of which remain in effect, including the prohibition on dining-in at restaurants and other restrictions.

The intent of the Order is to ensure that the maximum number of North Carolina residents self-isolate in their homes to the greatest extent feasible, in order to slow the spread of COVID-19 to the highest practicable extent while enabling essential infrastructure and business operations to continue.

The Order is similar to “stay at home” orders adopted by a number of counties and cities in our state (for example, Mecklenburg/Charlotte, Wake/Raleigh, Guilford/Greensboro, and others) but is not intended to preempt such orders. Rather, it is intended to provide consistent, statewide minimum requirements. As such, stricter requirements adopted by counties and cities may be adopted and remain in place and remain enforceable, except as against the state.

Provisions of the Order include the following:

- People – The Order requires individuals to comply with Social Distancing Requirements, and stay at their home or residence, except for Essential Activities, Essential Government Operations, or to participate in Essential Businesses or Operations. Essential Activities include various activities of daily living, including those relating to normal health, safety, household, outdoor, religious, essential commerce, and work (including volunteer) functions.
- Social Distancing Requirements – Social Distancing Requirements include: (a) maintaining a distance of 6 feet between individuals; (b) frequent handwashing and use of hand sanitizer; (c) regular cleaning of high-touch surfaces; and (d) facilitating online or remote access by customers if possible.

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- Mass Gathering Prohibition – Gatherings of more than 10 people are prohibited, but there are exceptions for Essential Government Operations, Essential Businesses or Operations, and facilities such as airports, train stations, shopping malls, funerals, etc.
- Businesses and Operations – The Order directs that non-essential businesses and operations must cease operations, but allows and encourages “Essential Businesses and Operations” to continue to operate.

The Order includes in the definition of “Essential Businesses and Operations”:

1. any business that operates in compliance with the Social Distancing Requirements;
2. industry sectors and businesses identified in federal Homeland Security Department guidance on Critical Infrastructure and Essential Workers;
3. Health Care and Human Services Operations;
4. Essential Government Operations;
5. Essential Infrastructure Operations; and
6. Other private businesses and operations, including -
 1. Stores that sell groceries and medicine,
 2. Food, beverage, restaurants, and agriculture,
 3. Religious and charitable organizations,
 4. Media,
 5. Financial, insurance, and professional services,
 6. Hardware stores, critical trades and manufacturing,
 7. Transportation, shipping and supply,
 8. Military/Defense,
 9. Hotels/Motels,
 10. Educational institutions,
 11. Essential Retail Stores, and
 12. Other categories.

The Order requires Essential Businesses or Operations to comply with Social Distancing Requirements to the maximum extent practicable.

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If a business or operation does not meet the requirements to be “Essential” on the face of the Order, there is a process through the North Carolina Department of Revenue by which a business may request a determination that its operations do qualify.

Non-essential businesses and operations generally must cease, but may carry on limited “Minimum Basic Operations” (such as accounting, payroll, facility maintenance, and preservation of inventory).

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.