



Frequently Asked Questions (“FAQ”) for Executive Order No. 204

March 23, 2021

This FAQ provides guidance for the implementation of Executive Order No. 204 (“Order”), which further eases restrictions on businesses and gatherings. The Order increases the mass gathering limit for indoor and outdoor gatherings, increases the capacity limits for certain businesses, and lifts the restriction on alcohol sales for on-site consumption. While the Order eases certain restrictions, other public health restrictions remain in effect to continue to protect against the spread of the virus. The Order becomes effective March 26, 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

Why are certain restrictions able to be relaxed at this time?

Over recent months, North Carolina has experienced improvement in key COVID-19 metrics, including sustained declines in the number of COVID-19 daily diagnoses, the percent of total COVID-19 tests that are positive, the number of emergency department visits that are due to COVID-like illnesses, and the number of COVID-19 associated hospitalizations. In addition, North Carolina is rapidly expanding its capacity to vaccinate individuals. Due to public health measures taken within the state, enhanced knowledge of the COVID-19 virus by public health experts, and the persistence of North Carolinians in adhering to executive orders and public health guidance, the state is in a position to further relax restrictions, while still continuing with the “dimmer switch” approach in reopening the state.

Are other public health precautions still in place?

Yes. Because the state’s key COVID-19 metrics remain elevated, lives are still being lost to the virus, and the impact of the presence of new variants of the disease

remains unknown, lifting some restrictions must continue to be done in a targeted, safe, and phased manner to protect the health and safety of all North Carolinians. North Carolinians must still be vigilant in adhering to the 3 Ws and businesses must be persistent in practicing public health and safety protocols.

When does this Order take effect?

This Order takes effect on March 26, 2021 at 5:00 p.m. and will remain in effect until April 30, 2021 at 5:00 p.m., unless repealed, replaced, or rescinded.

What are the major changes under this Order?

Under this Order:

- The restriction on the late-night sale of alcohol for on-site consumption is lifted.
- Capacity limitations on all businesses are increased, as detailed below.
- The cap on the number of individuals who can gather at any one time in certain indoor spaces, such as bars, is lifted.
- The mass gathering limit increased to 50 people indoors and 100 people outdoors.
- Businesses are divided into three general categories, based the on capacity limitations detailed below..

What remains the same under this Order?

Under this Order:

- 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. 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.

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](#).

What are the capacity limits under this Order?

Executive Order No. 204 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 6 feet of social distancing between Guests.

Indoors and Outdoors up to 100%, subject to Masks and 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 Masks and 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 Masks and 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 protocol?

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 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 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 6 feet apart.

For venues that are re-opened 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 protocol including maintaining 6 feet of social distance between Guests.

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 6 feet of social distance.

When must bars and other establishments stop serving alcoholic beverages?

This Order lifts the restriction 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”?

Yes, under the provisions set forth in Executive Order No. 183, as extended by Executive Order No. 190, certain establishments specified in that Order may continue

to sell mixed alcoholic beverages to-go, subject to the terms of that Order. Please see the FAQ for Executive Order No. 190, available [here](#), for additional information.

Are establishments allowed to operate amenities, such a 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 up to 50% of the facility's stated fire capacity as long as masks and social distancing are observed.

Do the capacity limits for sporting events include the players, coaches, and officiants?

No. These individuals are excluded from the capacity calculation.

Are face coverings required at youth, high school, and amateur athletic events?

Yes. Athletes over age five (5) are still required to wear a face covering, unless an applicable 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.

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 one-hundred (100) 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.

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.