

North Carolina's Stay-At-Home Order: What Do You Need to Know?

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On Friday, March 27 Governor Roy Cooper issued a statewide Stay-At-Home Order (Order).

It will take effect at 5:00 p.m. on Monday, March 30, 2020, but the Governor expects North Carolinians to start following it sooner if they can.

This is one of several executive orders Governor Cooper has issued in response to the novel coronavirus. It is the most restrictive and ambitious of his efforts to force North Carolinians to stay home and flatten the COVID-19 curve. In fact, the Order is unprecedented in modern North Carolina history. Only the 1918 flu epidemic and Reconstruction after the Civil War resulted in more restrictions on residents' daily lives for such a long period.

The Order will last for 30 days, but could be rescinded or extended at any time.

Violating the Order is a crime. Businesses that stay open in violation of the order will be subject to not only criminal prosecution, but probably also expose the business to additional civil liability for any negative impact on public health.

That's why it is very important that you read the order and ask questions if you need more information. This client alert summarizes how the Order impacts you, your family, and your business, but nothing replaces the actual words in the Order and good legal advice.

The text of the Order and a helpful list of frequently asked questions and answers are linked here: [Order](#); [FAQ](#)

The key takeaways from the ten-page Order are as follows:

- All individuals must stay at home except as allowed by the order.
- To the extent individuals are using shared or outdoor spaces when outside their residence,

they must at all times and as much as reasonably possible, maintain social distancing of at least six (6) feet from any other person, with the exception of family or household members.

- All persons may leave their homes or place of residence only for Essential Activities, Essential Governmental Operations, or to participate in or access COVID-19 Essential Businesses and Operations, all as defined below.

The Order provides that North Carolina residents may leave their homes for "Essential Activities," which include:

- For health and safety, such as to obtain emergency medical services, medical supplies and medications, and visiting health care professionals and veterinarians;
- For necessary supplies and services, such as food and groceries, supplies for homes and automobiles, and products to maintain safety and sanitation;
- For outdoor activities such as "walking, hiking, running, golfing, or biking" and going to public parks and outdoor recreation areas;
- To care for others, including friends, family members, and pets;
- To visit places of worship; and
- To volunteer.

A full list of Essential Activities is available in the [Order](#).

The Order states that all "non-essential business and operations must cease," while providing that "Essential Businesses and Operations" are encouraged to direct employees to telework or work from home.

The Order includes a list of 30 categories of Essential Businesses and Operations, which include hospitals and doctors' offices, grocery stores and pharmacies, gas stations and auto repair shops, banks, and other financial and insurance institutions, home improvement and hardware stores, mail and shipping services, laundromats and laundry services, restaurants for off-premises food consumption, professional services such as legal and accounting services, funeral services, hotels, and beer, wine, and liquor stores. These businesses can continue operations during the Stay-At-Home Order.

Essential Businesses and Operations also include any business that can meet the Social Distancing Requirements in the Order with regard to employee and customer interactions, which include:

- maintaining at least six (6) feet distancing from other individuals;
- washing hands using soap and water for at least twenty (20) seconds as frequently as possible or the use of hand sanitizer;
- regularly cleaning high-touch surfaces; and

- facilitating online or remote access by customers if possible.

Therefore, even if your business is not specifically listed in the Order, its operations may be permitted to continue if the Social Distancing Requirements can be met. A full list of "Essential Businesses and Operations" is available in the [Order](#).

As explained in a prior [article](#), businesses will not need certificates of re-entry to continue operations.

In addition to consulting the Order, businesses and individuals should also review any orders entered by their county and city. In announcing the State's Stay-At-Home Order, Governor Cooper confirmed that the most restrictive order applies. This leaves open the possibility that you or your business may be located in an area with greater restrictions than those imposed by the State. If so, the greater restrictions control.

For the most part, the Order does not undo prior executive orders entered by the State in response to the coronavirus, and which are summarized [here](#), but simply adds to them. With the exception that mass gatherings are now restricted to any group of more than 10 people, after previously being restricted to groups of more than 100 and later 50 people.

Governor Cooper enacted the Order pursuant to his statutory authority under North Carolina's General Statutes Sections 166A-19.30 and 166A-19.10, which allow for the Governor to act during emergencies requiring a state-level response when local government resources are insufficient to protect human health, life, and safety.

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