



North Carolina Under Stay-At-Home Order Due To COVID-19 Outbreak

Insights

3.27.20

Effective March 30, 2020 at 5:00 p.m., and remaining in effect for 30 days, all North Carolina residents are ordered to “stay home” and limit movements outside of their homes beyond essential needs. Pursuant to Executive Order 121, Governor Roy Cooper ordered all North Carolinians to stay at home unless performing an “essential activity.” The Order remains in effect until the governor terminates it by subsequent executive action. **[Ed. Note: The order has been extended to May 8, 2020.]**

What Is An Essential Activity?

The Order permits North Carolinians to leave home to engage in essential activities. Essential activities include:

- Engaging in activities necessary to the essential to health and safety for themselves or others;
- Obtaining food, medicine, or similar items necessary for yourself or family members;
- Engaging in outdoor activity, so long as proper social distancing of six feet is followed;
- Traveling to and from another’s home to provide caretaking services, including a family member’s, friends’, or a pet’s home, including weddings and funerals that comply with social distancing requirements;
- Traveling to and from a place of worship;
- Traveling to receive goods and services as provided by the order;
- Traveling to and from the home of another person who has visitation rights under a parenting plan or similar agreement; or
- Traveling to volunteer with a charitable organization.

What Does This Mean For Essential Businesses?

Essential employers may continue to operate. Under Executive Order 121, the following businesses, industries, and workers are essential:

- Businesses operating that meet social distancing requirements;
- Businesses operating in the Critical Infrastructure during COVID-10 identified sectors of the S. Department of Homeland Security and related guidance.

Department of Homeland Security and Related Agencies,

- Healthcare and public health operations;
- Human services operations;
- Essential infrastructure operations;
- Essential governmental operations;
- Stores selling groceries or medicine;
- Food and beverage production, including agriculture;
- Organizations providing charitable and social services;
- Religious entities;
- Media;
- Gas stations and businesses necessary for transportation;
- Financial and insurance institutions;
- Home improvement, hardware, and supply stores;
- Critical trades;
- Mail, post, shipping, logistics, delivery, and pick-up services,
- Laundry services;
- Restaurants for consumption **off-premises**;
- Home based care and services;
- Residential facilities and shelters;
- Professional services;
- Manufacture, distribution, and supply chain for critical products and industries;
- Defense and military contractors;
- Hotels and motels – *to the extent used for lodging and delivery or carry-out food services*;
- Funeral services; and
- Other COVID-19 essential retail business, including:
 - Electronic retailers selling phones, computers, tablets, and other communication technology;
 - Lawn and garden equipment retailers;
 - Book stores selling educational materials;
 - Beer, wine, and liquor stores;
 - Retail functions of gas and convenience stores;
 - Retail stores within health care facilities; and
 - Pet and feed stores.

Social Distancing

All businesses should maintain social distancing requirements, including (1) maintaining six feet in between people; (2) appropriately washing hand and using sanitizer; (3) regularly cleaning high-touch surfaces; and (4) facilitating online or remote access by customers, if possible.

What Does This Mean For Non-Essential Businesses?

All non-essential businesses must temporarily cease operations, except to conduct “minimum basic operations” to:

- Maintaining the business’s inventory;
- Preserving the condition of the business’s plant and equipment;
- Ensuring security, processing payroll and benefits, and
- And the “minimum necessary activities” to facilitate to remote work.

Large Gatherings

All gatherings that bring together 10 or more people are prohibited. This does not include transportation hubs, such as airports, or bus or train stations. Likewise, medical facilities, libraries and shopping malls are exempted. Funerals are limited to fifty persons, while enforcing social distancing requirements, to the extent possible.

Effect On Local Orders

Localities are still permitted to implement more restrictive measures than the State.

Conclusion

We will continue to monitor this rapidly developing situation and provide updates as appropriate. Make sure you are subscribed to [Fisher Phillips’ alert system](#) to gather the most up-to-date information. For further information or advice on how to satisfy notice requirements as an employer, contact your Fisher Phillips attorney, any attorney in [our Charlotte office](#), or any member of [our COVID-19 Taskforce](#). You can also review our [Comprehensive And Updated FAQs For Employers On The COVID-19 Coronavirus](#) or our [FP COVID-19 Resource Center](#).

This Legal Alert provides an overview of a specific state law. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.

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