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Executive Order 138: Phase 1 of NC's Re-Open Plan

SUBJECT: NC's Re-Open Plan: Phase I
FROM: NCPCM Office – Gary Harris
TO: NCPCM Members
DATE: May 6, 2020

Members,

Governor Roy Cooper held a press conference at 5pm yesterday (Tuesday, May 5) to announce that the State will enter phase 1 of North Carolina's re-open plan beginning **this Friday, May 8 at 5:00 pm**. The stay-at-home Executive Order (EO) 121 was extended in EO 135 and was set to expire on Friday. Executive Order 121 and 135 enacted stay-at-home requirements in place since March 30 that designated retailers as either essential or non-essential. Petroleum marketer operations and c-stores were designated essential services but those designations are ending with this latest action (see information below).

The new Executive Order is number 138. While EO 138 does not lift the stay-at-home order, it replaces previous executive orders (Eos 121, 131 and 135) to begin Phase 1 **this Friday, May 8 at 5pm**. The order is set to **expire on Friday, May 22 at 5pm** at which point the Governor will examine whether North Carolina will enter Phase 2 at that time.

[Executive Order 138](#)
[Executive Order 138 FAQ](#)
[Phase 1 Side-by-Side Comparison Graphic](#)
[Governor's Press Release on EO 138](#)
[COVID-19 Data and Trends](#)

Phase 1 removes the designation of essential and non-essential businesses, allowing a business to open if it can practice social distancing and other transmission reduction strategies. Retail businesses can operate at 50 percent of stated fire capacity as long as social distancing requirements can be met. A business cannot reopen if it has been specifically closed, such as bars, personal care or grooming establishments, and entertainment venues.

North Carolinians are allowed to leave their homes to engage in commercial activity at businesses that are open.

The following businesses remain closed during Phase 1:

- Restaurants remain closed for dine-in services, but may continue to stay open to provide drive-through, take-out, and delivery;
- Personal care and grooming businesses, including barber shops, hair and nail salons
- Health clubs, fitness centers, gyms, and other indoor exercise facilities remain closed, including yoga studios, martial arts facilities, indoor trampoline, and rock-climbing facilities; and
- Entertainment facilities remain closed, including performance venues, movie theaters, bowling alleys, playgrounds and indoor and outdoor pools.

All retail businesses open to the public are required to:

- Direct customers and staff to stay at least six feet apart except at point of sale if applicable;
- Limit occupancy to not more than 50 percent of stated fire capacity and ensure that social distancing of six feet apart is possible;
- Mark six feet of spacing in lines at point of sale and in other high-traffic customer areas;
- Perform frequent and routine environmental cleaning and disinfection of high-touch areas with an EPA-approved disinfectant for COVID-19;

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All retail businesses open to the public are required to (Continued):

- Provide, whenever available, hand sanitizer stations, and ensure soap and hand drying materials are available at sinks;
- Conduct daily symptom screening of employees before entering the workplace and immediately send symptomatic workers home;
- Have a plan in place to immediately isolate an employee from work if symptoms develop; and
- Post signage at the main entrances to remind people about Recommendations to Promote Social Distancing and Reduce Transmission, request people who are or have recently been symptomatic not to enter, and notify customers of the reduced store capacity.

Retail businesses are also strongly encouraged to:

- Direct workers to stay at least six feet apart from one another and from customers, to the greatest extent possible;
- Provide designated times for seniors and other high-risk populations to access services; and
- Develop and use systems that allow for online, email, or telephone ordering, no-contact curbside or drive-through pickup or home delivery, and contact-free checkout.

High-volume retail businesses, such as grocery stores and pharmacies, are strongly encouraged to:

- Install acrylic or plastic shields at cash registers;
- Clearly mark designated entry and exit points; and
- Provide assistance with routing through aisles in the store.

Thanks to Andy Ellen and the "NC Retail Merchants" for their generous use of this synopsis. We are working closely with NCRMA on this issue and NCPCM is trying to keep the flow of information as similar as possible with other trade groups impacted to avoid confusion.