



State of North Carolina

ROY COOPER
GOVERNOR

July 29, 2021

EXECUTIVE ORDER NO. 224

IMPLEMENTING MEASURES TO ADDRESS COVID-19 AND RELATED VARIANTS

WHEREAS, on March 10, 2020, the undersigned issued Executive Order No. 116, 34 N.C. Reg. 1744-1749 (April 1, 2020), which declared a State of Emergency to coordinate the state's response and protective actions to address the Coronavirus Disease 2019 ("COVID-19") public health emergency and provide for the health, safety, and welfare of residents and visitors located in North Carolina; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic; and

WHEREAS, on March 13, 2020, the President of the United States issued an emergency declaration for all states, tribes, territories, and the District of Columbia, retroactive to March 1, 2020, and the President declared that the COVID-19 pandemic in the United States constitutes a national emergency; and

WHEREAS, on March 25, 2020, the President approved a Major Disaster Declaration, FEMA-4487-DR, for the State of North Carolina; and

WHEREAS, on February 24, 2021, the President issued notice that the national emergency relating to COVID-19 must remain in effect because the pandemic "continues to cause significant risk to the public health and safety of the Nation"; and

WHEREAS, in responding to the COVID-19 pandemic, and for the purpose of protecting the health, safety, and welfare of the people of North Carolina, the undersigned has issued Executive Order Nos. 116-122, 124-125, 129-131, 133-136, 138-144, 146-153, 155-157, 161-165, 169-173, 176-177, 180-181, 183-185, 188-193, 195, 197-198, 200, 204-207, 209-212, 215-217, and 219-221; and

WHEREAS, more than one million forty-four thousand (1,044,000) people in North Carolina have had COVID-19, and over thirteen thousand six hundred (13,600) people in North Carolina have died from the disease; and

WHEREAS, COVID-19 continues to infect thousands of North Carolinians every day, and a State of Emergency remains in place for the purpose of maintaining the state's ability to meet challenges presented by COVID-19; and

WHEREAS, the State of Emergency allows North Carolina to receive federal funding; to provide increased regulatory flexibility to the North Carolina Department of Health and Human Services ("NCDHHS") and health care facilities, which allows health care providers to expand their capacity to treat patients and assist with vaccination efforts; and to respond to any spikes in spread of the disease; and

WHEREAS, the undersigned has taken a science and data-driven approach to implementing public health measures to curb the spread of the virus and to advance the state's economy in a safe and effective way, which is in the best interests of all North Carolinians; and

Current Metrics

WHEREAS, as COVID-19 has continued to be spread from person to person across the United States and world, variants (genetically distinct strains) of COVID-19 have developed; and

WHEREAS, the Delta variant of COVID-19 is more transmissible than the original COVID-19 virus; and

WHEREAS, the spread of the Delta variant amongst the unvaccinated population in North Carolina has generated increased concern from medical professionals; and

WHEREAS, while North Carolina has continued to see improvement in vaccination numbers, the weekly number of doses of COVID-19 vaccinations administered has slowed in recent months, and there are still more than eighteen (18) counties in which under thirty-five (35%) of the population have been Fully Vaccinated; and

WHEREAS, because the Delta variant is more contagious than the original virus or other current COVID-19 variants, it quickly became the most common kind of COVID-19 in North Carolina during summer 2021, and now, the Delta variant makes up more than eighty percent (80%) of all new COVID-19 cases in North Carolina; and

WHEREAS, the Delta variant's growing dominance, coupled with its increased transmissibility, has led to a significant increase in the number of COVID-19 cases and hospitalizations; and

WHEREAS, on June 25, 2021, 388 new COVID-19 cases were reported, and 400 people were hospitalized with COVID-19, but one month later (on July 25, 2021), 1,910 new COVID-19 cases were reported, and 954 people were hospitalized with COVID-19; and

WHEREAS, over recent weeks, and despite the overall progress the state has made during the pandemic, North Carolina is experiencing a rapid increase in COVID-19 cases, almost entirely among those who are unvaccinated; and

WHEREAS, specifically, as of the date of this Executive Order, the state's key metrics for COVID-19 are worsening: the number of people hospitalized for COVID-19 has doubled over the past two weeks, the number of people going to emergency departments with COVID-like symptoms is rising, the number of COVID-19 daily diagnoses is rising, and the percent of total COVID-19 tests that are positive is rising and higher than five percent (5%); and

WHEREAS, although the Delta variant represents a severe threat to the unvaccinated, being vaccinated greatly reduces the chance of being infected by the Delta variant, and being vaccinated greatly reduces the risk that anyone who does contract the Delta variant becomes severely ill or requires hospitalization; and

WHEREAS, on July 27, 2021, the U.S. Centers for Disease Control and Prevention ("CDC") issued new guidance which: (i) suggests that Face Coverings should be worn by all people if they are indoors in a public place and are in areas of substantial or high transmission; (ii) identifies most of North Carolina as being areas of substantial or high transmission; and (iii) recommends all teachers, staff, students, and visitors to schools wear Face Coverings, regardless of vaccination status; and

Progress in COVID-19 Vaccination

WHEREAS, COVID-19 vaccines are now widely available at no cost to all eligible North Carolinians who wish to receive one, and all eligible North Carolinians are strongly encouraged to get vaccinated; and

WHEREAS, the state has mounted a robust vaccination effort to distribute the state's supply of COVID-19 vaccines authorized by the Food and Drug Administration ("FDA") to all eligible people living in or spending significant time in North Carolina; and

WHEREAS, as of the date of this Executive Order, eighty-four percent (84%) of the state's population age sixty-five (65) and older is Fully Vaccinated; and

WHEREAS, as of the date of this Executive Order, fifty-five percent (55%) of the state's population age twelve (12) and older is Fully Vaccinated, and forty-five percent (45%) is not fully vaccinated; and

WHEREAS, although forty-five percent (45%) of North Carolinians age twelve (12) and over are not fully vaccinated, more than ninety-four percent (94%) of recent North Carolina cases are in people who are not Fully Vaccinated; and

Measures to Protect Against COVID-19

WHEREAS, unvaccinated people pose a risk not only to themselves, but to people who are immunocompromised and to children who are too young to be vaccinated; and

WHEREAS, it remains critical that North Carolinians exercise personal responsibility to protect themselves and their friends and neighbors from the spread of COVID-19, including by obtaining the free and widely available COVID-19 vaccines; and

WHEREAS, the undersigned and the Secretary of the Department of Health and Human Services have taken measures to ensure that COVID-19 testing and vaccination administration are accessible to as many North Carolinians as possible, and the undersigned has determined that these measures should continue; and

WHEREAS, to protect State employees and the public, the undersigned has also determined that Cabinet agency workers should be required to show either that they are Fully Vaccinated or that they have been recently tested for COVID-19; and

WHEREAS, to protect State employees and the public, the undersigned has determined that Face Covering requirements for unvaccinated workers should be implemented at Cabinet agencies; and

WHEREAS, the undersigned encourages all state and local government agencies, school systems, and private businesses and organizations, at a minimum, to adopt the same protections for state employees and the public; and

WHEREAS, if the state's COVID-19 case rate continues to increase, if the state's vaccination rate does not improve, or if existing or new COVID-19 variants continue to pose increased dangers, it may be necessary to reevaluate whether additional restrictions are necessary to reduce the risk of death and serious illness from COVID-19; and

Statutory Authority and Determinations

WHEREAS, Executive Order No. 116 invoked the Emergency Management Act, and authorizes the undersigned to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(2), the undersigned may make, amend, or rescind necessary orders, rules, and regulations within the limits of the authority conferred upon the Governor in the Emergency Management Act; and

WHEREAS, N.C. Gen. Stat. § 166A-19.10(b)(3) authorizes and empowers the undersigned to delegate Gubernatorially vested authority under the Emergency Management Act and to provide for the sub-delegation of that authority; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), the undersigned may utilize all available state resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of state agencies or units thereof for the purpose of performing or facilitating emergency services; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the undersigned may take such action and give such directions to state and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of the Emergency Management Act and with the orders, rules, and regulations made thereunder; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(i), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because not all local authorities have enacted such appropriate ordinances or issued such appropriate declarations restricting the operation of businesses and limiting person-to-person contact, thus needed control cannot be imposed locally; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(ii), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because some but not all local authorities have taken implementing steps under such ordinances or declarations, if enacted or declared, in order to effectuate control over the emergency that has arisen; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(iii), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because the area in which the emergency exists spreads across local jurisdictional boundaries and the legal control measures of the jurisdictions are conflicting or uncoordinated to the extent that efforts to protect life and property are, or unquestionably will be, severely hampered; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(iv), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection of lives and property of North Carolinians because the scale of the emergency is so great that it exceeds the capability of local authorities to cope with it; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(1) authorizes the undersigned to prohibit and restrict the movement of people in public places; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(2) authorizes the undersigned to prohibit and restrict the operation of offices, business establishments, and other places to and from which people may travel or at which they may congregate; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(5) authorizes the undersigned to prohibit and restrict other activities or conditions, the control of which may be reasonably necessary to maintain order and protect lives or property during a state of emergency; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(1), when the undersigned imposes the prohibitions and restrictions enumerated in N.C. Gen. Stat. § 166A-19.31(b), the undersigned may amend or rescind the prohibitions and restrictions imposed by local authorities; and

WHEREAS, pursuant to Article III of the Constitution of North Carolina and N.C. Gen. Stat. §§ 143A-4 and 143B-4, the Governor is the chief executive officer of the state and is responsible for formulating and administering the policies of the executive branch of state government; and

WHEREAS, pursuant to N.C. Gen. Stat. § 143B-10(j)(3), the head of each principal state department and the Director of the Office of State Human Resources may adopt policies, consistent

with law and with rules established by the Governor and with rules of the State Human Resources Commission, which reflect internal management procedures within each department, including policies governing the conduct of employees of the department; and

WHEREAS, pursuant to N.C. Gen. Stat. § 126-4, the State Human Resources Commission (“Commission”) shall establish state human resources policies and rules subject to approval of the Governor, and pursuant to this statute, the Commission has issued a Communicable Disease Emergency Policy and rules that require social distancing policies, including administrative and engineering controls, that shall be implemented immediately upon orders from the Governor.

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

Section 1. Introduction.

1.1. Structure of this Executive Order.

North Carolina has made great strides since the start of the pandemic to save lives. Nevertheless, the state is presently experiencing a surge in COVID-19 spread, principally among those who are unvaccinated. The state’s key COVID-19 metrics suggest some measures must remain active to address and mitigate the spread of COVID-19.

Section 2 of this Executive Order is intended to provide the State Health Director with flexibility to issue any statewide standing order needed for COVID-19 testing or for administering an authorized or approved COVID-19 vaccine. The standing order may be issued as necessary in her medical judgment to allow individuals who meet NCDHHS criteria for testing to access and undergo testing for COVID-19 or receive a COVID-19 vaccine. Section 2 of this Executive Order also promotes COVID-19 testing and vaccine administration by preempting local regulations that may prevent such activity.

NCDHHS has developed guidance listing effective measures for businesses and organizations to use in protecting their employees and customers against COVID-19, including the Delta variant. Section 3 of this Executive Order provides information about this guidance and recommends that all private organizations and schools follow NCDHHS recommendations.

The most effective protection against the Delta variant—or against any form of COVID-19—is getting vaccinated. Vaccinations also protect the people around us from sickness and death. The undersigned has also determined that workers at Cabinet agencies must either be vaccinated or be regularly tested to ensure that they are not spreading COVID-19 to their fellow employees and members of the public. Section 4 of this Executive Order requires the Office of State Human Resources and all Cabinet agencies to implement these measures. The undersigned also has determined that Face Coverings should be required for unvaccinated workers at Cabinet agencies in many situations. Non-Cabinet agencies, state universities, and state commissions, local governments and school systems, and private businesses and organizations are strongly encouraged, at a minimum, to enact the same measures.

1.2. Definitions.

- a. “**Face Covering**” means a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears and fits snugly against the side of a person’s face. A Face Covering can be made of a variety of synthetic and natural fabrics, including cotton, silk, or linen. Face Coverings are most effective when they fit snugly against a person’s face and have two (2) or more layers. This can be achieved by wearing a cloth Face Covering with two or more layers or by wearing one disposable mask underneath a cloth mask. A cloth Face Covering may be factory-made, sewn by hand, or can be improvised from household items such as scarfs, bandanas, t-shirts, sweatshirts, or towels. These Face Coverings are not intended for use by healthcare providers in the care of patients.

Based on recommendations from the CDC, face shields do not meet the requirements for Face Coverings.

- b. "Face Covering Exception" means any of the exceptions from wearing Face Coverings listed in Section 2.3 of Executive Order No. 209 and any of the exceptions from wearing Face Coverings during exercise listed in the bullet points within Section 2.4 of Executive Order No. 209. Those portions of Executive Order No. 209 are incorporated into this Executive Order, but only for the purpose of serving as exceptions to Face Covering requirements and recommendations.
- c. "Fully Vaccinated" means that it has been two weeks after someone has received the second dose in a two-dose COVID-19 vaccine series (Pfizer or Moderna), or that it has been two weeks after someone has received a single-dose COVID-19 vaccine (Johnson & Johnson).
- d. "Guest" means any attendee, customer, guest, member, patron, spectator, or other person lawfully on the property of another that does not own the property or work at the property.
- e. "Surgical Mask" means American Society for Testing and Materials ("ASTM") Level 1, 2, or 3 approved procedural and surgical masks.

Section 2. COVID-19 Testing and Vaccine Administration.

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

- 2.1. **Statewide Standing Order for COVID-19 Testing.** In order to further protect the public health by providing greater access to COVID-19 testing, the undersigned orders the State Health Director, in addition to and in accordance with her powers set out in N.C. Gen. Stat. Chapter 130A, to issue any statewide standing order needed in her medical judgment that would allow individuals who meet NCDHHS criteria for testing to access and undergo testing for COVID-19, subject to the terms of the standing order. This standing order may continue for the duration of the State of Emergency.
- 2.2. **Statewide Standing Order for COVID-19 Vaccination.** In order to further protect public health by providing greater access to COVID-19 vaccines, the undersigned orders the State Health Director, consistent with her powers set out in N.C. Gen. Stat. Chapter 130A, to issue such statewide standing orders as needed in her medical judgment that would allow individuals eligible for vaccinations to access and receive a COVID-19 vaccination, subject to the terms of the standing order. This standing order may continue for the duration of the State of Emergency.
- 2.3. **School and Health Officials to Continue Efforts.** NCDHHS, the North Carolina Department of Public Instruction, and the North Carolina State Board of Education are directed to continue to work together during this State of Emergency to maintain and implement measures to provide for the health, nutrition, safety, educational needs, and well-being of children enrolled in North Carolina schools as they transition back to in-person learning.
- 2.4. **Effect on Local Emergency Management Orders.**
 - a. **Most of the Restrictions in This Executive Order Are Minimum Requirements, And Local Governments Can Impose Greater Restrictions.** The undersigned recognizes that the impact of COVID-19 has been and will likely continue to be different in different parts of North Carolina. Over the course of the COVID-19 emergency in North Carolina, COVID-19 outbreaks have occurred, at different times, in urban and rural areas; in coastal areas, the piedmont, and the mountains; and in a variety of employment and living settings. As such, the undersigned acknowledges that counties and cities may deem it necessary to adopt ordinances and issue state of emergency declarations which impose restrictions or prohibitions to the extent authorized under North Carolina law, such as on the activity of people and businesses, to a greater degree than in this Executive Order. To that end, nothing herein, except where specifically stated below in this Subsection 2.4, is intended to limit or prohibit counties and cities in North Carolina from enacting ordinances and issuing state of emergency declarations which

impose greater restrictions or prohibitions to the extent authorized under North Carolina law.

- b. Local Restrictions Cannot Restrict State or Federal Government Operations. Notwithstanding Subsection 2.4(a) above, no county or city ordinance or declaration shall have the effect of restricting or prohibiting governmental operations of the state or the United States.
- c. Local Restrictions Cannot Prevent COVID-19 Testing. To ensure that COVID-19 testing is available to the maximum extent possible, and to create certainty and uniformity across the state for businesses and operations that are providing this valuable testing, the undersigned specifically prohibits all local prohibitions and restrictions that would prevent or restrict businesses or operations from providing COVID-19 testing or would prevent or restrict businesses or operations from advertising COVID-19 testing services that they are providing to the public. This preemption includes, but is not limited to, building permits, signage restrictions, and zoning requirements. However, the preemption provided by this Section is available only to COVID-19 testing sites that are operated in accordance with state and federal law and in cooperation with the NCDHHS or a local public health department.
- d. Local Restrictions Cannot Prevent COVID-19 Vaccine Administration. To ensure that COVID-19 vaccines are available to the maximum extent possible, and to create certainty and uniformity across the state for businesses and operations that are providing this valuable service, the undersigned specifically prohibits all local prohibitions and restrictions that would prevent or restrict businesses or operations from providing COVID-19 vaccines or would prevent or restrict businesses or operations from advertising COVID-19 vaccines that they are providing to the public. This preemption includes, but is not limited to, building permits, signage restrictions and zoning requirements. However, the preemption provided by this Section is available only to COVID-19 vaccination sites that are operated in accordance with state and federal law and in cooperation with the NCDHHS or a local public health department.

Section 3. Guidelines for Private Businesses, Organizations, and Schools.

Federal and state health officials have issued guidance on how individuals and businesses can reduce the risk of transmission of COVID-19, including the Delta variant. These recommendations are available at <https://covid19.ncdhhs.gov/guidance>. Private businesses and organizations are strongly encouraged, at a minimum, to follow the measures in the NCDHHS guidance. These measures include requiring workers to either verify that they are Fully Vaccinated or, if they are not Fully Vaccinated, to wear Face Coverings and be tested on a weekly basis. These measures also include recommending Face Coverings for Fully Vaccinated workers and Guests indoors when other people are present.

Nothing in this Executive Order is intended to prohibit or discourage private businesses and organizations from requiring Face Coverings for their workers or Guests, or to prevent such businesses and organizations from enforcing all existing rights under the law to prohibit Guests from entering without Face Coverings.

In accordance with CDC's recommendations, and as recommended in the StrongSchoolsNC Public Health Tool Kit, leaders at all public and non-public schools should require all students, school staff, and visitors, regardless of vaccination status, to wear Face Coverings at all K-12 schools (unless a Face Covering Exception applies or medical or developmental conditions prohibit use).

Section 4. Measures to Protect State Employees and Members of the Public Who Enter State Facilities.

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

4.1. **Vaccination or Testing Required for Unvaccinated Workers at Cabinet Agencies.**

The undersigned directs the Office of State Human Resources ("OSHR") to issue a policy that includes the following requirements in this Section. OSHR is delegated the authority to issue this policy. OSHR shall issue this policy no later than August 13, 2021. OSHR may amend that policy thereafter.

The OSHR policy shall be effective September 1, 2021, and the requirements in this Subsection 4.1 shall become effective on that date.

These requirements set out prohibitions and restrictions only upon operation of agencies that are part of the Governor's Office or are headed by members of the Governor's Cabinet. All other state and local government agencies are strongly encouraged to voluntarily adopt similar policies.

- a. All workers must either:
 1. Provide proof that they are Fully Vaccinated; or
 2. Be tested at least once a week for COVID-19.
- b. The OSHR policy shall identify how workers may show that they are Fully Vaccinated. This proof shall include, but not be limited to, providing a valid COVID-19 vaccination record card to a representative of the agency's Human Resources staff.
- c. The OSHR policy shall identify how an employee may show that they have tested negative for COVID-19. This proof shall include, but not be limited to, providing test results to a representative of the agency's Human Resources staff. The OSHR policy, which shall be drafted in consultation with NCDHHS, shall also identify the conditions under which a positive or pending test result requires exclusion from the workplace.
- d. The OSHR policy shall identify confidentiality requirements for the information provided by workers under this Subsection 4.1. These confidentiality provisions shall be consistent with guidance from the Equal Employment Opportunity Commission.
- e. State employees may be subject to disciplinary action for violations of this Subsection 4.1 or the OSHR policy, up to and including dismissal. Each agency may determine the appropriate level of discipline for violations by issuing guidelines or policy. This Subsection 4.1 shall be enforceable only through disciplinary action for workers, and not by law enforcement under N.C. Gen. Stat. § 166A-19.30(a)(2).
- f. Workers with disabilities that impair or prevent vaccination, workers who are not recommended by a physician to be vaccinated, and workers with a sincerely held religious belief, practice, or observance that is inconsistent with vaccination may request a reasonable accommodation from the proof of vaccination option in Section 4.1(a)(1). The testing option in Section 4.1(a)(2) may serve as a reasonable accommodation for workers seeking an accommodation from the proof of vaccination option. These workers may request an exception by contacting their agency's Human Resources office.

4.2. **Face Covering Requirements at Cabinet Agencies.** Effective Monday, August 2, 2021:

- a. If they are not Fully Vaccinated, workers must wear Face Coverings in any indoor space, within a state government office, building, or facility, that is that is controlled by an agency that is either part of the Governor's Office or is headed by a member of the Governor's Cabinet.
- b. Workers are excepted from the Face Covering requirements in this Subsection 4.2 if they provide proof that they are Fully Vaccinated. OSHR shall issue no later than July 30, 2021, a policy detailing how workers may provide this proof. This policy shall be replaced, effective September 1, 2021, by the policy issued under Subsection 4.1 of this Executive Order. OSHR is delegated the authority to issue this policy.

- c. Each agency may set its own Face Covering policy for Guests and for Fully Vaccinated workers in its offices, buildings, and facilities. All workers and Guests are welcome to wear a Face Covering at any time. It is recommended that Fully Vaccinated workers and Guests wear a Face Covering.
- d. Face Coverings are not required when a person is alone in a room or when a Face Covering Exception applies.
- e. State employees may be subject to disciplinary action for violations of this Subsection 4.2 or the OSHR policy, up to and including dismissal. Each agency may determine the appropriate level of discipline for violations by issuing guidelines or policy. This Subsection 4.2 shall be enforceable only through disciplinary action for workers, and not by law enforcement under N.C. Gen. Stat. § 166A-19.30(a)(2).
- f. The requirements of this Subsection 4.2 set out prohibitions and restrictions only upon operation of agencies that are part of the Governor's Office or are headed by members of the Governor's Cabinet. All other state and local government agencies are strongly encouraged to adopt similar policies.

Section 5. No Private Right of Action.

This Executive Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of North Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any emergency management worker (as defined in N.C. Gen. Stat. § 166A-19.60) or any other person.

Section 6. Savings Clause.

If any provision of this Executive Order or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Section 7. Distribution.

I hereby order that this Executive Order be: (1) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (2) promptly filed with the Secretary of the North Carolina Department of Public Safety, the Secretary of State, and the superior court clerks in the counties to which it applies, unless the circumstances of the State of Emergency would prevent or impede such filing; and (3) distributed to others as necessary to ensure proper implementation of this Executive Order.


Section 8. Enforcement.

- 8.1. Except where otherwise specified herein and pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the provisions of this Executive Order shall be enforced by state and local law enforcement officers.
- 8.2. A violation of this Executive Order may be subject to prosecution pursuant to N.C. Gen. Stat. § 166A-19.30(d) and is punishable as a Class 2 misdemeanor in accordance with N.C. Gen. Stat. § 14-288.20A. Local governments are specifically authorized and encouraged to adopt ordinances that provide law enforcement officials with flexibility to use civil, rather than criminal, penalties to enforce violations of this Executive Order.
- 8.3. Nothing in this Executive Order shall be construed to preempt or overrule a court order regarding an individual's conduct (e.g., a Domestic Violence Protection Order or similar orders limiting an individual's access to a particular place).

Section 9. Effective Date.

This Executive Order is effective July 29, 2021, at 5:00 pm. This Executive Order shall remain in effect through August 31, 2021, at 5:00 pm, unless repealed, replaced, or rescinded by another applicable Executive Order. An Executive Order rescinding the Declaration of the State of Emergency will automatically rescind this Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 29th day of July in the year of our Lord two thousand and twenty-one.



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Secretary of State

