

SPECIAL ALERT: Governor Roy Cooper Shuttters More Businesses and Extends K-12 Public School Closure

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On March 23, Governor Roy Cooper signed Executive Order 120 ('Order'). The Order extends the in-person closure of the public K-12 schools in North Carolina until May 15.

The Order further limits mass gatherings – to a crowd size less than 50 people. Governor Cooper also has ordered the closure of entire categories of businesses by 5:00 pm

on Wednesday, March 25, 2020. The list focuses on entertainment facilities without a retail or dining component and businesses where people gather or are in close proximity for non-medical purposes: gyms, health clubs, bowling alleys, indoor exercise facilities, movie theaters, hair and nail salons, barber shops and massage therapists.

This list is not all-inclusive. We encourage you to read the Order. If you own one of the businesses shuttered as a result of Governor Cooper's most recent Order and have additional legal questions, please **contact our COVID-19 Response Team for an assessment of your specific situation** .

Background: The Evolving COVID-19 Executive Orders

Since March 10, Governor Cooper has issued several Executive Orders dealing with COVID-19. Each order must be read as part of the whole. Later Executive Orders can amend or supersede older orders. Therefore, we present a timeline, from the first Order to the most recent, showcasing how the Orders have evolved as the COVID-19 situation took hold. These orders can have significant legal implications for business practices, employees, and personal freedom of movement.

- On March 10, the Governor issued Executive Order 116: in response to the spread of COVID-19. Among its many regulations, Order 116 declared a state of emergency for North Carolina, waived certain transportation regulations, and imposed limited consumer protections against excessive pricing or "price gouging."
- Executive Order 117 followed on March 14 prohibiting gatherings of more than one hundred (100) people in a single room or space at the same time, closing public schools until March 30, and urging everyone to maintain "social distancing" of at least six (6) feet whenever possible.
- On March 17, the Governor issued Executive Order 118, which imposed additional restrictions on the

sale of food and beverages. Order 118 ordered that all food establishments be restricted to carry-out, drive-through, delivery, or on-site consumption in outdoor areas subject to social distancing environments. Order 118 exempted grocery stores, pharmacies, convenience stores, gas stations, and charities from the restrictions.

- On March 20, the Governor added Executive Order 119 to the list. Order 119 delegated authority to the Secretary of the North Carolina Department of Health and Human Services ("NCDHHS") to waive the effect or enforcement of certain regulations for child care and extended time periods and accreditation scheduling for public health nurses. The Order also encourages local governments to support the continued operation of child care facilities for children of all ages.
- March 23, 2020, the Governor issued Executive Order 120. See above.

We will continue to update this list as we have a good sense we have not seen the last of the use of the Governor's executive powers.

In our next COVID-19 Response Newsletter, we will discuss local governments' implementation of more restrictive measures.

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