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Date: March 14, 2020 at 10:24:51 PM EDT
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Subject: Coronavirus - Governor's Executive Order No. 117 - Prohibition of Mass Gatherings and School Closures -And Impact on Churches and Funerals

To: All Sheriffs

Attached is a letter to law enforcement from DPS Secretary Erik Hooks as well as the Governor's Executive Order No. 117 regarding Prohibition of Mass Gatherings and School Closures.

You may wish to consult with your local District Attorney regarding subsections c. and d. of Section 1, which create a Class 2 misdemeanor and say that it "shall be enforced by state and local law enforcement officers" (emphasis added.)

Two questions about the Executive Order have arisen:

1 --- Whether the Prohibitions of Mass Gatherings provisions in the Governor's Executive Order No. 117 DO apply to churches and other places of worship or DO NOT apply to churches and other places of worship of more than 100 persons, since they are not specifically mentioned in the Executive Order?

2 --- Section 1. a. of the Executive Order defines a "mass gathering" and then subsection b. states: "A mass gathering does not include normal operations at....other spaces where more than one hundred (100) persons are gathered." Does subsection b. exempt all places originally covered by subsection a?

The following clarification has been provided by Jane Ammons Gilchrist, General Counsel, NC Department of Public Safety:

The Executive Order in section 1a. defines mass gathering "as any event or convening that brings together one hundred (100) or more persons in a single room or single space at the same time, such as an auditorium, stadium, arena, large conference room, meeting hall, theater, or any other confined indoor or outdoor space." Paragraph a is directed at organized events or gatherings.

Paragraph b states "mass gathering does not include normal operations at airports, bus and train stations, medical facilities, libraries, shopping malls and centers, or other spaces where 100 or more persons may be gathered. It also does not include office environments, schools, restaurants, factories, grocery stores or other retail establishments." Paragraph b is aimed at situations where under normal operating conditions 100 or more people may be in the same location but not at a coordinated event or convening.

If a church gathering [or a funeral, whether at a church or elsewhere] has a coordinated event or convening of more than 100 persons, that would be prohibited under 1a. If a church has more than 100 employees and they come to work, the employees coming to work would fall within the exemption of paragraph b. However, if a church gathering [or a funeral, whether at a church or elsewhere] has a coordinated event or convening for more than 100 persons, that would be prohibited under 1a even if the church has more than 100 employees who come to work.

I will also note section 3 which urges everyone to maintain social distancing recommendations of approximately 6 feet from other people whenever possible and to continue to wash hands, utilize hand sanitizers and practice proper respiratory etiquette as that is the best way to limit the spread of COVID-19.

As always, if I can help further, please call me on my mobile telephone at 919-810-6333.

Thanks...Eddie C.