

**Guidelines of Executive Order 118 and Order of Abatement
as of March 24, 2020**

HIGH POINT POLICE DEPARTMENT ABC UNIT

To all, this is a message from the High Point Police Department's Alcohol Unit outlining Governor Cooper's Executive Order 118, Order of Abatement and EO120. There have been many calls with questions and concerns about establishments that serve alcohol and daily operating procedures while under the Governor's Executive Orders. We wanted to send out some clarification to answer questions that many businesses may have.

We also want to ensure that you are provided with the most accurate and updated information, from the Governor's Office and ABC Commission so that your business can operate in a lawful and safe manor.

PLEASE NOTE: THIS IS A CONSTANTLY CHANGING SITUATION

We will do our best to answer any questions that you may have and will provide everyone with the most accurate updates as they are received.

For questions please contact:

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***** Please leave a detailed message, if you reach our voicemail*****

**Executive Order No. 118 and Order of Abatement
March 19, 2020**

During a state of emergency, the Governor has the constitutional authority to perform and exercise functions, powers, and duties as are necessary to promote and secure the safety and protection of the civilian population.

On 03/19/20 the Order of Abatement of Imminent Hazard was issued by the Secretary of the NC Department of Health and Human Services, which states that “seating areas of restaurants and bars constitute an imminent hazard for the spread of COVID-19.”

1. Per EO 118 and Order of Abatement, restaurants shall close **ALL** seating areas and bars are directed to close immediately. Restaurants are restricted to carry-out, drive-through, and delivery to ensure food is available while maintaining social distancing. Restaurant staff are not permitted to serve patrons indoors or in the outdoor seating area, and all areas of North Carolina are subject to mass gathering restrictions and social distancing guidelines. **If a restaurant has outdoor seating, onsite consumption in the outdoor seating area is not permitted pursuant to the Order of Abatement.**
2. Per EO 118 and Order of Abatement, restaurant seating areas (indoor/patio seating area) and All bars **MUST** remain closed until March 31, 2020 or until the Order and Order of Abatement are rescinded or replaced.
3. Per EO 118 and Order of Abatement also applies to Country Clubs, American Legion Posts, Moose Clubs, Elks Lodges and other similar clubs because the EO 118 and Order of Abatement define restaurants to include private or members-only clubs where food and beverages are permitted to be consumed on premise. **Therefore, these clubs are restricted to offering carry-out, drive-through and delivery service only. No indoor/outdoor or patio seating and consumption of food or alcohol is allowed.**
4. Per EO 118 and Order of Abatement **requires** cafeterias and on-site dining facilities at colleges and universities to provide only carry-out, drive through and delivery meals to students and employees. Students and employees are encouraged to take their food to smaller settings to prevent large gatherings of people in one location.
5. Per EO 118 and Order of Abatement the ABC Stores and other retail establishments **can** sale alcohol, as long as it is for **Off-Premises Consumption.**

NC ABC Commission Compliance Guidance

1. **All On-premise sales and consumption MUST STOP. This includes patios and outdoor picnic tables.**
2. **Only Off-Premise** sales of beer and wine are allowed from establishments with appropriate retail beer or wine permits. If your business has On-Premises Malt Beverage, On-Premises Unfortified Wine or Fortified Wine Permit, automatically authorizes the sale of those products “To Go”, if they are sealed in the manufacture’s original container. Patrons can also fill Growlers at establishments, but the alcohol **MUST** be consumed **Off-Premises**.
3. Retail permittees may deliver to vehicles at a curb or a parking space adjacent to the licensed premises while the Executive Order is in place. **NO** Off-Premise delivery of alcohol is permitted.
4. Spirituous liquor sales from ABC stores are determined by local ABC boards. Distilleries may still sell bottles for off-premises consumption.
5. On-premise mixed beverage sales or consumption is not allowed at distilleries while this Executive Order in is effect.

NOTE:

- Violation of the Governor’s Executive Order is a Class 2 misdemeanor. 166A-19.30(d)
- Violation of the Governor’s Executive Order could result in penalties against ABC permits. 18B-1005

Facts about EO 118/ Order of Abatement/ EO 120 and Alcohol sales and consumption

1. Currently golf courses with ABC Permits can sell alcohol like normal, as long as their patrons **DON'T CONSUME INSIDE THE BUILDING OR PATIO AREA**. The patron **CAN purchase the alcohol and take it with them onto the golf course and drink like normal**. This is the **ONLY** exemption to EO 118/ Order of Abatement for On-Premises consumption.
2. **All mixed beverage and spirituous liquor sales** from restaurants and bars are **suspended during EO 118 and Order of Abatement**.
3. If a patron is waiting on a "To Go" order to be prepared, they **CANNOT** consume an alcoholic drink during the wait. Again, **ALL** alcohol consumption **MUST** be consumed **OFF-Premises**.
4. Spirituous Liquor and Mixed Beverages are **NOT allowed to be purchased "To Go"**. Per EO 118 and Order of Abatement and NC ABC Commission, **ALL spirituous liquor and mixed beverages sales MUST STOP**.
5. During EO118 and Order of Abatement, verification of age is still required each time alcohol is purchased. The **ONLY** four forms of accepted identification to purchase alcohol are:
 - ANY valid drivers license (from any state)
 - North Carolina Identification card (valid)
 - Military Identification Card (valid)
 - Passport (valid)
6. If a patron purchases alcohol from your establishment, **YOU MUST check for intoxication of that patron**. If the patron appears to be intoxicated, refuse the sale and encourage them to not operate a vehicle.

7. Governor Cooper issued another executive order yesterday which becomes effective tomorrow **(Wed. 3/25) at 5pm.**

The EO 120 outlines the following:

- a. Gatherings of more than **50 people** will now be prohibited. The only exceptions: normal operations at airports, train stations, medical facilities, shopping malls/centers, offices, factories, grocery stores, and childcare facilities.
- b. **Entertainment facilities must close**, but if there is a retail or dining component within the establishment, that component may remain open for that purpose, **for takeout ONLY**. "Entertainment facilities" include the following:

Bingo parlors (and bingo sites operated by charitable organizations)

Bowling alleys

Indoor exercise facilities

Health clubs

Indoor/outdoor pools

Live performance venues

Movie Theaters

Skating Rinks

Spa.

Again, this is a daily changing situation. If you have any questions, please contact us, so that we may assist you during these unique times.

Below are some links that you can browse to stay informed.

<https://files.nc.gov/governor/documents/files/EO118>

<https://www.ncdhhs.gov/divisions/public-health/coronavirus-disease2019-covid-19-response-north-carolina>

<https://www.cdc.gov/coronavirus/2019-ncov/community/index>

<https://abc.nc.gov/PublicResources/LegalAnnouncement/261>

