



Frequently Asked Questions (“FAQ”) for Executive Order No. 153

July 28, 2020

This FAQ provides guidance for the implementation of Executive Order No. 153 (“Order”). Under the terms of that Order, effective Friday, July 31, 2020, Governor Roy Cooper ordered that restaurants, breweries, wineries, distilleries, and other establishments which serve alcohol for on-site consumption must cease alcohol sales and service at 11:00 p.m. and may not resume them until 7:00 a.m. Below are frequently asked questions (“FAQs”) and their answers. In addition, individuals should check with local governments to determine whether additional restrictions have been imposed in their local jurisdictions to limit the spread of COVID-19.

This information is subject to change in light of new CDC guidance and additional Executive Orders or local government declarations.

FAQs related to the Order

When does this Order take effect?

This Order takes effect on Friday, July 31, 2020 at 11:00p.m.

Does this Order permit bars currently closed to reopen or serve alcohol until 11:00 p.m.?

No. Bars remain closed. This Order applies to establishments that are currently authorized to operate under Executive Order No. 141, as extended by Executive Orders Nos. 147 and 151. This Order does not “open” an establishment currently closed by the Executive Orders that are in place.

Does this Order apply to breweries, wineries, and distilleries?

Yes. Breweries, wineries, and distilleries must cease the sale of alcohol for on-site consumption at 11:00 p.m.

May breweries, wineries, and distilleries make sales for off-site consumption past 11:00 p.m.?

This Order does not address the sale of alcohol for off-site consumption.

Does this Order require grocery stores, convenience stores, or other retail establishments to cease alcohol sales at 11:00 p.m.?

Grocery stores, convenience stores, and retail establishments that are permitted to serve alcohol for on-premises consumption must cease alcohol sales at 11:00 p.m. Stores that are permitted to do so can continue alcohol sales for off-site consumption after 11:00 p.m. unless prohibited by city or county ordinance.

May I order multiple drinks at one time before the 11:00 p.m. cut off and drink them after 11:00 p.m.?

Current state law still applies. A customer may order no more than two beer or wine beverages at a time, or one liquor drink. Any beverages ordered before 11:00 p.m. may reasonably be finished after the cut off time.

Who enforces the curfew on alcohol sales?

Local law enforcement, the Alcohol Law Enforcement Division (ALE) and the State Alcoholic Beverage Control Commission may enforce the terms of this Order.

If I see an establishment violating this Order and wish to report it, who should I call?

Local law enforcement, including local police departments and sheriff's offices, can field reports of alleged violations of this Order.

Does this apply to country clubs and other private venues?

Yes. This Order applies to all restaurants, as that term is defined in Executive Order No. 141, and which includes private and members-only clubs.

May a restaurant continue to serve food after 11:00 p.m.?

Yes. However, if a local Order prohibits the sale of food after 11:00p.m., you must abide by the local order.

What about a local emergency ordinance that cuts off sales of alcohol for off-premises consumption after a certain time?

This Order does not preempt local city or county orders regarding the sale, service, or consumption of alcohol that either relate to off-premises sales or have a cut off time of before 11:00 p.m.

If I order an alcoholic beverage at 10:30p.m. and have not finished it by 11:00 p.m., does it have to be removed from the table?

No. The Order prohibits the sale of alcohol after 11:00 p.m. Patrons may finish beverages, whether it's a mixed drink or a bottle of wine, that were ordered prior to the cut off.

If my local order ceases alcohol sales earlier than the Governor's Order, which one do I follow?

The local order should be followed where it is more restrictive than what the Governor has ordered.

If my local order ceases alcohol sales later than the Governor's Order, which one do I follow?

The statewide Order should be followed if the local order ceases alcohol sales later than the Governor's Order.

Can a restaurant start serving drinks again at 12:01 a.m. since it is a new day?

A restaurant or other establishment may not sell or serve alcohol for on-premises consumption between the hours of 11:00 p.m. and 7:00 a.m.

What is the consequence for serving alcohol for on-site consumption after 11:00 p.m.?

Violations of this Executive Order are a Class 2 Misdemeanor. Violators of this Executive Order may also be subject to further action by the Alcoholic Beverage Control Commission.

If I am a customer and order an alcoholic beverage after 11:00 p.m., may I be charged with violating this Order?

This Order prohibits the sale or service of alcoholic beverages for on-premises consumption after 11:00p.m. Local law enforcement, the Alcohol Law Enforcement, and the State Alcoholic Beverage Control Commission have discretion in making charging decisions.