

EO 138 Phase One – Guidance for Religious Services and Mass Gathering Restrictions

On May 5, 2020, Governor Cooper signed Executive Order 138 (“Phase One Order”). The Phase One Order addresses the current status of the Statewide Stay at Home Order, including limits on certain travel and business operations as well as current mass gathering restrictions. The mass gathering restrictions in the Phase One Order provide more flexibility for many activities, including religious worship. The mass gathering requirements in the Phase One Order are currently set to remain in effect for two weeks beginning on Friday, 8 May 2020. This guidance document describes certain special accommodations for religious worship that are set forth in the Phase One Order. This document is intended to provide helpful guidance. It does not change or override the terms of any Executive Orders. In carrying out the Phase One Order to protect members of the public, local authorities are encouraged to initially address violations with education and warnings.

Section 6 of the Phase One Order generally prohibits mass gatherings. A mass gathering is defined as an “event or convening that brings together more than ten (10) persons at the same time in a single space such as an auditorium, stadium, arena, conference room, meeting hall, or any other confined indoor or outdoor space.” However, some occurrences, including religious services, are excepted from the Order’s definition of mass gathering. As discussed below, events such as worship services and weddings may take place indoors with ten or fewer people in attendance. These events may also take place outdoors without the ten-person attendance limit, if attendees follow as much as possible the Recommendations to Promote Social Distancing and Reduce Transmissions outlined in the Phase One Order. Public health experts have concluded that conducting these activities outdoors is necessary to protect public health because there is evidence that stationary activities that occur indoors have a higher likelihood of causing transmission of COVID-19.

Outdoor Worship Services

There is no limit on the number of people that can attend outdoor worship or wedding services. Attendees should follow, as much as possible, the Recommendations to Promote Social Distancing and Reduce Transmission highlighted in the Phase One Order. Therefore, an outdoor worship service, similar to a demonstration, may be held where families (from the same household) in attendance maintain at least six feet of social distancing from other families or individuals. The event must be held in an unenclosed space (i.e. not an outdoor facility with walls). Outdoor worship services are also allowed without these restrictions where participants remain in their cars.

Indoor Worship Services

Indoor worship services and weddings are allowed for gatherings of ten people or fewer in the same confined space. However, nothing prevents an indoor worship service from being shifted to multiple services over a period of time, or held in different rooms, to meet the requirements of the Phase One Order.

In situations where it is not possible to conduct worship services outdoors or through other accommodations — such as through, for example, a series of indoor services of ten or fewer

attendees, or through online services — the ten-person attendance limit on indoor worship services does not apply. For example, there may be situations in which particular religious beliefs dictate that some or all of a religious service must be held indoors and that more than ten persons must be in attendance. While indoors, participants should continue to adhere to the Recommendations to Promote Social Distancing and Reduce Transmission.

Funeral services

To promote human dignity and limit suffering, up to fifty people may attend a funeral held indoors. People meeting at a funeral should observe the Recommendations to Promote Social Distancing and Reduce Transmission set forth in the Phase One Order.