



State of North Carolina

ROY COOPER
GOVERNOR

August 6, 2021

EXECUTIVE ORDER NO. 225

EXTENDING CERTAIN HEALTH AND HUMAN SERVICES PROVISIONS IN PREVIOUS EXECUTIVE ORDERS AND DELEGATIONS OF AUTHORITY

WHEREAS, on March 10, 2020, the undersigned issued Executive Order No. 116, 34 N.C. Reg. 1744-1749 (April 1, 2020), which declared a State of Emergency to coordinate the state's response and protective actions to address the Coronavirus Disease 2019 ("COVID-19") public health emergency and to provide for the health, safety, and welfare of residents and visitors located in North Carolina; and

WHEREAS, on March 13, 2020, the President of the United States issued an emergency declaration for all states, tribes, territories, and the District of Columbia, retroactive to March 1, 2020, and the President declared that the COVID-19 pandemic in the United States constitutes a national emergency; and

WHEREAS, on March 25, 2020, the President approved a Major Disaster Declaration, FEMA-4487-DR, for the state of North Carolina; and

WHEREAS, in responding to the COVID-19 pandemic, and for the purpose of protecting the health, safety, and welfare of the people of North Carolina, the undersigned has issued Executive Order Nos. 116-122, 124-125, 129-131, 133-136, 138-144, 146-153, 155-157, 161-165, 169-173, 176-177, 180-181, 183-185, 188-193, 195, 197-198, 200, 204-207, 209-212, 215-217, 219-221, and 224, and;

WHEREAS, as of the date of this Executive Order, the state is experiencing rapidly increasing rates of the percent of emergency department visits that are due to COVID-19-like illness, the daily number of new diagnosed COVID-19 cases, the percent of total COVID-19 tests that are positive, and the number of COVID-19 hospitalizations; and

WHEREAS, COVID-19 continues to inflict an unprecedented toll on human life in North Carolina; and

WHEREAS, more than one million seventy-one thousand (1,071,000) people in North Carolina have been diagnosed with COVID-19, and more than thirteen thousand seven hundred (13,700) people in North Carolina have died from the disease; and

WHEREAS, the continued prevalence of variants of concern, chiefly the Delta variant, across the state, the fact that our key COVID-19 metrics remain elevated, and the need to make additional progress in the state's ongoing vaccination efforts together require continuation of the measures specified herein; and

WHEREAS, in Executive Order Nos. 130, 139 and 152, the undersigned, with the concurrence of the Council of State, determined that the Secretary of NCDHHS (the "Secretary") required authority to modify or waive enforcement of certain legal constraints or regulations which restrict the immediate relief of human suffering; and

WHEREAS, certain provisions of Executive Order Nos. 130 and 139 were extended by Executive Order Nos. 144, 148, 152, 165, 177, 193 and 211, but these provisions are set to expire unless the undersigned takes further action; and

WHEREAS, it is anticipated that the need for these measures will continue for at least a period of sixty (60) days; and

WHEREAS, since the Declaration of a State of Emergency in Executive Order No. 116, North Carolina has accumulated increased personal protective equipment ("PPE") for health care workers and first responders, developed health care protocols and procedures for the treatment of COVID-19, and adopted personal recommendations to promote social distancing and reduce transmission of COVID-19; and

WHEREAS, despite the accumulation of additional PPE, the advancements made by health care professionals to treat the disease, and the efforts made by the undersigned's administration and all North Carolinians to reduce transmission of the disease across the state, hospital administrators and health care providers continue to express concerns that unless the spread of COVID-19 is limited, existing health care facilities may be insufficient to care for those who become sick or need hospital-level care for other conditions; and

WHEREAS, until enough North Carolinians are vaccinated, COVID-19 will continue to cause devastating illness and death; and

WHEREAS, as of the date of this Executive Order, the United States Food and Drug Administration (the "FDA") has authorized three vaccines for COVID-19, it is anticipated that the vaccines may be authorized for additional age groups, and more vaccines may be authorized in the future; and

WHEREAS, rigorous clinical trials have demonstrated that the FDA-authorized COVID-19 vaccinations are safe and effective, and that the known and potential benefits of the FDA-authorized COVID-19 vaccines outweigh the known and potential harms of contracting the COVID-19 virus; and

WHEREAS, the vaccine is free to all North Carolinians, regardless of insurance status; and

WHEREAS, North Carolina and its mental health, developmental disabilities, and substance abuse facility and service providers need to take all reasonable actions to expand capacity as to improve the ability to efficiently respond to the COVID-19 pandemic, thereby reducing the probability that the demand for care in North Carolina will outpace capacity; and

WHEREAS, in some cases, these actions have required and will continue to require temporarily waiving or modifying legal and regulatory constraints so that these mental health, developmental disability, and substance abuse facilities and providers can maintain licensure and continue to provide necessary services; and

WHEREAS, decisions about adding and transferring resources continue to require real-time decision-making; and

WHEREAS, to continue to enable rapid decision-making, the undersigned has determined that it is in the best interest of the people of North Carolina to provide the Secretary with authority to modify or waive enforcement of certain legal and regulatory constraints as necessary in order to expand capacity and save lives; and

WHEREAS, for example, there is a growing need of health care providers to administer the vaccine, however, many individuals with medical training are not authorized to administer vaccines due to licensing requirements; accordingly, the undersigned wishes to remove any such barriers which would prevent or impair the ability of these medical personnel from assisting with vaccine administration; and

WHEREAS, to prevent barriers to vaccine administration that would leave doses unadministered and would leave people unprotected, it is also critically important that those administering the vaccine, and those providing their property and facilities for purposes of vaccine administration, are provided with insulation from liability to the maximum extent permitted by law; and

WHEREAS, the process of vaccinating North Carolinians to levels sufficient to protect the population requires comprehensive and aggressive statewide efforts together with robust community participation; and

WHEREAS, accordingly, state officials are directed to marshal all available state property, equipment, and personnel towards facilitating the statewide vaccination effort; and

WHEREAS, the State Health Director has been assigned authority by the Secretary, pursuant to N.C. Gen. Stat. § 130A-3, to exercise authorities under N.C. Gen. Stat. § 130A-5, including to investigate the causes of communicable disease affecting the public health in order to control and prevent those diseases, to provide, under the rules of the North Carolina Commission for Public Health, for the prevention, detection, reporting, and control of communicable diseases, and to develop and carry out health programs necessary for the protection and promotion of the public health and the control of diseases; and

WHEREAS, to support local health departments on the front lines responding to the COVID-19 pandemic, it has been necessary to waive certain local health department regulations in Executive Orders Nos. 119, 139, and subsequent extensions, including requirements around accreditation, and as local health departments have been for a year and will continue to be the lead agencies in the state's efforts to combat the COVID virus, additional waivers are needed to provide relief to local health departments on the front lines responding to the COVID-19 pandemic; and

Statutory Authority and Determinations

WHEREAS, Executive Order No. 116 invoked the Emergency Management Act, and authorizes the undersigned to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(2) the undersigned may make, amend, or rescind necessary orders, rules, and regulations within the limits of the authority conferred upon the Governor in the Emergency Management Act; and

WHEREAS, N.C. Gen. Stat. § 166A-19.10(b)(3) authorizes and empowers the undersigned to delegate any Gubernatorial vested authority under the Emergency Management Act and to provide for the subdelegation of any authority; and

WHEREAS, N.C. Gen. Stat. § 166A-19.10(b)(4) gives the undersigned the authority to "cooperate and coordinate" with the President of the United States; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(7) the undersigned is authorized and empowered to utilize the services, equipment, supplies, and facilities of departments, offices, and agencies of the state in response to the emergency; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1) the undersigned may utilize all available state resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of state agencies or units thereof for the purpose of performing or facilitating emergency services; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2) the undersigned may take such action and give such directions to state and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of the Emergency Management Act and with the orders, rules, and regulations made thereunder; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(2), the undersigned, with the concurrence of the Council of State, may establish a system of economic controls over all resources, materials, and services, including shelter and rents; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(4), the undersigned, with the concurrence of the Council of State, may waive a provision of any regulation or ordinance of a state agency or political subdivision which restricts the immediate relief of human suffering; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(5) the undersigned, with the concurrence of the Council of State, may perform and exercise such other functions, powers, and duties as are necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, the undersigned has sought and obtained concurrence from the Council of State on the provisions of this Executive Order requiring concurrence, consistent with the Governor's emergency powers authority in N.C. Gen. Stat. § 166A-19.30; and

WHEREAS, all the authority granted by this Executive Order is intended to be temporary, and the waivers and modifications of enforcement set out in this Executive Order are intended to extend only through the period where they are needed to address the COVID-19 pandemic.

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, and for the reasons and pursuant to the authority in Executive Orders Nos. 130, 139, 144, 148, 152, 165, 177, 193, and 211, **IT IS ORDERED**:

Section I. Extension, Generally.

To meet the goal of providing health care, public health, and human services during the COVID-19 pandemic, which includes the administration of FDA-authorized COVID-19 vaccines, and to protect and save lives during the COVID-19 pandemic, the undersigned orders as follows:

Executive Order No. 152, as amended by Executive Order No. 165 and as extended by Executive Order No. 177, and as further modified and extended by Executive Order No. 193 and extended by Executive Order No. 211, is extended in full by this Executive Order, and is to be in effect until October 5, 2021.

For avoidance of doubt, the preceding sentence also extends through the listed date the provisions of Executive Orders Nos. 130 and 139 that were previously extended by Executive Order No. 193 and Executive Order No. 211.

References to "September 22, 2020," "November 20, 2020," "February 11, 2021," "February 18, 2021," "May 10, 2021" or "August 8, 2021" in Executive Orders Nos. 152, 165, 177, 193 and 211 shall be replaced with "October 5, 2021."

Section II. Flexibility Under Regulations to Support and Accelerate Vaccination Efforts; Amendments to Executive Order No. 130.

A. **Flexibility to Allow Additional Persons to Administer Vaccine.** To meet the goal of providing health care and human services, which includes the administration of FDA-authorized COVID-19 vaccines, and to protect and save lives in the COVID-19 pandemic, the undersigned orders as follows:

Section 3(A) of Executive Order No. 130, as extended by Executive Order Nos. 148, 152, 165, 177, and as amended by Executive Order No. 193 and extended and modified by Section II of Executive Order 211, is extended in its entirety.

Section III. Distribution.

I hereby order that this Executive Order be: (1) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (2) promptly filed with the Secretary of the North Carolina Department of Public Safety, the Secretary of State, and the superior court clerks in the counties to which it applies, unless the circumstances of the State of Emergency would prevent or impede such filing; and (3) distributed to others as necessary to ensure proper implementation of this Executive Order.

Section IV. Effective Date.

This Executive Order is effective immediately. Except as set forth expressly above, this Executive Order shall remain in effect until October 5, 2021, unless rescinded or replaced with a superseding Executive Order. An Executive Order rescinding the Declaration of the State of Emergency will automatically rescind this Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 6th day of August in the year of our Lord two thousand and twenty-one.



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Secretary of State

