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Legislation Text

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ORDER OF THE COMMISSIONER OF HEALTH OF THE CITY OF CHICAGO

No. 2020-9

(PHASE 5 - EIGHTH AMENDED AND RE-ISSUED)

Issued and Effective: June 11, 2021

WHEREAS, The City of Chicago, like cities around the world, has been severely affected by COVID-19, with approximately 284,600 confirmed cases in the City as of mid-June 2021; and

WHEREAS, At the same time that the City has experienced a major health crisis, the necessary restrictions have also resulted in business closures, which generated a major economic crisis; and

WHEREAS, In Executive Order No. 2021-11 (COVID-19 Executive Order No. 80), filed on May 28, 2021, the Governor of Illinois affirmed that a local government body may enact provisions that are stricter than those in the Executive Order; and

WHEREAS, As the Governor of Illinois has affirmed, each region of the State faces different challenges from the COVID-19 pandemic and accordingly faces different timelines for reopening; and

WHEREAS, Social distancing, masks, and other public health precautions have proven to be critical in slowing and stopping the spread of COVID-19; and

WHEREAS, COVID-19 vaccines are effective at preventing COVID-19 disease, especially severe illness and death; and

WHEREAS, In May 2021, the Centers for Disease Control and Prevention ("CDC") updated its guidance for fully vaccinated people, indicating that they can resume many activities without wearing a mask or staying 6 feet apart, except where required by federal, state, local, tribal, or territorial laws, rules, and regulations, including local business and workplace guidance; and

WHEREAS, The CDC continues to advise that masks protect people who are not fully vaccinated against the virus that causes COVID-19; and

WHEREAS, The City of Chicago continues to recommend and support wearing masks indoors, especially in settings where there is insufficient capacity to check vaccination status or individuals are not known to be vaccinated; and

WHEREAS, The Commissioner will continue to closely monitor public health data and make well-informed determinations regarding appropriate restrictions, including reducing restrictions when it is safe to do so; and

WHEREAS, The Municipal Code of Chicago ("Code") authorizes the Commissioner to implement emergency measures to stop the spread of communicable diseases, and to protect the health, safety, and welfare of the

City's residents, including but not limited to authority granted in Sections 2-112-080, 2-112-160(a)(4), and 2-112-170 of the Code, in addition to 77 Ill. Adm. Code Sections 690.1305(a) and 690.1310(c); now, therefore,

The Commissioner of Health of the City of Chicago hereby orders as follows:

Pursuant to Executive Order No. 2021-11, which allows a local government body to enact stricter provisions where appropriate, this Order identifies those aspects of Chicago's reopening that differ from those of the State of Illinois, as necessitated by an analysis of public health data.

SECTION 1. Definitions. For purposes of this Order, the following definitions apply:

"COVID-19" means coronavirus disease 2019 caused by severe acute respiratory coronavirus 2 (SARS-CoV-2).

"Emergency functions" means any person employed in one of the following areas: first responder, emergency management, emergency dispatcher, judiciary, law enforcement and corrections, hazardous materials, child protection and child welfare, housing and shelter, military, and other governmental employees working for or to support the emergency response. These persons are exempt from this Order but are encouraged to practice Social Distancing and take recommended health measures.

"Fully vaccinated" means individuals who are two weeks past their second dose in a 2-dose COVID-19 vaccine series, such as the Pfizer or Moderna vaccines, or two weeks past a single-dose vaccine, such as the Johnson and Johnson Janssen vaccine.

"Gathering" means a group of individuals outside a single household who are part of a spontaneous or planned event and are interacting within six feet of one another for more than ten minutes.

"Governmental functions" means any person employed by, or any service on behalf of, the government of the United States, Cook County, the City of Chicago, or any other agency of government needed to ensure the continuing operation of the government agencies or to provide for or support the health, safety, and welfare of the public.

"Handwashing" means the act of thoroughly cleaning one's hands with soap and clean, running water for at least 20 seconds or using an alcohol-based hand sanitizer that contains at least 60 percent alcohol.

"Mask" means a paper, fabric or cloth filter that fully and effectively covers the mouth and nose.

"Self-screening" means a protocol by which an employee answers questions related to COVID-19 symptoms at the start of a work shift.

"Social Distancing" means the physical spacing of at least six feet between individuals or Gatherings.

SECTION 2. In addition to the health steps required by Executive Order No 2021-11, and any other Executive Order applicable at the time, individuals must take the following additional public health steps to protect their own and their neighbors' health and lives:

(a) To the extent individuals who are not fully vaccinated are using shared spaces when outside their residences, including when outdoors, they must at all times and as much as

reasonably possible, maintain Social Distancing from any other person who does not live with them;

b) Any individual who is not fully vaccinated and who is over age two and able to medically tolerate a mask shall be required to wear a mask when in a public place, unless otherwise provided for in the Phase 5 Recommendations issued by the Office of the Mayor;

c) Individuals who are not fully vaccinated are encouraged to continue limiting in-person contact with others and to expand their social contact cautiously;

d) Individuals who are not fully vaccinated and who have a high risk of severe illness from COVID-19, including people who are elderly and those with a health condition that increases risk of such illness, are urged to stay in their residence and minimize in-person contact with others to the extent possible; and

e) Individuals must maintain isolation from others per public health guidance when demonstrating symptoms of or experiencing COVID-19 illness, pursuant to Order No. 2020-01.

SECTION 3. For purposes of this Order, businesses covered by this Order include any for-profit, non-profit, or educational entity, regardless of the nature of the service, the function it performs, or its corporate or entity structure.

(a) In addition to the health steps required by Executive Order No. 2021-11, and any other Executive Order or Phase 5 Recommendations applicable at the time, businesses must take the following additional public health measures to protect their employees, their customers, and all others who come into physical contact with their operations:

1) Seek to ensure that employees and customers who are not fully vaccinated practice Social Distancing and wear a mask (any establishment may continue to require Social Distancing and masking for all employees and customers, regardless of vaccination status);

2) Ensure that every employee who is not fully vaccinated and interacts with customers and is able to medically tolerate a mask is wearing a mask for the duration of a shift;

3) Provide supplies and accommodations that allow employees to follow handwashing and other sanitation procedures and require employees to follow such procedures at reasonably regular intervals;

4) Request that employees undergo self-screening for COVID-19 symptoms in a manner prescribed by the Commissioner of Health for each day the employee reports to the workplace at the start of every work shift, as set forth in detail on Attachment A;

5) In businesses requiring a maximum capacity sign under Chapter 14A-8 of the Code or for which a lower limit is set by the Gradually Resume Guidelines, the owner or owner's designated agent shall limit the total number of people allowed on the premises to the number or capacity percentage set by the Gradually Resume Guidelines;

SECTION 4. This Order exempts emergency functions and governmental functions.

SECTION 5. Notwithstanding Section 2(b) of this Order, all individuals, including those who are fully vaccinated, must wear a mask consistent with the CDC guidance, including (1) on airplanes, buses, trains, and other forms of public transportation and in transportation hubs such as airports and train and bus stations; (2) in congregate facilities such as correctional facilities and homeless shelters; and (3) in healthcare settings. Additionally, individuals in schools, day care settings, and educational institutions must continue to follow separate guidance regarding mask wearing issued by the Illinois State Board of Education, Illinois Department of Children and Family Services, and Illinois Department of Public Health.

SECTION 6. Any Chicago park, beach, walking, running and cycling path, trail and other recreational facility ("Park Property") shall be open for use. Individuals using Park Property shall use it in accordance with guidance provided by the Chicago Park District, as available on its website.

SECTION 7. In addition to any other penalty provided by law, any person who violates this Order shall be subject to arrest, and to the fines set forth in Section 2-112-340 of the Code.

SECTION 8. This Order shall remain in effect until the Commissioner of Health makes a written determination that the threat to public health posed by COVID-19 has diminished to the point that this Order can be safely repealed.

SECTION 9. In the event of a conflict or inconsistency between this Order and any other Order, Executive Order, or the Phase 5 Recommendations, the more restrictive alternative applies.

SECTION 10. If any provision of this Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Order are declared to be severable. This Order is meant to be read consistently with any Court order regarding this Order.

Allison Arwady, M.D.,^(^) Commissioner of Health of the City of Chicago
Attachment "A" May 18, 2021
version

SELF-SCREENING PROTOCOL

For purposes of this Order, an employer or their agent may ask employees the following questions to serve as a self-screening protocol:

- 1) *Have you had a body temperature over 100 degrees Fahrenheit or have you used a fever reducer in the previous 24 hours to treat a body temperature over 100 degrees Fahrenheit?*

- 2) *Do you have a new cough that you cannot attribute to another health condition?*
- 3) *Do you have a new sore throat that you cannot attribute to another health condition?*
- 4) *Do you have new shortness of breath that you cannot attribute to another health condition?*