

LEGAL ALERT

Illinois Modified “Stay-At-Home” Executive Order Summary

On April 30, 2020, Governor Pritzker issued a disaster proclamation redeclaring all counties in the State of Illinois as a disaster area, and pursuant to his Emergency Powers issued Executive Order 2020-32 modifying his “Stay-At-Home” Executive Orders 2020-10 and 2020-18 that required all Illinois residents to stay in their homes to prevent the further spread of COVID-19 and imposed a variety of restrictions on Illinois private and public employers, businesses, and individuals. Executive Order 2020-33 was also issued on April 30, 2020, which re-issues and extends the Governor’s prior Executive Orders 2020-03 through 2020-09, 2020-11 through 2020-17, and 2020-19 through 2020-31.

The newly issued Executive Order includes increased flexibility for Illinois residents to engage in outdoor activities, loosens some of the operating restrictions placed on Non-Essential Businesses, and requires that all individuals over the age of two wear face coverings in public—outside, when the social distancing requirements cannot be reasonably met, and at all times inside public indoor spaces such as stores.

This extension includes important modifications to the Stay-at-Home Executive Order that will be in effect from May 1st through May 29th, unless withdrawn before that date or extended further by later order. These modifications provide increased flexibility for certain businesses and important new guidelines to protect workers and consumers. This E-Note provides an overview of the changes that became effective May 1st and will last through May 29th.

Executive Order 2020-32 continues the prohibition of things like visiting the homes of friends and holding social gatherings of any size, and closes all nonessential establishments, including most retail, recreation and entertainment businesses. It does NOT prohibit essential activities like going to the grocery store, receiving medical care, or taking your pet for a walk. To understand what this Executive Order means for you, please read the below information and consult the other below listed resources. Executive Order 2020-32 can be found at <https://www2.illinois.gov/Pages/Executive-Orders/ExecutiveOrder2020-32.aspx>. Because the COVID-19 situation is constantly evolving, Executive Order 2020-32 is subject to modification by State or Federal authorities.

For any questions or comments you might have regarding this newsletter, please feel free to contact:

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Face Coverings

One of the most significant changes is the new requirement to wear face coverings. Any individual over the age of two who can medically tolerate a face covering will be required to wear one when inside any public indoor space—such as a store. Face coverings must also be worn in any public space, even outdoor space, where a six-foot distance cannot be maintained. Face coverings need not be masks but must cover the nose and mouth.

Guidelines for Retail Businesses—Essential and Non-essential

Retail stores classified as essential businesses have a number of new obligations. To the greatest extent possible, they are now required to provide face coverings to all employees who are not able to maintain a six-foot social distance at all times; cap occupancy at 50% of store capacity or at the occupancy limits based on square footage set forth by the Department of Commerce and Economic Opportunity; set up store aisles to be one-way and mark the traffic pattern conspicuously, remind customers of the social distancing requirements, and discontinue the use of reusable bags. Households are encouraged to shop with only the minimum number of necessary members.

The definition of an essential business has also expanded to include pet grooming and greenhouses, garden centers, and nurseries.

Non-essential businesses, meanwhile, may re-open to fulfill telephone and/or online orders through pick-up and delivery, but employees must follow social distancing and wear a face covering when they may come within six feet of another employee or a customer.

Guidelines for Manufacturers

Manufacturers must follow social distancing and take appropriate precautions, which may include providing face coverings to all employees not able to maintain a six-foot social distance at all times, staggering shifts, reducing line speeds, shutting down non-essential lines, ensuring that all common areas allow for social distancing, and downsizing operations to the extent necessary to allow for social distancing to be maintained.

All Businesses

All businesses are encouraged to facilitate work from home. If a business must have employees physically reporting to a work-site, it must post the guidance from the Illinois Department of Public Health and Office of the Illinois Attorney General regarding workplace safety during the COVID-19 emergency, which can be found here: https://illinoisattorneygeneral.gov/rights/Stay_at_Home_Order-IDPH-OAG_Workplace_Health_and_SafetyGuidance.pdf

Individuals

Social distancing and stay-home requirements are still in place, but there have been some important modifications that affect individuals. First, opportunities for outdoor recreation have been expanded, including the opening of state parks and allowance (with restrictions) for fishing, boating and golf. Guidelines for these outdoor activities include group limitations of no more than two individuals per boat and social distancing provisions. Full guidelines for golfing can be found here: <https://www2.illinois.gov/dceo/Documents/Golf%20With%20Restrictions.pdf>

Free Exercise of Religion

Individuals may now leave their homes to engage in the free exercise of religion, but that exercise must comply with social distancing requirements and the limit on gatherings to no more than ten people.

Schools

Schools can arrange for the pick-up of necessary supplies or student belongings. All pick-ups, including dormitory move-outs, must follow social distancing.

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Hospitals

Elective surgeries for non-life-threatening conditions are now allowed. Facilities need to meet specific criteria, including adequate PPE, ensuring that enough space for COVID-19 patients is available, and testing of all elective surgery patients to ensure COVID-19 negative status.

Executive Order 2020-32 also restates and extends the provisions of Executive Orders 2020-10 and 2020-18 which are unchanged by the modifications noted above. Those guidelines are summarized fully in our previous E-Note on the topic, available at <http://www.ktjlaw.com/457AE3/assets/files/News/Legal%20Alert%20COVID-19%20Stay%20at%20Home%20Executive%20Order%20Frequently%20Asked%20Questions.pdf>].

If you have any questions regarding the content of this E-Note, please feel free to contact one of the authors.