STATE OF ILLINOIS

EXECUTIVE DEPARTMENT

SPRINGFIELD, ILLINOIS

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INDEX DEPARTMENT
MAY 17 2021
IN THE OFFICE OF
SECRETARY OF STATE

May 17, 2021 Executive Order 2021-10

EXECUTIVE ORDER 2021-10
(COVID-19 EXECUTIVE ORDER NO. 79)

Bridge Phase Order

WHEREAS, since early March 2020, Illinois has faced a pandemic that has caused extraordinary sickness and loss of life, infecting over 1.35 million residents, and taking the lives of more than 22,000 residents; and,

WHEREAS, at all times but especially during a public health crisis, protecting the health and safety of Illinoisans is among the most important functions of State government; and,

WHEREAS, social distancing, face coverings, 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, the Centers for Disease Control and Prevention ("CDC") recently updated its guidance for fully vaccinated people,[1] indicating that they can resume numerous 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 cloth face coverings or masks protect persons who are not fully vaccinated from COVID-19; and,

WHEREAS, the CDC advises that schools continue to use the COVID-19 prevention strategies outlined in the CDC's Operational Strategy for K-12 Schools for at least the remainder of the 2020-2021 academic school year; and,

WHEREAS, the CDC continues to advise that day care providers continue to use COVID-19 prevention strategies, including masking and physical distancing, even after day care providers and their staff are vaccinated; and

WHEREAS, in light of the continued spread of COVID-19 and the significant percentage of the population that remains unvaccinated, I declared on April 30, 2021 that the current circumstances in Illinois surrounding the spread of COVID-19 constitute an epidemic emergency

[1] Individuals are considered fully vaccinated 2 weeks after their second dose in a 2-dose series, such as the Pfizer or Moderna vaccines, or 2 weeks after a single-dose vaccine, such as Johnson & Johnson's Janssen vaccine. Individuals who do not meet these requirements, regardless of age, are not considered fully vaccinated.

and a public health emergency under Section 4 of the Illinois Emergency Management Agency Act; and,

WHEREAS, the number of new COVID-19 cases has decreased in recent weeks, and the public health metrics now allow for the State to relax some mitigation measures as more residents have been vaccinated;

THEREFORE, by the powers vested in me as the Governor of the State of Illinois, pursuant to the Illinois Constitution and Sections 7(1), 7(2), 7(3), 7(8), 7(9), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, and consistent with the powers in public health laws, I hereby order the following, effective immediately:

Bridge Phase Order

1. Intent of this Executive Order. The intent of this Executive Order is to safely and conscientiously, and in a manner consistent with CDC guidance, expand activities that were limited during the prior mitigation Phases of the State's response to the COVID-19 pandemic. This Executive Order supersedes Executive Order 2020-43, as amended by Executive Orders 2020-55, 2020-59, and 2021-09.

2. Public health requirements for individuals. Individuals must take the following public health steps to protect their own and their neighbors' health and lives:

    a. Social distancing. To the extent individuals who are not fully vaccinated are using shared spaces when outside their residence, including when outdoors, they must at all times and as much as reasonably possible maintain social distancing of at least six feet from any other person who does not live with them.

    b. Face coverings.[2] Any individual who is not fully vaccinated and who is over age two and able to medically tolerate a face covering (a mask or cloth face covering) shall be required to cover their nose and mouth with a face covering when in a public place and unable to maintain a six-foot social distance. This requirement applies whether in an indoor space, such as a store, or in a public outdoor space where maintaining a six-foot social distance is not always possible.

        All individuals, including those who are fully vaccinated, shall be required to wear a face covering consistent with CDC guidance, including (1) on planes, 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. Individuals in schools, day care settings, and educational institutions should continue to follow separate guidance issued by the Illinois State Board of Education, Illinois Department of Children and Family Services, and the Illinois Department of Public Health.

    c. Elderly people and those who are vulnerable as a result of illness should take additional precautions. People who are not fully vaccinated and who are at high risk of severe illness from COVID-19, including elderly people and those with a health condition that may make them vulnerable, are urged to stay in their residence and minimize in-person contact with others to the extent possible.

    d. Gatherings. Because in-person contact presents the greatest risk of transmission of COVID-19, Illinoisans who are not fully vaccinated are encouraged to continue limiting in-person contact with others and to expand their social contact

[2] Throughout this Executive Order, any reference to a face covering requirement excludes those two years old and younger and those for whom wearing a face covering is not medically advisable. Guidance on use of face coverings from the Illinois Department of Human Rights is available here: https://www2.illinois.gov/dhr/Documents/IDHR_FAQ_for_Businesses_Concerning_Use_of_Face-Coverings_During_COVID-19_Ver_20205111b%20copy.pdf

cautiously. For residents who are not fully vaccinated, gathering remotely continues to be the safest way to interact with those outside a household or residence.

e. Go outdoors. Public health guidance suggests that the risks of transmission of COVID-19 are greatly reduced outdoors as opposed to indoors. Where possible, Illinoisans who are not fully vaccinated are encouraged to conduct their activities outdoors.

3. **Public health requirements for businesses, nonprofits, and other organizations.** For the purposes of this Executive Order, covered businesses 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. Those entities must take the following public health measures to protect their employees, their customers, and all others who come into physical contact with their operations. Nothing in this Executive Order prevents these entities from undertaking stricter or additional public health measures; to the contrary, businesses are encouraged to prioritize the health and safety of their workers and customers, and may continue to require face coverings and social distancing, even for those who are fully vaccinated.

   a. **Requirements for all businesses.** All businesses must:
      - ensure that employees who are not fully vaccinated practice social distancing and wear face coverings when social distancing is not always possible;
      - ensure that all spaces where employees may gather, including locker rooms and lunchrooms, allow for social distancing; and
      - ensure that all visitors (customers, vendors, etc.) to the workplace who are not fully vaccinated can practice social distancing; but if maintaining a six-foot social distance will not be possible at all times, encourage those visitors to wear face coverings; and
      - continue to take all necessary steps to protect employees and customers by ensuring that any return to work plans adhere to all applicable public health guidance.

      The Department of Commerce and Economic Opportunity (DCEO), in partnership with IDPH, has developed industry-specific guidance and toolkits to help businesses operate safely and responsibly. These documents are available at: https://dceocovid19resources.com/restore-illinois/restore-illinois-phase-4/. This industry-specific guidance is supplemented and updated by the "Bridge Phase" guidance available at: https://dceoresources-ss-assets.s3.us-east-2.amazonaws.com/public/Restore-Illinois/A-Bridge-to-Phase-5.pdf.

   b. **Requirements for retail stores.** Retail stores must ensure all employees who are not fully vaccinated practice social distancing and must take appropriate additional public health precautions, in accordance with DCEO guidance, which include:
      - provide face coverings to all employees who are not fully vaccinated and who are not able to maintain a minimum six-foot social distance from customers and other employees at all times;
      - cap occupancy at 60 percent of store capacity, or, alternatively, at the occupancy limits based on store square footage set by the Department of Commerce and Economic Opportunity; and
      - communicate with customers through in-store signage, and public service announcements and advertisements, about the social distancing and face covering requirements set forth in this Order.

   c. Requirements for manufacturers. Manufacturers must ensure all employees who are not fully vaccinated practice social distancing and must take appropriate

additional public health precautions, in accordance with DCEO guidance, which include:

- provide face coverings to all employees who are not fully vaccinated and who are not able to maintain a minimum six-foot social distance at all times;
- ensure that all spaces where employees may gather, including locker rooms and lunchrooms, allow for social distancing; and
- modify and downsize operations (staggering shifts, reducing line speeds, operating only essential lines, while shutting down non-essential lines) to the extent necessary to allow for social distancing and to provide a safe workplace in response to the COVID-19 emergency.

d. Requirements for office buildings. Employers in office buildings must ensure all employees who are not fully vaccinated practice social distancing and must take appropriate additional public health precautions, in accordance with DCEO guidance, which may include:

- provide face coverings to all employees who are not fully vaccinated and who are not able to maintain a minimum six-foot social distance at all times;
- consider implementing capacity limits where the physical space does not allow for social distancing;
- allow telework where possible; and
- develop and prominently post plans and signage to ensure social distancing in shared spaces such as waiting rooms, service counters, and cafeterias.

e. Requirements for meetings, conferences, and conventions. Indoor venues and meeting spaces can operate in a manner consistent with DCEO guidance.

f. Requirements for restaurants and bars. All businesses that offer food or beverages for on-premises consumption—including restaurants, bars, grocery stores, and food halls—may continue service for on-premises consumption, as permitted by DCEO guidance. Such businesses continue to be permitted and encouraged to serve food and beverages so that they may be consumed off-premises, as permitted by law, through means such as in-house delivery, third-party delivery, drive-through, and curbside pick-up. Establishments offering food or beverages for on-premises consumption or for carry-out must ensure that they have an environment where patrons who are not fully vaccinated maintain adequate social distancing. All businesses covered in this section may permit outdoor on-premises food and beverage consumption in accordance with DCEO guidance and when permitted by local ordinances and regulations.

g. Requirements for fitness and exercise gyms. Fitness and exercise gyms may be open in a manner consistent with DCEO guidance, which involves operating for member workouts at a maximum of 60 percent capacity and with social distancing and other precautions.

h. Requirements for personal services facilities. Personal services facilities such as spas, hair salons, barber shops, nail salons, waxing centers, tattoo parlors, and similar facilities may be open but must comply with capacity limits in accordance with DCEO guidance and must ensure the use of face coverings and adherence to social distancing requirements for individuals who are not fully vaccinated.

i. Requirements for outdoor recreation, youth day camps, and youth sports. Businesses offering outdoor recreation, youth day camps, and youth sports may be open but must ensure the use of face coverings and adherence to social

distancing requirements for individuals who are not fully vaccinated, and must take other public health steps in accordance with DCEO guidance.

j. Requirements for places of public amusement. Places of public amusement may continue services consistent with DCEO guidance for indoor and outdoor recreation (including but not limited to arcades and driving ranges), museums and aquariums, zoos and botanical gardens, theaters and performing arts, and outdoor seated spectator events.

k. Requirements for film production. Film production may operate with restrictions contained in DCEO guidance.

l. Minimum basic operations. All businesses may continue to:

i. Perform necessary activities to maintain the value of the business's inventory, preserve the condition of the business's physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions.

ii. Perform necessary activities to facilitate employees of the business being able to continue to work remotely.

iii. Fulfill online and telephonic retail orders through pick-up or delivery.

4. Exemptions. The following exemptions apply to the Bridge Phase mitigation measures, as well as to the prior Phases and Tiers. I do not intend to rescind these exemptions during the disaster proclamations issued due to COVID-19.

a. Free exercise of religion. This Executive Order does not limit the free exercise of religion. To protect the health and safety of faith leaders, staff, congregants and visitors, religious organizations and houses of worship are encouraged to consult and follow the recommended practices and guidelines from the Illinois Department of Public Health.[3] Religious organizations are encouraged to take precautions for their congregants and visitors who are not fully vaccinated to ensure social distancing, the use of face coverings, and implementation of other public health measures.

b. Emergency functions. All first responders, emergency management personnel, emergency dispatchers, court personnel, law enforcement and corrections personnel, hazardous materials responders, child protection and child welfare personnel, housing and shelter personnel, military, and other governmental employees working for or to support the emergency response are exempt from this Executive Order, but are encouraged to follow recommended public health measures.

c. Governmental functions. This Executive Order does not apply to the United States government and does not affect services provided by the State or any municipal, township, county, subdivision or agency of government and needed to ensure the continuing operation of the government agencies or to provide for or support the health, safety and welfare of the public.

5. Social Distancing, Face Covering, and PPE Requirements. For purposes of this Executive Order, social distancing includes maintaining at least six-foot distance from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

[3] This guidance is available at: https://www.dph.illinois.gov/covid19/community-guidance/places-worship-guidance

a. Required measures. Businesses must take proactive measures to ensure compliance with Social Distancing Requirements, including where possible:

i. Designate six-foot distances. Designating with signage, tape, or by other means six-foot spacing for employees and customers to maintain appropriate distance;

ii. Hand sanitizer and sanitizing products. Having hand sanitizer and sanitizing products readily available for employees and customers;

iii. Separate operating hours for vulnerable populations. Implementing separate operating hours for elderly and vulnerable customers;

iv. Online and remote access. Posting online whether a facility is open and how best to reach the facility and continue services by phone or remotely; and

v. Face Coverings and PPE. Providing employees with appropriate face coverings and requiring that employees who are not fully vaccinated wear face coverings where maintaining a six-foot social distance is not possible at all times. When the work circumstances require, providing employees with other PPE in addition to face coverings.

6. Enforcement. This Executive Order may be enforced by State and local law enforcement pursuant to, *inter alia*, Section 7, Section 15, Section 18, and Section 19 of the Illinois Emergency Management Agency Act, 20 ILCS 3305.

Businesses must follow guidance provided or published by the Illinois Department of Commerce and Economic Opportunity regarding safety measures during Phase IV (as modified by the Bridge Phase guidance), and the Illinois Department of Public Health, local public health departments, and the Workplace Rights Bureau of the Office of the Illinois Attorney General with respect to Social Distancing Requirements. Pursuant to Section 25(b) of the Whistleblower Act, 740 ILCS 174, businesses are prohibited from retaliating against an employee for disclosing information where the employee has reasonable cause to believe that the information discloses a violation of this Order.

7. No limitation on authority. Nothing in this Executive Order shall, in any way, alter or modify any existing legal authority allowing the State or any county, or local government body to order (1) any quarantine or isolation that may require an individual to remain inside a particular residential property or medical facility for a limited period of time, including the duration of this public health emergency, or (2) any closure of a specific location for a limited period of time, including the duration of this public health emergency. Nothing in this Executive Order shall be construed as an exercise of any authority to order any quarantine, isolation, or closure. Nothing in this Executive Order shall, in any way, alter or modify any existing legal authority allowing a county or local government body to enact provisions that are stricter than those in this Executive Order.

8. Savings clause. If any provision of this Executive 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 Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable. This Executive Order is meant to be read consistently with any Court order regarding this Executive Order.

JB Pritzker, Governor

Issued by the Governor May 17, 2021
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