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Executive Order 2021-12

(COVID-19 EXECUTIVE ORDER NO. 81)

June 11, 2021

Phase 5 Reopening Order

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WHEREAS, since early March 2020, Illinois has faced a pandemic that has caused extraordinary sickness and loss of life, infecting over 1.38 million residents, and taking the lives of more than 23,000 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 proved 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") advises that fully vaccinated people[1] 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 May 28, 2021 that the current circumstances in Illinois surrounding the spread of COVID-19 constitute an epidemic emergency 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 significantly in recent weeks, and the public health metrics now allow for the State to relax and end many 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:

Phase 5 Reopening 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 2021-10.

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

a. **Social distancing and public health measures.** To the extent individuals who are not fully vaccinated are using shared spaces when outside their residence, they should 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. All individuals are urged to continue washing hands with soap and water regularly or using hand sanitizer, to cover coughs or sneezes (into the sleeve or elbow, not hands), and to regularly clean high touch surfaces.

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) should cover their nose and mouth with a face covering when in a public place and unable to maintain a six-foot social distance.

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 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 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 are urged to adopt 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 urged 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.

All businesses are urged to:

- 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;
- 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;
- make hand sanitizer and sanitizing products available;
- maintain accommodations (such as separate operating hours or online options) for vulnerable populations; 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.

4. **Exemptions.** The following exemptions apply to Phase 5, 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 continue 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 recommended public health practices and guidelines from the Illinois Department of Public Health and CDC. 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. **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.

6. **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.

7. **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

[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.

[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_2020511b%20copy.pdf