

ORDER OF THE COMMISSIONER OF HEALTH OF THE CITY OF CHICAGO

No. 2021-2

(Proof of Vaccination in Public Places)

Effective: January 3, 2022

WHEREAS, In Executive Order No. 2021-32 (COVID-19 Executive Order No. 96), filed on December 10, 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, On November 30, 2021, the SARS-CoV-2 Interagency Group classified the Omicron variant as a variant of concern in the United States; and

WHEREAS, On December 7, 2021, the first infection of the Omicron variant in the City of Chicago was confirmed; and

WHEREAS, In light of the rapid and unpredictable spread of the Omicron variant, it is foreseeable that the vaccination requirements in this Order will be expanded in the near future; and

WHEREAS, The Commissioner of Health ("Commissioner") will continue to closely monitor public health data and make well-informed determinations regarding appropriate restrictions; 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 2-112-050, 2-112-110(a)(4), and 2-112-130 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:

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

"Covered entity" means any entity that operates one or more covered locations within the City of Chicago.

"Covered Location" means the following:

1. Establishments where food or beverages are served, including but not limited to restaurants, bars, fast food establishments, coffee shops, tasting rooms, cafeterias, food courts, dining areas of grocery stores, breweries, wineries, distilleries, banquet halls, and hotel ballrooms; and
2. Gyms and fitness venues, including but not limited to gyms, recreation facilities, fitness centers, yoga, pilates, cycling, barre, and dance studios, hotel gyms, boxing and kickboxing gyms, fitness boot camps, and other facilities used for conducting indoor group fitness classes; and
3. Entertainment and recreation venues in areas where food or beverages are served, including but not limited to movie theaters, music and concert venues, live performance venues, adult entertainment venues, commercial event and party venues, sports arenas, performing arts theaters, bowling alleys, arcades, card rooms, family entertainment centers, play areas, pool and billiard halls, and other recreational game centers.
4. "Covered locations" do not include houses of worship, K-12 schools, locations in O'Hare International Airport or Midway International Airport, locations in residential or office buildings the use of which is limited to residents, owners, or tenants of that building, or to food service establishments providing only charitable food services, such as soup kitchens.

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

"Identification" means an official document bearing the name of the individual and a photograph. Examples of acceptable identification include but are not limited to: driver's license, non-driver government ID card, passport, and school ID card.

"Indoor portion" means any part of a covered location with a roof or overhang that is enclosed on at least three sides, except that a temporary outdoor structure that holds multiple parties that has at least 50% of the sides open to allow airflow will not be considered an indoor portion, nor a dining structure for individual parties, such as a plastic dome, if it has adequate ventilation to allow for air circulation.

"Nonresident" means any individual who is not a resident of the City of Chicago.

"Patron" means any individual 5 years of age or older who patronizes, enters, attends an event, or purchases goods or services within a covered location.

"Proof of full vaccination" means proof that an individual has been fully vaccinated, with "fully vaccinated" status determined by Centers for Disease Control and Prevention guidance or Chicago Department of Public Health posted guidelines, whichever is the most restrictive.

Such proof may be established by:

1. A CDC COVID-19 Vaccination Record Card or an official immunization record from the jurisdiction, state, or country where the vaccine was administered or a digital or physical photo of such a card or record, reflecting the person's name, vaccine brand, and dates administered; or
2. Any other method specified by the Commissioner as sufficient to demonstrate proof of full vaccination.

SECTION 2. Notwithstanding any other provision of law, a covered entity shall not permit any patron to enter the indoor portion of a covered location without displaying proof of full vaccination. Additionally, any individual over the age of 16 shall provide identification bearing the same identifying information as the proof of full vaccination. A covered entity may in the interests of efficiency allow patrons to provide the requisite proof prior to entry, either directly to the covered entity or through an intermediary such as an event planner.

SECTION 3. Each covered entity shall develop and keep a written record describing the protocol for implementing and enforcing the requirements of this Order. Such written record shall be available for inspection upon request of any City official authorized to enforce this Order.

SECTION 4. All covered entities shall prominently post signage, in a form prescribed by the Commissioner of Business Affairs and Consumer Protection, at each publicly accessible entrance to the covered location and at least one location inside the covered location that is conspicuously visible, informing patrons of the full vaccination requirement.

SECTION 5. The following individuals are exempted from this Order:

1. Individuals entering a covered location for less than 10 minutes for the purpose of ordering and carrying out food, making a delivery, or using the bathroom;
2. A nonresident performing artist who does not regularly perform or render services in a covered location, or a nonresident individual accompanying such a performing artist, while the performing artist or individual is in a covered location for the purposes of such artist's performance;
3. A nonresident professional athlete, or a nonresident individual accompanying such professional athlete, who enters a covered location as part of their regular employment for purposes of the professional athlete/sports team competition;
4. Individuals who have previously received a medical or religious exemption, provided such patrons provide the covered entity proof of the medical or religious exemption and a COVID-19 test administered by a medical professional within the last 72 hours prior to entering a covered location.
5. An individual 18 years of age or younger who enters a covered location to participate in an activity organized by a school or after-school program offered by any pre-kindergarten through grade twelve public or non-public school; and
6. An individual who enters for the purposes of voting in a municipal, state, or federal election; or, pursuant to law, assisting or accompanying a voter or observing such election.

SECTION 6. All covered entities shall comply with OSHA standards 1910.501(e) & (g) relating to employee vaccination status and testing, regardless of the number of their employees.

SECTION 7. Pursuant to Sections 2-112-040 and 2-112-050 of the Code, in conjunction with enforcement authority granted in the Code, this Order may be enforced by the Commissioner of Business Affairs and Consumer Protection, the Commissioner of the Buildings, or the Chicago Police Department, in addition to the Commissioner of Health.

SECTION 8. In addition to any other penalty provided by law, any covered entity who violates this Order shall be subject to arrest, and to the fines set forth in Section 2-112-340 of the Code. Further, any covered entity that fails to enforce this Order shall be subject to

sanctions, including, but not limited to, closure pursuant to Sections 2-112-050 and 2-112-170 of the Code.

SECTION 9. This Order shall remain in effect until the Commissioner 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 10. In the event of a conflict or inconsistency between this Order and any other Public Health Order, Executive Order, or the Phase 5 Guidance, the more restrictive alternative applies.

SECTION 11. 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

Issued: December 21, 2021