

ORDER OF THE COMMISSIONER OF HEALTH OF THE CITY OF CHICAGO

No. 2021-1

(Masks Required Indoors in Public Places)

Issued and Effective: August 20, 2021

WHEREAS, In Executive Order No. 2021-15 (COVID-19 Executive Order No. 84), filed on July 23, 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, Although COVID-19 vaccines are effective in preventing COVID-19, especially severe illness and death, social distancing, masks, and other public health precautions have also proven to be critical in slowing and stopping the spread of the Coronavirus; and

WHEREAS, In August 2021, the Centers for Disease Control and Prevention updated its guidance related to masks and suggested that even if individuals are fully vaccinated, to maximize protection from the Delta variant and prevent possibly spreading the Coronavirus to others, individuals should wear masks indoors in public in areas of substantial or high transmission; 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, At times, it may be necessary for the City to reinstate targeted COVID-19 restrictions as a precautionary response to avoid a resurgence in the virus; 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. This Order requires that all individuals and businesses in the City of Chicago shall observe the following:

(a) Any individual, regardless of vaccination status, who is age two or older and able to medically tolerate a mask (a paper, fabric or cloth filter that securely covers the nose and mouth) shall be required to wear a mask when indoors in any public place, which for purposes of this Order includes any common or shared space in: (i) a residential multi-unit building or (ii) any non-residential building, unless otherwise provided for in the Phase 5 Guidance issued by the Office of the Mayor (“Phase 5 Guidance”). Additional guidance as to what is, and is not, an

indoor public place for purposes of this Order may be included in the Phase 5 Guidance, which shall be updated as appropriate. The Phase 5 Guidance can be found at: <https://www.chicago.gov/city/en/sites/covid-19/home/reopening-chicago.html>.

(b) All businesses shall prominently post signage, in a form prescribed by the Commissioner of Business Affairs and Consumer Protection, at each publicly accessible entrance to the business and at least one location inside the business that is conspicuously visible informing patrons that masks are required to be worn indoors, regardless of vaccination status.

SECTION 2. 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.

SECTION 3. 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 and the Chicago Police Department in addition to the Commissioner of Health.

SECTION 4. 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. Further, any business 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 5. 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 6. 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 7. 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

Dated: August 19, 2021