

Chicago Issues COVID-19 Vaccine Requirements for Restaurants, Bars, Gyms, Entertainment Venues

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The City of Chicago has issued a [public health order](#) requiring restaurants, bars, gyms, fitness centers, and entertainment/recreation venues where food or beverages are served to require proof of vaccination from all patrons. A “patron” is defined as “any individual 5 years of age or older who patronizes, enters, attends an event, or purchases goods or services within a covered location.”

The Order also requires covered entities to comply with the provisions of the Occupational Safety and Health Administration’s [Emergency Temporary Standard](#) (OSHA ETS) requiring vaccination or weekly testing of employees, regardless of the number of individuals employed by a covered entity.

The Order will take effect on January 3, 2022.

Section 2 of the Order provides that, 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.

The Order provides that an official vaccination record card, or a digital or physical photo of an official vaccination record card, constitutes sufficient proof of vaccination. It also states that “fully vaccinated” status is “determined by Centers for Disease Control and Prevention guidance or Chicago Department of Public Health posted guidelines, whichever is the most restrictive.” Accordingly, while vaccine booster shots are not currently required for individuals to be considered fully vaccinated for purposes of the Order, this will be subject to change based on updates to current CDC or Chicago Department of Public Health guidance.

Covered Entities and Locations

The Order defines “Covered Entities” as any entity that operates a “Covered Location” in the City of Chicago. “Covered Locations” are defined as follows:

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.
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.

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.

“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.”

Individuals Exempted

The following categories of individuals are exempted from the Order’s proof of vaccination requirement:

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. Nonresident performing artists and nonresident professional athletes.
3. Individuals who have previously received a medical or religious exemption, if they provide proof of the exemption and a negative COVID-19 test within the previous 72 hours.
4. Individuals up to 18 years of age who enter a covered location to participate in an activity organized by a school or after-school program.
5. Individuals who enter a covered location for the purposes of voting in, assisting or accompanying someone voting in, or observing a municipal, state, or federal election.

OSHA ETS

Section 6 of the Order provides:

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.

OSHA standard 1910.501(e) requires employers to determine the vaccination status of each employee. OSHA standard 1910.501(g) requires employers to ensure that all employees who are not fully vaccinated are tested for COVID-19 at least weekly.

Recordkeeping and Signage

Finally, the Order requires covered entities to “develop and keep a written record describing the protocol for implementing and enforcing the requirements of this Order.” It also requires covered entities to “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.”

The City of Chicago has released [a template compliance plan](#) and [the signage](#) required by the Order on its website.

If you have questions or need assistance regarding compliance with this Order, please reach out to the Jackson Lewis attorney with whom you regularly work, or any member of our [COVID-19 team](#).

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