

Cook County, Illinois, COVID-19 Vaccine Order for Certain Indoor Settings Now Effective

By Jody Kahn Mason & Anderson C. Franklin

January 3, 2022

Meet the Authors



Jody Kahn Mason

Principal
312-803-2535
Jody.Mason@jacksonlewis.com



Anderson C. Franklin

Associate
312-803-2534
Anderson.Franklin@jacksonlewis.com

Related Services

COVID-19
Disability, Leave and Health
Management
Leisure
Restaurants
Workplace Safety and Health

The Cook County Department of Public Health (CCDPH) has ordered that all indoor settings where food or drink are served for on-premises consumption and health and fitness centers require proof of COVID-19 vaccination with an approved vaccine from all patrons five years of age or older beginning January 3, 2022.

The Order further provides: “All businesses shall comply with [the OSHA Emergency Temporary Standard] relating to employee vaccination status and testing, regardless of the number of their employees.”

The [Cook County Order](#) largely tracks [a similar City of Chicago Order](#), with some key differences. Most significantly, regarding food service establishments, while the City of Chicago Order applies to all “establishments where food or beverages are served,” the Cook County Order applies only to “indoor settings where food or drink are served for on-premises consumption.”

Covered Establishments

The Cook County Order applies to the following establishments:

- Indoor dining establishments, including bars, breweries, wine/spirit tasting rooms, restaurants, private clubs, country clubs, banquet halls, dining areas within any public business that is ancillary to the main business (cafes within grocery stores, other retail, etc.), coffee shops, food courts, and food halls;
- Event spaces, including hotel ballrooms and commercial event and party venues and nightclubs;
- Recreation and entertainment venues in areas where food and beverages are served, including movie theaters, live performance spaces (including live theater and live music), sports arenas, skating rinks, adult entertainment venues, arcades, bowling alleys, play spaces, family entertainment centers, billiard halls, and venues for card playing; and
- All indoor settings for recreation and exercise, including health clubs, gyms, fitness centers, hotel fitness centers, recreation centers, yoga studios, cross-fit studios, cycling studios, dance studios, fieldhouses, boxing and kickboxing gyms, and other facilities conducting group fitness classes indoors.

Covered Patrons

Under the Cook County Order, businesses must require patrons age 16 and older to show identification (including but not limited to a driver’s license, passport, government ID, or work or school ID) with information that corresponds to the patron’s proof of vaccination. Further, businesses may allow patrons to provide the required proof of vaccination prior to entry, either directly to the business itself or through an

intermediary, such as an event planner.

Exemptions

The categories of patrons exempted from the Cook County Order's proof-of-vaccination requirements vary slightly from the exemptions in the City of Chicago Order, which exempts individuals who have previously received a medical or religious exemption, as long as they provide proof of the exemption and a negative COVID-19 test taken within the previous 72 hours. The Cook County Order does not provide a religious exemption for patrons and requires patrons who have previously received a medical exemption to provide proof of a negative COVID-19 test administered by a medical professional within the last 24 hours.

Like the City of Chicago Order, the Cook County Order allows exemptions for certain individuals, including:

1. Individuals entering an establishment for less than 10 minutes for ordering or carrying out food, making a delivery, or using restroom facilities;
2. Nonresident performing artists or nonresident persons accompanying the artist;
3. Nonresident professional athletes or nonresident persons accompanying the athlete;
4. An individual 18 years of age or younger who enters a business subject to the Order to participate in a school activity or after-school program offered by any pre-kindergarten through 12th grade public or non-public school; and
5. Any person entering a business subject to the Order for the purpose of voting, assisting or accompanying a voter, or observing an election.

Also like the City of Chicago Order, the Cook County Order also exempts certain businesses and indoor venues, including:

1. Houses of worship;
2. K-12 schools, preschools, and childcare centers; and
3. Indoor locations in a residential or office building the use of which is limited to residents, owners, or tenants of that building.

The Cook County Order states that an individual is considered fully vaccinated “[t]wo weeks after their second dose in a 2-dose series with an approved COVID-19 vaccine” or “[t]wo weeks after a single-dose series with an approved COVID-19 vaccine[.]” The City of Chicago Order defines “fully vaccinated” status differently, stating that it is “determined by Centers for Disease Control and Prevention [CDC] guidance or Chicago Department of Public Health posted guidelines, whichever is the most restrictive.” While these definitions are currently functionally the same, the City of Chicago Order is subject to change based on updated guidance from the CDC or Chicago of Department of Public Health.

Like the City of Chicago Order, the Cook County Order requires covered business to post signage advising patrons of the vaccination requirement at all entrances to the premises, as well as prominently post such signage in an area visible to patrons and staff within the establishment.

The Cook County Order also requires businesses to develop a written protocol detailing how they will enforce the Order. The CCDPH has released [a template compliance plan](#)

and [the signage required by the Cook County Order](#) on its website.

The Cook County Order also continues to mandate that any individual aged two and older and able to medically tolerate a mask be required to wear a mask when indoors in a public space, regardless of vaccination status.

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

©2022 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on labor and employment law since 1958, Jackson Lewis P.C.'s 1000+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged, stable and diverse, and share our clients' goals to emphasize inclusivity and respect for the contribution of every employee. For more information, visit <https://www.jacksonlewis.com>.