COVID-19: ILLINOIS EXECUTIVE ORDER IN RESPONSE TO COVID-19

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U.S. COVID-19 Alert

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On March 20, 2020, Governor J.B. Pritzker of Illinois issued an Executive Order ("Order") requiring Illinois residents to remain in their homes and requiring businesses deemed non-essential to cease operations. The Order included, however, a long list of "Essential Businesses and Operations" that are allowed to continue operating and to which employees are allowed to leave their homes to travel. As a result, many businesses will be able to continue to operate, but with some modifications to accommodate social distancing.

Initially the Order identifies a broad range of essential activities which are allowed to continue. These include health care and human services, infrastructure construction, maintenance and repair, and government operations that provide or support public health, safety and welfare. Individuals who work in these areas are entitled to leave their homes to do this work and businesses which provide these services or products are allowed to continue operations. The Order also provides a long list of businesses deemed to be essential and which can stay open. These include: manufacturing, processing, distribution, and sale of food and medicine; manufacturing, processing, distribution and sale of essential products for industry; chemical manufacturing and refining; energy; charitable and social service organizations; financial institutions; logistics; business supplies; and professional services. Even non-essential businesses can remain open to the extent their employees can work from home and as necessary to maintain minimum operations. The Order requires businesses to maintain social distancing for employees to the extent possible, including designating six-foot separation spaces for employees and customers and providing hand sanitizer.

There is no process for businesses to obtain confirmation from the state as to whether or not they are "Essential." The Order references sections of the Illinois Emergency Management Act with respect to enforcement, but that Act provides limited guidance on what actions could be taken.

The Order became effective on March 21, 2020 and expires on April 7, 2020 unless extended by Governor Pritzker.

The restrictions and exceptions as set forth in the Order have not yet been tested or challenged before any judicial body or administrative agency. This analysis could change once additional guidance is offered or published. The Governor may also issue further orders as circumstances change.

K&L Gates is continuing to monitor developments and will endeavor to keep clients apprised of additional information.

Please check our HUB Responding to COVID-19.

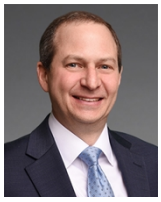
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