



## Illinois Department of Commerce & Economic Opportunity

JB Pritzker, Governor

# RESTORE ILLINOIS TIER 3 RESURGENCE MITIGATION FAQ

*Issued 11/19/20*

## General Mitigation Questions

### How long will the Tier 3 mitigation measures be in place for?

- Effective November 20, 2020, all regions in the State will operate under the new mitigation requirements to combat the surge of COVID-19 across Illinois. IDPH will continue to track the positivity rates and hospital capacity metrics in regions over a 14-day monitoring period to determine if mitigations can be relaxed, if additional mitigations are required, or if current mitigation should remain in place.
- In order to see a removal of Tier 3 mitigations and transition to Tier 2, a region must experience less than 12 percent test positivity rate for three consecutive days AND greater than 20 percent available intensive care unit (ICU) and hospital bed availability AND declining 7-day average COVID hospitalizations in 7 out of the last 10 days.

### Which entities will be charged with enforcement of these new rules?

- State and local law enforcement along with local health departments and the Illinois Department of Public Health.

### What are the gathering limitations under the Tier 3 Resurgence mitigations?

- Indoor gatherings of more than one household are prohibited.
- Outdoor gatherings are limited to no more than ten people.

## Restaurant, Bars, and Social Events/Banquets

### What is considered “outdoor dining”?

A dining or drinking area is considered an outdoor dining or drinking area if the area meets any of the following criteria:

1. Located on the rooftop of a building or within establishment with retractable roof (should remain open during hours of operation of outdoor dining and/or drinking); or
2. Outdoor space connected to or located on the site of a restaurant, grocery store, health or fitness center, hotel, golf club, or other social club with a food establishment license; or
3. Indoor space where 50% or more of a wall can be removed via the opening of windows, doors, or panels provided that dining tables are within 8-ft from such opening; or
4. Any other outdoor dining and drinking areas authorized by local governments provided that food and drinks are prepared by licensed food or liquor establishments and that proper

social distancing of 6-ft between designated customer tables and/or other seating areas is observed and parties are of 6 persons or fewer

**Is an outdoor structure such as a dome, tent, or igloo permitted as “outdoor dining” under the guidance?**

- Yes. Below outlines the guidance for outdoor dining structures and businesses should consult the Illinois Fire Marshal and local fire department for specific guidance on Fire Codes for these structures:

Tents and Other Outdoor Structures for Multiple Tables/Separate Dining Groups

Provided they comply with all required municipal and/or local liquor commission restrictions and approvals, temporary outdoor structures, including tents, are permissible if they comply with the following requirements:

- Temporary outdoor structures must have at least two of the sides open to provide adequate air flow;
- Patrons inside a temporary outdoor structure must be seated, and tables must be spaced a minimum of six feet apart;
- All structural materials should have a fire-resistant certification or flame certification showing material is fire-rated or noncombustible;
- Restaurants will need inclement weather plans in writing and trained staff to prevent any injuries in storms, snow, or other unsafe situations

Tents or Domes/Igloos for Single Table Dining Groups

- Single party only (subject to mitigation restrictions on dining party size);
- The structure must maintain air circulation at all times, for example via an open door, two opposing window/side openings or an open roof panel or panels. Interactions with waitstaff should be brief and all parties must have masks on during these exchanges.
- Sanitize the chairs and table after each use; and
- Servers and other waitstaff to minimize their time in the structure, including instituting measures such as a QR Code menu.

Heating Devices

Businesses should consult with local municipalities and ensure compliance with local and state fire codes to determine if heating devices are permitted within a temporary outdoor structure, and if so, how to operate the device within the structure. Assuming the heating device is permitted, establishments should follow these additional safety considerations to ensure responsible operations:

- Outdoor spaces with heating devices must keep devices away from combustible materials, such as tents, at all times
- Enclosed areas with heating devices must have clearly marked entrances and exits
- Businesses must have sufficient fire extinguishers to cover indoor and outdoor spaces

**Can bars and restaurants allow walk-in patrons for outdoor dining?**

- Bars and restaurants should take reservations for all parties for outdoor dining for contact tracing purposes. However, bars and restaurants can accept walk-ins provided they record the contact information of at least one person in the party – this is considered a walk-up reservation.

**Bars and restaurants are required to utilize a reservation system for patrons. How long should the business retain the reservation record?**

- The state recommends businesses maintain a copy of the reservation list for a minimum of 28 days. This will enable the business and state/local health officials to contact the patrons in the event of exposure to COVID-19.

**Do the mitigation measures impact drive-thru, take-out or delivery for restaurants?**

- No. Mitigations do not restrict take-out, drive-thru, or delivery options for restaurants.

**Do these restrictions apply to indoor food courts?**

- Indoor food courts can continue to operate for takeout and grab-and-go services, but the food cannot be consumed in the food court common area.

**Do the restrictions apply to cafeterias in offices and manufacturing facilities?**

- Cafeterias in offices and manufacturing facilities can continue to operate for takeout and grab-and-go services

**Can bars and restaurants in mitigation areas serve food and beverages indoors in conjunction with a meeting or special event?**

- No. Bars and restaurants in mitigation areas are not permitted to have any indoor dining and service, and therefore may not host meetings, events or gatherings within their establishment.

**Do bars and restaurants need to stop accepting customers at 11:00 p.m., or do they have to clear the premises by 11:00 p.m.?**

- All patrons must be off the premises by 11:00 p.m. and may reopen at 6:00 a.m. or later. Drive-thru, carry out, and delivery service is still permitted after 11:00 p.m., but customers must depart after obtaining their food and there should not be congregation of customers outside of the restaurant after closure time.

**Can restaurants and cafeterias within airports, hospitals, and college dining halls continue to provide indoor dining and exempt from mitigation measures?**

- Yes. From the beginning of the emergency declaration to respond to COVID-19, executive order 2020-07 provided that businesses located in airports, hospitals, and dining halls in colleges and universities are exempt from the requirements of this Executive Order. For purposes of ensuring that individuals can eat a meal with no alternatives provided in these venues for eating, they are not subject to the mitigation measures imposed in regions. Patrons must follow the restaurant and bar guidelines in the establishment,

including wearing masks when waitstaff approach and when they are not eating or drinking at a table.

**Is video gaming permitted at bars, restaurants and other licensed video gaming locations in areas under mitigation?**

- No. All video gaming terminals must be closed.
- Failure to comply with mitigation efforts and restrictions could subject licensees to discipline from the Illinois Gaming Board, up to and including license revocation

**Are meetings and events still permissible, even at a reduced capacity?**

- No; meeting rooms, banquet centers, private party rooms, country clubs, etc. may not host meetings or events – including weddings – under any capacity.

## **Retail & Service Counters**

**What are the new capacity restrictions for retail and general merchandise stores?**

- Retail and [service counter stores](#) that are not primarily engaged in the sale of groceries or medicinal drugs (pharmacies) are limited to 25% capacity
- “Big Box” stores that sell both groceries and other items are limited to 25% capacity

**What about grocery stores and pharmacies?**

- Retail stores that primarily sell groceries (i.e. Jewel, Kroger, Mariano’s, Whole Foods, etc.) or medicinal drugs (pharmacies) can continue to operate at 50% capacity
- For the purpose of this guidance, a retail store “primarily sells groceries” if it derives at least 65% of its revenues from the sale of food items
- For the purpose of this guidance, a retail store “primarily sells medicinal drugs” if it derives at least 50% of its revenues from the sale of prescription and over-the-counter drugs

**How do the capacity restrictions impact malls?**

- The 25% capacity restriction applies to each store as well as each common area at the mall
- Indoor food courts are permissible for takeaway services only

**Do they store employees count towards the capacity restrictions?**

- No

**What are the capacity restrictions for cannabis dispensaries?**

- Recreational dispensaries are limited to 25% capacity
- Dispensaries that derive at least 50% of their revenue from the sale of medicinal can operate at up to 50% capacity

**What about Flea Markets & Farmer’s Markets**

- Flea markets and farmer’s markets should operate at 25% capacity, or 15 people per 1,000 feet.
- Booths/exhibits should be spaced the lesser of every third spot, or 30 feet apart
- Indoor flea markets should open windows and doors for fresh air flow

- Face coverings should always be worn, whether indoor or outdoor
- Flea Markets should have hand sanitizer available for customers upon entering the flea market and/or available at various locations within the flea market
- If possible, vendors should use an impermeable barrier or a second table between vendors and customers
- Flea Market should have employees monitoring the venue to ensure customers are social distancing and wearing face coverings

## **Sports and Fitness Centers**

### **What are the current restrictions on health and fitness facilities?**

- Health and fitness centers are limited to 25% of occupancy at any given time
- No group fitness classes
- 1-on-1 personal training permitted
- Workout stations should be configured to be 6 feet apart (either positioned or decommissioning at certain stations), or 3 feet apart with impermeable barriers installed
- Locker rooms should be closed (except minimum facilities for swimmers may be open to shower/change), including all amenities such as saunas, steam rooms, and whirlpools should also be closed
- Reservations are required

### **What does it mean that a “reservation” is required?**

- Health and fitness facilities must use a reservation system (1) to know how many members are using the facility and ensure that they do not exceed capacity limits and (2) to have a record of members who were at the facility at a certain time for contact tracing purposes. Walk-up reservations (including through membership card swipes) are sufficient as long as the gym knows how many members are at the facility and has a record of when members were on premises for contact tracing.

### **What about “specialty” gyms such as a spin studio or a gym with high intensity cardio classes?**

- Gyms that typically offer one group class at a time can no longer offer those classes. However, these gyms may operate at 25% capacity for individual users

### **Is yoga considered an indoor class subject to the same restrictions?**

- Yoga classes that are performed in a group setting are not permitted under Tier 3 mitigation measures.
- Individuals can practice yoga on a mat and 6 feet apart from other patrons wearing a face covering in the gym, but not as part of a group class

### **Is 1:1 personal training still okay?**

- Yes. Personal training sessions are still permitted during Tier 3 mitigation. Both trainer and trainee need to wear a mask during the session.

### **Are youth and recreational sports still permissible?**

- All indoor group sporting and recreational activities including youth and adult recreational sports are currently not permitted
- Only 1-on-1 training for indoor sports can occur right now.

**What’s the policy on tennis?**

- Indoor tennis practice and lessons only; two people total per court or a player can utilize a ball machine, no competitive or recreational play.
- Outdoor tennis is permitted

**What’s the policy on swimming?**

- Lap swimming is permitted at fitness facilities; swimmers cannot share lanes
- Swim team competitions and practices are prohibited

**Do indoor pools have to close because locker rooms must be closed?**

- Fitness and instruction facilities with indoor pools can keep a minimum amount of locker room space open to provide basic sanitary services, but must limit access to no more than 10 persons at a time
- Guests must wear face coverings at all times in locker rooms
- Indoor pools and water parks for recreation and amusement must close

**Do fitness centers need to close locker room restroom facilities?**

- No, restroom facilities in locker rooms can remain open.
- Operators must minimize congregation for use of restroom facilities and abide by sanitation requirements.
- Operators must clearly indicate that other common areas, changing rooms, showers, amenities, etc. are closed.

**What’s the guidance for indoor basketball?**

- Indoor group sporting and recreational basketball is to be closed. Only individual shooting around, practice drills, and other training may occur

**What about outdoor sports?**

- Teams may practice outdoor in groups of 10 or less, with proper social distancing
- Competitive play is not permissible

**Is golf still permissible?**

- Yes; golf courses can continue to operate under the [golf guidance](#)
- Indoor dining service and meeting rooms must stay closed
- Group lessons are limited to 10 people, including the instructor

**Are competitive and group dance classes permitted?**

- No. All groups practices and competitions must pause all activity during Tier 3 mitigations

**Are professional sports and collegiate level sports subject to the Tier 3 mitigations?**

- No. Professional sports and collegiate level sports teams are exempt from these mitigations

## **Indoor Recreation, Theaters, and other Entertainment Venues**

### **What are the restrictions on indoor recreation?**

- All indoor recreation currently subject to the [indoor and outdoor recreation](#) guidelines must close
- Additionally, other recreational activities such as movie theatres, museums, and bowling alleys must also close

### **What about outdoor recreation?**

- Outdoor recreational facilities, including outdoor exhibits at zoos and museums, can continue to operate at 25% capacity
- Outdoor group activities limited to 10 people or less, participants/guests must wear face coverings at all times

### **What about zoos?**

- Outdoor areas at zoos can continue to operate at 25% capacity
- Group tours must be limited to 10 people or less
- Indoor exhibits must remain closed

### **What's the policy on indoor child activity centers that are not associated with a day care?**

- Indoor activity and play centers should be closed

### **Can casinos continue to operate?**

- No

### **What about video gaming terminals in bars, restaurants and other locations?**

- All video gaming terminals must be closed.

## **Personal Care Services**

### **What are the new capacity restrictions for businesses that offer personal care services?**

- Personal services facilities such as spas, hair salons, barber shops, nail salons, waxing centers, tattoo parlors, and similar facilities may be open but must cap occupancy at no more than 25 percent

### **Are facials and beard trimmings permitted?**

- No; Any service that requires the patron to remove the face covering is prohibited

### **Are massages and other body treatments permitted?**

- Massage therapy and other body treatments are allowed as deemed necessary by a medical provider, but appointments must be spaced by a minimum of 15 minutes and facilities should take steps to sanitize and circulate clean air through service rooms before and after each service
- Spa body services such as body scrubs, body wraps and other body treatments should not be provided.

### **Are nails services permissible?**

- Yes, with face coverings worn at all times

### **Is pet grooming permissible?**

- Yes, at 25% capacity

## **Places of Worship and Funerals**

### **Do the regional mitigation measures apply to churches and other places of worship?**

- Religious organizations and houses of worship are strongly encouraged to consult and follow the recommended practices and guidelines from the [Illinois Department of Public Health](#).
- As set forth in the IDPH guidelines, the safest practices for religious organizations at this time are to provide services online, in a drive-in format, or outdoors (and consistent with social distancing requirements and guidance regarding wearing face coverings), and to limit indoor services to 10 people.
- Religious organizations are strongly encouraged to take steps to ensure social distancing, the use of face coverings, and implementation of other public health measures
- Places of worship should not hold events or meeting outside of the regular worship services

### **Are there restrictions on funerals?**

- Funerals are limited to 10 family members of the decedents, not including staff, see [IDPH guidance](#)

## **Day Cares and Day Camps**

### **Are daycares permissible?**

- Daycares licensed by DCFS should continue to follow [those guidelines](#)

### **What about day camps not licensed by DCFS?**

- Day camps not licensed by DCSF can operate in group sizes of 15 or fewer
- Tier 3 mitigations do not impact day camp guidance

### **Are overnight camps permissible?**

- No

## **Miscellaneous Questions**

### **Do the mitigation measures impact libraries?**

- The operations of libraries are at the discretion of local governmental entities

### **Does the prohibition on meetings and events impact governmental entities?**

- The mitigation measures do not affect services provided by governments to ensure their continued operations or to provide for or support the health, safety, and welfare of the public
- However, governmental agencies, including school boards, are encouraged to hold public meetings remotely

**What about educational and certification-type classes?**

- Tier 3 mitigations do not affect classes offered by schools, colleges or universities
- Certification, licensure and/or professional development classes are permissible, but it is highly recommended that these classes be held virtually

**What about photography studios?**

- Outdoor photography is permissible with groups up to 10 people
- Indoor photography should not operate at this time