

In Brief

STAY-AT-HOME ORDERS EXTEND INTO MAY, DESPITE LAWSUITS

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On April 30, Governor Pritzker issued a new stay-at-home order, [Executive Order 2020-32](#), extending from May 1 to May 29, despite lawsuits challenging his authority to do so. In addition, Pritzker issued [Executive Order 2020-33](#), which extends all of his other orders related to COVID-19, through May 29.

Pritzker's stay-at-home orders rely partly on powers given by the Illinois Emergency Management Agency Act (IEMAA) when he issues a disaster proclamation. Under the IEMAA, those proclamations can only last for 30 days. On April 23, Pritzker announced his plan to issue a new proclamation and a revised stay-at-home order to go into effect on May 1.

However, just hours after Pritzker's announcement, state legislator Darren Bailey sued to challenge the stay-at-home orders. The suit asks the court to stop enforcement of stay-at-home orders against Bailey, arguing that the IEMAA does not give the Governor authority to issue multiple 30-day proclamations for a single disaster. On Monday, April 27, the court issued a temporary restraining order (TRO) granting Bailey's request, but otherwise left the stay-at-home order in place. On Wednesday, the Attorney General's Office appealed the TRO and asked the Illinois Supreme Court to resolve the issue. Late last night, Bailey asked the appellate court to withdraw the TRO and send the case back to the lower court.

Also, on Wednesday, April 29, state legislator John Cabello filed a similar lawsuit. This lawsuit asks the court to do more, seeking to stop enforcement of stay-at-home orders against Cabello "and all citizens similarly situated." Cabello did not seek a TRO, so the case is proceeding more slowly.

Despite these lawsuits, Pritzker proceeded with issuing a revised stay-at-home order, which

includes the following changes or clarifications from April:

- Face coverings must be worn in indoor public spaces, as well as outdoors when unable to maintain a six-foot social distance (some exceptions apply).
- All businesses with employees physically reporting to work must post the IDPH [workplace safety guidance during COVID-19](#), which states that "to the greatest extent feasible" employers should regularly clean high touch surfaces; mark six-foot spacing with signage or tape; and provide face coverings for employees (especially where maintaining a 6-foot social distance is not possible), handwashing stations, and sanitizing products for employees and customers.
- Schools and colleges may allow pick-up of necessary supplies and/or student belongings, as well as dormitory move-out, if they comply with social distancing requirements.
- Businesses must follow the guidance of state and local agencies about their "essential" status and social distancing requirements.
- Non-essential stores may open only to fulfill telephone and online orders through delivery or pick-up outside the store.
- Businesses must not retaliate against any employees who reasonably believe they are disclosing a violation of the order.
- Some state parks and golf courses may open.

We are monitoring the lawsuits related to the Governor's executive orders as they continue to develop quickly and will provide further updates.