FAQ for Businesses Concerning Use of Face-Coverings During COVID-19

This FAQ is intended to provide guidance regarding the application of the face-covering requirement in Executive Order 2020-32 for businesses and other places of public accommodation subject to Article 5 of the Illinois Human Rights Act, 775 ILCS 5/.

I. When Face-Coverings are Required

What does it mean to wear a face-covering?
A face-covering is a mask or cloth face-covering that is well secured and covers your nose and mouth. The face-covering should allow for breathing without restriction. There is no requirement to wear a hospital grade mask or other specific type or brand of face-covering. You may wear a homemade face-covering, provided that it fits closely and covers your nose and mouth. For more specific information on how to make or care for your face-covering, please visit the Illinois Department of Public Health's website at http://www.dph.illinois.gov/covid19/community-guidance/mask-use.

Who is required to wear a face-covering?
Executive Order 2020-32 requires that any person over the age of two wear a face-covering when in a public place and unable to maintain a six-foot social distance. Face-coverings are also required in public indoor spaces such as stores. Exceptions may be made for individuals with medical conditions or disabilities that prevent them from safely wearing a face-covering. For more information, please see the questions on reasonable accommodations.

Do I have to wear a face-covering even if I am not sick?
Yes. If you are in a public space, you are required to wear a face-covering even if you do not have symptoms or feel sick. People with COVID-19 are sometimes asymptomatic. They do not have fevers, coughs, or other symptoms of COVID-19. However, they could, unknowingly, spread the virus to others. Wearing a face-covering prevents the spread of COVID-19.

Does my child need to wear a face-covering?
Yes. If your child is over two years old and does not have a medical condition or disability that prevents them from safely wearing a face-covering (such as respiratory, heart, or sensory issues), then your child is required to wear a face-covering if they are outdoors and unable to maintain a six foot distance from others or if they are in an indoor public space such as a store.

Can a store or business turn me away if I do not have a face-covering?
Yes. A store or business can generally prohibit you from entering the building if you do not have a face-covering in order to protect the health of others. However, if you have a medical condition or disability that prevents you from safely wearing a face-covering, then you should speak with a store employee about a reasonable accommodation to help you obtain the services you need without endangering your health or the health of other shoppers. For more information, please see the questions on reasonable accommodations.

Am I required to wear a face-covering if I have already had COVID-19?
Yes. Even if you have already had COVID-19, you still may be contagious or have the ability to pass the virus to others.

II. Exceptions and Reasonable Accommodations

Can a business require that I remove my face-covering in order to check my identity?
Yes. There are certain circumstances when you may be required by a business to temporarily remove your face-covering for the purpose of checking identification, such as if you are purchasing alcohol, cannabis, or certain medicine. If you are asked to remove your face-covering in order to check identification, you should stand behind a partition, when present, or at least six feet away from other people and remove your face-covering carefully and without touching your face or the inside of the face-covering. You may ask the business to use hand sanitizer before removing your face-covering.

What if I have a medical condition or disability that prevents me from wearing a face-covering?
If you have a medical condition or disability that prevents you from safely wearing a face-covering, you cannot be required to wear one. However, if you cannot wear one, you will need to request a reasonable accommodation and take extra precautions to protect yourself and others from contracting COVID-19. For more information, please see the questions on reasonable accommodations.

What is a reasonable accommodation?
Though places of public accommodation, including businesses, reserve the right to refuse service to persons unable to comply with the requirement to wear a face-covering, they are required to provide a reasonable accommodation if it does not cause an undue hardship. Businesses are encouraged to inform their customers that there are exceptions to the requirement that all individuals must wear a mask. Individuals should either contact the business to request an accommodation ahead of their visit or do so upon arrival.

The individual and business should discuss a reasonable accommodation that will not cause the business an undue hardship or endanger other individuals. Some examples of accommodations that may be reasonable and not cause undue hardship are:

a. Provide the individual an opportunity to order by telephone or online and provide pickup at a special register or curbside or deliver to the individual's home.
b. Arrange for an employee to bring the individual the items for purchase and allow the individual to pay at a special register, over the phone, or at the front of the store.

What is a reasonable accommodation? (continued)

c. Provide the individual with the opportunity to leave a list of items with the business and pick them up at a later time or arrange for delivery to the individual's home.
d. Provide the individual with an opportunity to shop during off-peak times where social distancing can be maintained.

What if a business refuses to consider my request for a reasonable accommodation?
If a business refuses to consider your request for a reasonable accommodation, you should report the incident to the Illinois Department of Human Rights by visiting www.illinois.gov/dhr or by calling (312) 814-4320 or (866) 740-3953 (TTY).

Do I have to prove I have a medical condition or disability that prevents me from wearing a face-covering?
No. Proof of a medical condition or disability is not required. It is enough to communicate that you have a medical condition or disability that prevents you from safely wearing a face-covering. You should speak to the business about how your medical condition or disability can be accommodated, for example, through shopping at off-peak times or using delivery services. For more information, please see the questions on reasonable accommodations.

III. Face-coverings and Non-discrimination

What if an employee asks me to remove my face-covering because the employee believes I look "suspicious"?
It is a violation of the Illinois Human Rights Act for a business to take actions or profile a person based on factors such as their race, national origin, religion, or disability. Individuals who believe they have been profiled by a place of public accommodation, such as a business, can contact the Illinois Department of Human Rights to file a discrimination charge by visiting www.illinois.gov/dhr or by calling (312) 814-4320 or (866) 740-3953 (TTY).

Can a business impose different face-covering requirements based on race, national origin, religion, or age?
No. A business must treat all people equally, without regard to certain protected bases such as their race, national origin, religion, or age. Individuals who believe they have been treated differently because of one or more protected bases can contact the Illinois Department of Human Rights to file a discrimination charge by visiting www.illinois.gov/dhr or by calling (312) 814-4320 or (866) 740-3953 (TTY).

What can I do if I believe a business is discriminating in the enforcement of its face-covering policy?
If you believe that a business is discriminating against you or others in the enforcement of its face-covering policy, you should report the incident to the Illinois Department of Human Rights by visiting www.illinois.gov/dhr or by calling (312) 814-4320 or (866) 740-3953 (TTY).