

I'm from the Local Health Department and I am here to tell you to cease your operations.

Now what?

KNOW YOUR RIGHTS

Ask the government official to provide you the required legal notice to close your doors. Do not accept a verbal request or demand. Make them put it in writing.

Recognizing there are numerous provisions for the health department to close a restaurant, we first must address business in general as it relates to the current COVID-19 issue.

The power of a health department to close a persons business is found in [20 ILCS 2305/2\(b\)](#) and [20 ILCS 2305/2\(c\)](#).

The law provides a due process procedure that must be followed. Failure to provide due process, even in an emergency, is a violation of both Federal and State Constitutions.

The government has the burden to prove “by clear and convincing evidence, must prove that the public’s health and welfare are significantly endangered *by a person or group of persons that has, that is suspected of having, that has been exposed to, or that is reasonably believed to have been exposed to a dangerously contagious or infectious disease including non-compliant tuberculosis patients or by a place where there is a significant amount of activity likely to spread a dangerously contagious or infectious disease. The Department must also prove that all other reasonable means of correcting the problem have been exhausted and no less restrictive alternative exists.*”

Possible action

1. Voluntarily close, which most have done to date.
2. Invoke your rights to due process.

Exercising your rights

I respectfully decline to close my doors without a court order that must, by clear and convincing evidence, must prove that my place of business or me personally is suspected of having, has been exposed to, or reasonably believed to have been exposed to a dangerously contagious or infectious disease. Additionally, you must prove that all other reasonable means of correcting the alleged problem have been exhausted and no less restrictive alternative exists.

If I do not receive service of process regarding an action instituted against me by the State's Attorney's Office (legal representative for local health departments), by end of the second business day following the local health department having received my actual notice I will deem that inaction as a determination by the proper local authorities that my business is not a public health risk. I will keep my doors open for business and will consider implementing any reasonable safety measure which the local board of health might want to suggest.