

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

New Rules

■ MEDICAL CANNABIS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to the Part titled Rules for Administration of the Compassionate Use of Medical Cannabis Pilot Program (68 IAC 1290; 42 Ill Reg 22333) effective 5/20/19, replacing an emergency rule that was effective 12/3/18 and expired 5/1/19. The rulemaking implements Public Act 100-1114, which creates the Opioid Alternative Pilot Program (OAPP) and authorizes the sale and dispensing of medical cannabis to OAPP participants. The OAPP allows patients with conditions for which opioids have been, or could be, prescribed (e.g., chronic pain) to enroll in the Department of Public Health cannabis patient registry and obtain medical cannabis instead of opioids. The rulemaking also aligns this Part with

corresponding amendments to DPH cannabis registry rules at 77 IAC 946; updates provisions regarding inventory control and security, including video surveillance; and clarifies restrictions on ownership and management of cannabis dispensing organizations. Since 1st Notice, DPH has raised the ownership threshold that defines a "principal officer" or a financial interest in a cannabis dispensing organization from 1% to 5% for publicly traded companies. Those affected by this rulemaking include medical cannabis dispensing organizations.

Questions/requests for copies: Craig Cellini, DFPR, 320 W. Washington St., 3rd Fl., Springfield IL 62786, 217/785-0813, fax 217/557-4451.

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Proposed Rulemakings

DRIVER'S LICENSES

The SECRETARY OF STATE proposed an amendment to Cancellation, Revocation or Suspension of Licenses or Permits (92 IAC 1040; 43 Ill Reg 6246) updating statutory citations to the Cannabis Control Act for those cannabis-related offenses for which a driver's license or permit may be suspended or revoked.

Questions/requests for copies/comments through 7/15/19: Jennifer Egizii, SOS, 2701 S. Dirksen Pkwy., Springfield IL 62723, 217/557-4462.

■ POLICE & FIRE PENSIONS

The DEPARTMENT OF INSURANCE proposed a new Part titled Mistake in Benefit under Article 3 and Article 4

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NEW RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.
PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.
PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.
■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.
QUESTIONS/COMMENTS: Submit mail, email or phone calls to the agency personnel listed below each summary.
RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

New Rules

(cont. from page 1)

■ UNEMPLOYMENT BENEFITS

The DEPARTMENT OF EMPLOYMENT SECURITY, effective 5/14/19, adopted amendments to the following 16 Parts: General Application (56 IAC 2712; 42 Ill Reg 23311): Interstate and Federal Cooperation (56 IAC 2714; 42 Ill Reg 23318): Claims, Adjudication, Appeals and Hearings (56 IAC 2720; 42 Ill Reg 23324): Administrative Hearings and Appeals (56 IAC 2725; 42 Ill Reg 23370): Wages (56 IAC 2730; 42 Ill Reg 23379): Employment (56 IAC 2732; 42 Ill Reg 23386): Notices, Records, Reports (56 IAC 2760; 42 Ill Reg 23408); Payment of Unemployment Contributions, Interest and Penalties (56 IAC 2765; 42 Ill Reg 23419); Determination of Unemployment Contributions (56 IAC 2770; 42 Ill Reg 23443); Recovery of Benefits (56 IAC 2835; 42 Ill Reg 23452); Claimant's Reason for Separation from Work (56 IAC 2840; 42 Ill Reg 23457); Claimant's Availability for Work, Ability to Work and Active Search for Work (56 IAC 2865; 42 Ill Reg 23462); Alien Status (56 IAC 2905; 42 Ill Reg 23491); Academic Personnel (56 IAC 2915; 42 Ill Reg 23496); Disqualifying Income and Reduced Benefits (56 IAC 2920; 42 Ill Reg 23504); and General Provisions (56 IAC 2960; 42 Ill Reg 23525). Amendments to Part 2712 remove obsolete references to the former DES

Board of Review Reporter (a complete printed compilation of all Board of Review decisions) and update information for obtaining the shorter Digest of Adjudication Precedents. The Part 2714 rulemaking makes technical updates to document names and cross references. The Part 2720 amendments provide for electronic delivery of notices, decisions and orders, if agreed to by the parties; update to reflect online claim filing procedures; explain when certain hearsay statements may be considered by a referee; clarify the process for submitting written argument or additional evidence to the Board of Review; and update obsolete references. Amendments to Part 2725 clarify how time will be computed for electronic notices and that parties will normally appear for benefit hearings by phone unless at least one party has elected otherwise. Part 2730 is amended to clarify the rules for determining when sick pay must be reported as wages and for determining the employer with respect to sick pay administered by third parties. The Part 2765 rulemaking clarifies the circumstances under which an employer's first penalty may be waived. Amendments to Parts 2732, 2760, 2770, 2835, 2840, 2905, 2915, and 2960 update obsolete language; the Part 2835 rulemaking additionally allows recoupment requests to be submitted online or through the Teleserve system. Amendments to Part 2865 reflect the current process of certifying for benefits by phone or online. The Part 2920

rulemaking clarifies that Social Security retirement and disability benefits are not disqualifying income.

Questions/requests for copies of the 16 DES rulemakings: Thomas D. Chan, DES, 33 S. State St., Room 933, Chicago IL 60603, 312/793-2338, fax 312/338-0361, Thomas.D.Chan@illinois.gov

AUDITS

The AUDITOR GENERAL adopted amendments to Code of Regulations (74 IAC 420; 42 Ill Reg 24629) effective 5/31/19 updating references to U.S. Government Auditing Standards and other professional standards. The rulemaking also shortens the time frame for agencies to respond to audit findings from 21 to 14 days and clarifies that the AG's rules for audits and attestations apply to other agencies only to the extent that they do not conflict with any other applicable law, rule or regulation.

Questions/requests for copies: Katie Antonacci, AG, 740 E. Ash St., Springfield IL 62703, 217/782-6046, TTY 888-261-2887.

AIDS DRUG ASSISTANCE

The DEPARTMENT OF PUBLIC HEALTH adopted an amendment to AIDS Drug Assistance Program (77 IAC 692; 43 Ill Reg 3124), effective 5/20/19, updating the Federal Poverty

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Proposed Rulemakings

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Pensions (50 IAC 4450; 43 Ill Reg 6242) implementing Public Act 98-1117. The PA and the new Part establish a 2% annual interest rate to be paid by downstate police and fire pension funds on a lump sum back payment of benefits when a member's benefit is found to have been mistakenly set too low. Affected pension funds must notify DOI within 45 days of making a lump sum payment or adjustment of

benefits. Municipalities with police or fire pension funds may be affected by this rulemaking.

Questions/requests for copies/comments through 7/15/19: Susan Anders, DOI, 320 W. Washington St. 4th Fl., Springfield IL 62767-0001, 217/558-0957.

■ DOL RULE WITHDRAWAL

The DEPARTMENT OF LABOR, in response to a JCAR Objection, has withdrawn a proposed

amendment to the Part titled Minimum Wage Law (56 IAC 210; 42 Ill Reg 17091) that was published in the 9/28/18 Illinois Register. The rulemaking listed various factors to be considered in determining whether an individual hired by an employer is an employee subject to the minimum wage law or an independent contractor not subject to the law.

New Rules

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Level income guidelines and the income threshold for program eligibility (300% of FPL) to reflect the 2019 FPL figures issued by the federal Department of Health and Human Services.

Questions/requests for copies: Erin Conley, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

HORSE RACING

The ILLINOIS RACING BOARD adopted an amendment to Medication (11 IAC 603; 43 Ill Reg

2217), effective 5/24/19, that updates the Part's incorporation of the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances to the January 2019 edition (Version 14.0).

Questions/requests for copies: Mickey Ezzo, IRB, 100 W. Randolph, Suite 5-700, Chicago IL 60601, 312/814-5017, Mickey.ezzo@illinois.gov

AG REPEALERS

The DEPARTMENT OF AGRICULTURE repealed the Parts titled Forever Green Illinois

Program (8 IAC 241; 43 Ill Reg 1412), Governor's Agricultural Heritage Award (8 IAC 305; 43 Ill Reg 1417), Illinois AgriFIRST Program Act (8 IAC 950; 43 Ill Reg 1423) and Specialty Farm Product Buyers Act (68 IAC 580; 43 Ill Reg 1448), all effective 5/20/19. These rulemakings eliminate obsolete rules for programs that were abolished by Public Acts 89-657, 100-117 and 100-844.

Questions/requests for copies of the 4 DOA rulemakings: Albert A. Coll, DOA, State Fairgrounds, PO Box 19281, Springfield IL 62794-9281, 217/782-5051, fax 217/785-4505.

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at the June 11, 2019 JCAR meeting. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

DEPT OF AGRICULTURE

Municipal Agricultural Areas (8 IAC 955; 43 Ill Reg 4047) proposed 4/5/19

Illinois Pesticide Act (8 IAC 250; 43 Ill Reg 4045) proposed 4/5/19

DEPT OF CENTRAL MANAGEMENT SERVICES

The Travel Regulation Council (80 IAC 3000; 43 Ill Reg 3072) proposed 3/8/19

DEPT OF HUMAN SERVICES

Aid to the Aged, Blind or Disabled (89 IAC 113; 43 Ill Reg 4054) proposed 4/5/19

IL COMMUNITY COLLEGE BOARD

Administration of the Public Community College Act (23 IAC 1501; 42 Ill Reg 20592) proposed 11/26/18

SECRETARY OF STATE

Secretary of State Standard Procurement (44 IAC 2000; 43 Ill Reg 3868) proposed 3/29/19

Joint Committee on Administrative Rules

Sen. Don Harmon, co-chair

Rep. Tom Demmer

Sen. Kimberly Lightford

Rep. Michael Halpin

Sen. Tony Muñoz

Rep. Frances Ann Hurley

Sen. Sue Rezin

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**Vicki Thomas
Executive Director**