

*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.*

## Emergency Rules

### ■ CANNABIS CULTIVATION

The DEPARTMENT OF AGRICULTURE adopted emergency amendments to the emergency rules titled Cannabis Regulation and Tax Act (8 IAC 1300; 44 Ill Reg 8349) effective 4/30/20, modifying a new Part adopted by emergency rulemaking (44 Ill Reg 1466) effective 1/1/20 for the remainder of its 180 day term. The amendments extend the license application deadline for prospective craft growers, infusers and transporters of adult use cannabis to 4/30/20 (formerly 3/16/20) to reflect recent Executive Orders responding to the COVID-19 pandemic. Applications must have been submitted by certified U.S. Mail.

*Questions/requests for copies: Albert A. Coll, DOA, State*

### COVID-19 ACTIONS

Numerous Executive Orders and emergency rules have been issued in response to the COVID-19 pandemic. Executive Orders of the Governor concerning this pandemic can be accessed at <https://www2.illinois.gov/government/executive-orders>. Emergency rules adopted by State agencies will be summarized in The Flinn Report as they are published in the *Illinois Register*.

*Fairgrounds, PO Box 19281, Springfield IL 62794-9281, 217/782-5051, fax 217/785-4505.*

### ■ SCHOOLS

The STATE BOARD OF EDUCATION adopted an emergency amendment to Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 44 Ill

## Proposed Rulemakings

### ■ TURKEY HUNTING

The DEPARTMENT OF NATURAL RESOURCES withdrew proposed amendments to The Taking of Wild Turkeys-Spring Season (17 IAC 710; 44 Ill Reg 5683) that appeared in the 4/3/20 *Illinois Register* and proposed new amendments to the same Part (17 IAC 710; 44 Ill Reg 8122). The new amendments, in addition to making site-specific and procedural changes contained in the withdrawn rulemaking, allow permit cancellations and refunds if the State-managed or -owned site for which a permit was issued has been closed due to an emergency or disaster declaration (including, but not limited to, closures in response to the Gubernatorial Disaster Proclamations). Holders of spring turkey hunt permits that were not used due to the COVID-

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**ADOPTED 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](http://www.cyberdriveillinois.com)) and General Assembly ([www.ilga.gov](http://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.

# Adopted Rules

## SEX OFFENDERS

The DEPARTMENT OF HUMAN SERVICES adopted amendments to the Part titled Sexually Violent Persons (59 IAC 299; 43 Ill Reg 11815) effective 4/28/20, updating its rules for the DHS Treatment and Detention Facility (TDF) and related mental health/treatment services. The TDF, located near Rushville, houses “sexually violent persons” who have served their prison sentences, been declared unfit to stand trial, or been found not guilty by reason of insanity; have been declared by a court to be sexually dangerous; and have been committed to the TDF for ongoing treatment and supervision. The amendments include provisions for emergency mental health care when a resident poses a serious threat to himself/herself or others; establish procedures for administering psychotropic

medication when it is deemed medically necessary but the resident has not consented to this administration; clarify various rules, rule violations, and the consequences for rule violations; revise grievance procedures; and implement a reimbursement system under which residents pay part of the cost of their care.

*Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand Ave. East, 3<sup>rd</sup> Fl., Springfield IL 62762, 217/785-9772.*

## MOTOR FUEL TAXES

The DEPARTMENT OF REVENUE adopted amendments to the Part titled County Motor Fuel Tax (86 IAC 695; 43 Ill Reg 13276) effective 4/28/20, implementing PA 101-32. The rulemaking extends the authority to impose county motor fuel taxes to Lake and Will

counties (in addition to DuPage, Kane, and McHenry counties). The allowable county fuel tax rate is raised from a maximum of 4 cents per gallon to between 4 and 8 cents per gallon, with automatic annual increases tied to inflation. This rulemaking impacts small businesses selling motor fuel in the affected counties.

*Questions/requests for copies: Samuel J. Moore, DOR, 101 W. Jefferson St., Springfield IL 62794, 217/782-2844.*

## UNEMPLOYMENT BENEFITS

The DEPARTMENT OF EMPLOYMENT SECURITY adopted amendments to the Part titled Payment of Unemployment Contributions, Interest and Penalties (56 IAC 2765; 44 Ill Reg 38) effective 4/28/20, implementing a provision of the Unemployment Insurance Act. The rulemaking provides that if an employer fails to timely respond to a request from DES regarding a disputed unemployment benefits claim and that employer has a history of untimely or inadequate responses to such requests, the employer will be charged for those benefits even if the recipient is determined to have been ineligible for them. Small businesses and non-profits enrolled in the unemployment insurance program may be affected by this rulemaking.

*Questions/requests for copies: Kevin Lovellette, DES, 33 S. State St., Rm 930, Chicago IL 60603, 312/793-1224, fax 312/793-5645, [Kevin.Lovellette@illinois.gov](mailto:Kevin.Lovellette@illinois.gov)*

## Emergency Rules

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Reg 8382), effective 5/1/20 for a maximum of 150 days, waiving the application deadline for entities seeking approval to conduct leadership training for local school board members. These entities (e.g., regional offices of education, professional associations, teachers’ unions, colleges/universities) normally must apply for initial approval or renewal between March 1 and May 1 of even-numbered years. The emergency rule allows applications to be submitted up to 30 days after the expiration of the

Gubernatorial Disaster Proclamations. Additionally, providers approved as of 4/9/20 shall continue to be approved for training until SBE receives and reviews a renewal application. No current approvals will expire while the disaster proclamations are in effect. Public and non-profit entities that provide school board leadership training are affected by this emergency rule.

*Questions/requests for copies: Azita Kakvand, SBE, 100 N. First St., Springfield IL 62777-0001, 217/782-6510, [rules@isbe.net](mailto:rules@isbe.net)*

# Proposed Rulemakings

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19 pandemic must submit their refund requests by 12/1/20. For the 2021 spring turkey season, group hunt applications for groups of up to 6 persons will be accepted in the first and second lottery drawings. Those affected by this rulemaking include individuals and outfitters who were unable to use 2020 spring turkey season permits for which they had applied.

*Questions/requests for copies/ comments through 6/29/20: John Heidinger, DNR, One Natural Resources Way, Springfield IL 62702, 217/557-6379.*

## ■ HEALTH CARE WORKERS

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Health Care Worker Background Check Code (77 IAC 955; 44 Ill Reg 8151) implementing Public Act 101-176, which allows staffing agencies, workforce intermediaries (organizations that provide job training and employment services) and organizations that provide pro bono legal services to initiate fingerprint-based criminal history background checks for their clients seeking employment in health care jobs. These organizations may also initiate requests for waivers allowing an individual who would otherwise be disqualified from health care employment due to a past criminal conviction to be cleared for employment. Businesses and non-profit organizations may be affected by this rulemaking.

*Questions/requests for copies/ comments through 6/29/20: Erin Conley, DPH, 535 W. Jefferson St., 5<sup>th</sup> Fl., Springfield IL 62761, 217/782-2043, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)*

## UNIVERSITIES EMPLOYMENT

The STATE UNIVERSITIES CIVIL SERVICE SYSTEM proposed amendments to the Part titled State Universities Civil Service System (80 IAC 250; 44 Ill Reg 8192) concerning aspects of the disciplinary process. The rulemaking adds to the list of causes for suspension falsification of documents; rude, disrespectful, and/or unprofessional behavior; failure to follow official university policy and procedures; and reporting to work impaired by substance use or fatigue to the point that the employee cannot safely perform his or her job duties. Employees who are not U.S. citizens are responsible for maintaining their right to work in the U.S.; those who fail to do so via permanent residency/green card, work permit or employment-related visa will be terminated (with notice from the employer) as of the last date the employee had legal work status. The rulemaking also clarifies that reasons for discharge include all reasons listed as causes for suspension if they become recurring offenses, plus more serious one-time offenses such as theft, malicious damage to property, instigating a physical altercation, and indecent conduct. Employees are responsible for maintaining a current mailing address with their

employer so that notices of suspension or discharge proceedings can be sent to the employee. If an employee does not file a written request for a hearing on a pending discharge within 15 days after receiving notice, the discharge becomes effective at the end of the 15-day period. Other provisions address and clarify various aspects of the hearing process for employees disputing a disciplinary action.

*Questions/requests for copies/ comments through 6/29/20: Jeff Brownfield, SUCSS, 1717 Philo Rd., Suite 24, Urbana IL 61802, 217/278-3150, [rulemaking@sucss.illinois.gov](mailto:rulemaking@sucss.illinois.gov)*

## RADIOACTIVE MATERIALS

The ILLINOIS EMERGENCY MANAGEMENT AGENCY proposed an amendment to Radioactive Materials Transportation (32 IAC 341; 44 Ill Reg 8116) clarifying incorporations of federal Nuclear Regulatory Commission regulations in order to maintain this Part's compatibility with NRC rules.

*Questions/requests for copies/ comments through 6/29/20: Traci Burton, IEMA, 1035 Outer Park Drive, Springfield IL 62704, 217/785-9860.*

## Second Notice

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The following rulemaking was moved to Second Notice this week by the agency listed below, commencing the JCAR review period. This rulemaking will be considered at the May 19, 2020 JCAR meeting. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning this rulemaking should be addressed to JCAR using the contact information on page 1.

### IL STATE POLICE

Firearm Dealer License Certification Act (20 IAC 1232; 44 Ill Reg 2446) proposed 2/7/19

## Joint Committee on Administrative Rules

<b>Senator Bill Cunningham, <i>co-chair</i></b>	<b>Representative Tom Demmer</b>
<b>Senator John F. Curran</b>	<b>Representative Michael Halpin</b>
<b>Senator Kimberly Lightford</b>	<b>Representative Frances Ann Hurley</b>
<b>Senator Tony Muñoz</b>	<b>Representative Steven Reick</b>
<b>Senator Sue Rezin</b>	<b>Representative André Thapedi</b>
<b>Senator Paul Schimpf</b>	<b>Representative Keith Wheeler, <i>co-chair</i></b>

**Vicki Thomas  
Executive Director**