

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.

Proposed Rulemakings

■ SALES TAXES

The DEPARTMENT OF REVENUE proposed amendments to the Parts titled Retailers' Occupation Tax (86 IAC 130; 46 Ill Reg 17007) and Use Tax (86 IAC 150; 46 Ill Reg 17072) implementing various tax rates and exemptions contained in Public Acts 98-574, 100-1171, 102-700 and 102-1026. Amendments to Part 130 implement the 1-year suspension of the 1% State sales tax on groceries effective 7/1/22 through 7/1/23; exempt automobiles purchased to serve as rental vehicles and align the definition of an automobile with the applicable statute; exempt sales of tangible personal property (instead of petroleum products) from sales tax if the purchaser is federally exempt from use tax; change the sunset date for exemptions that apply to mining and mining exploration or reclamation equipment and

vehicles to 6/30/28 (currently, 7/1/23); implement an exemption for breast pumps and breast milk collection and storage supplies effective 7/1/22; implement exemptions for biodiesel/renewable diesel fuel and fuel blends that will be effective between 1/1/24 and 12/31/30; and clarify that tangible personal property sold by the State

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[Next JCAR Meeting:
Tues. Oct. 18, 11 a.m.
160 N. La Salle St. Chicago](#)

[Live video at JCAR website](#)

Treasurer under the Revised Uniform Unclaimed Property Act is exempt from sales tax. The Part 150 rulemaking implements provisions of PA 102-700 regarding tax rates and bases for gasohol, majority blended ethanol fuel, biodiesel, renewable diesel

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Adopted Rules

SCHOOLS

The STATE BOARD OF EDUCATION adopted an amendment to Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 46 Ill Reg 7018) and adopted a new Part titled Absenteeism and Truancy Policy (23 IAC 207; 46 Ill Reg 7027), both effective 10/3/22, implementing Public Act 102-157, effective 7/1/22. The PA requires every school district, charter school, alternative school, special education cooperative, and any other school receiving public funds, to develop a truancy and absenteeism policy that is communicated to students and their families on an annual basis. SBE repealed its rules regarding absenteeism/truancy policies from Part 1 and promulgated new rules in Part 207. The new rules require that absenteeism/truancy policies

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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) 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.

Adopted Rules

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in compliance with the PA and School Code be electronically filed with SBE no later than 9/30/22, reevaluated or updated every 2 years thereafter, published in the student handbook, and posted on the school's website. SBE will grant regional superintendents access to the Web application (IWAS) through which school truancy policies are filed so that they may review policies filed by schools in their region; this will fulfill the requirement that policies also be filed with the regional superintendent. School districts, charter schools, and non-public schools receiving public funds are affected by these rulemakings.

Questions/requests for copies of the 2 SBE rulemakings: Azita Kakvand, SBE, 555 W. Monroe

St., Suite 900, Chicago IL 60661, 312/783-2757, rules@isbe.net

■ VIDEO GAMING

The ILLINOIS GAMING BOARD adopted amendments to Video Gaming (General) (11 IAC 1800; 46 Ill Reg 9295) effective 9/28/22 that allow prospective video gaming locations to enter into use agreements with licensed terminal operators prior to applying for or receiving video gaming licenses. (Previously, the rule allowed video gaming locations to enter into use agreements only after they were licensed.) The rulemaking allows any entity that has applied to become a licensed video gaming location on or after 10/1/22 to enter into a use agreement. Truck stops, fraternal or veterans organizations, and entities that hold valid State liquor licenses may enter use

agreements before applying for a video gaming license, provided they apply for the video gaming license within 1 year (changed since 1st Notice from 30 days) after executing the use agreement. Since 1st Notice, IGB has also clarified that "first in time" use agreements and amendments take precedence over subsequent use agreements and that use agreements are void if the location fails to apply for a gaming license within 1 year or is denied a license. Those affected by this rulemaking include taverns, restaurants, truck stops, fraternal and veterans' organizations, and other entities that have applied or will apply for video gaming licenses.

Questions/requests for copies: Agostino Lorenzini, IGB, 160 N. LaSalle St., Chicago IL 60601, IGB.RuleComments@igb.illinois.gov

Proposed Rulemakings

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and blends. Those affected by these rulemakings include sellers of ethanol and biodiesel fuels, grocery items, rental automobiles, breastfeeding supplies, and mining equipment or vehicles.

Questions/requests for copies/comments on the 2 DOR rulemakings through 11/28/22: Katarzyna Kowalska, DOR, 101 W. Jefferson St., Springfield IL 62794, 217/782-2844.

■ PRESCRIPTION DRUGS

The DEPARTMENT OF HUMAN SERVICES proposed

amendments to Electronic Prescription Monitoring Program (77 IAC 2080; 46 Ill Reg 16961) that implement Public Acts 100-125, 100-564, 100-1093, and 101-414, along with other updates in program administration and procedure. The rulemaking updates the definition of the Illinois Prescription Management Program (ILPMP) as an electronic database that collects, tracks, and stores information regarding retail prescriptions of controlled substances (Schedule II through V) and other drugs of interest and also removes a 12-month limit on retaining prescription information. Medications that interact with controlled substances, but are not

themselves controlled substances, may also be included in the ILPMP. Every prescriber who possesses an Illinois Controlled Substance License must register with the ILPMP, and facilities that dispense or administer controlled substances may participate in additional data sharing with ILPMP to identify patients at risk of addiction. A prescriber or dispenser may appoint up to 3 designees to access the ILPMP, who must be registered nurses, licensed practical nurses, pharmacy technicians, certified medical assistants, or dental

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Proposed Rulemakings

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hygienists. Hospitals, long term care facilities, opioid treatment facilities and other facilities are not limited in the number of designees they may appoint for this purpose. Hospitals and other medical facilities must report injury and accident information to ILPMP for comparison and matching with controlled substance prescription data. Dispensers must transmit required ILPMP data for each prescription (or a zero report if no prescriptions were dispensed that day) by the end of the same business day, and hospitals must also report any discharge or outpatient prescription for a 72-hour or greater supply of medication by the end of the same business day (currently, the reporting deadline for all prescriptions is the following business day). The \$100 per day fine for willful noncompliance with ILPMP reporting requirements may (currently, shall) be assessed by DHS on a monthly basis. The fine for failure to comply with electronic health records (EHR)-to-ILPMP integration requirements on the part of a facility, pharmacy, or EHR vendor is raised to \$100 per day (currently, \$50 per month), also assessed on a monthly basis. Fines will not be imposed if delays in the integration process are due to DHS' limitations or lack of resources. Providers or pharmacies who have no EHR system and prescribers who do not dispense more than 25 prescriptions every 12 months are exempt from the connection/integration requirements. DHS may develop a fee structure (to be

Peremptory Rule

SNAP BENEFITS

The DEPARTMENT OF HUMAN SERVICES adopted peremptory amendments to Supplemental Nutrition Assistance Program (SNAP) (89 IAC 121; 46 Ill Reg 17125) effective 10/3/22, implementing gross and net income standards, asset disregards, income deductions, and maximum SNAP allotments for the 2023 federal fiscal year. The minimum monthly allotment for 1 or 2 person households has increased to \$23, while the maximum allotments have increased to \$281 for 1 person, \$516 for 2 persons, and \$939 for 4 persons. The basic monthly gross income eligibility limit (130% of the Federal Poverty Level) is now \$1,473 for 1 person, \$1,984 for 2 persons, and \$3,007

for 4 persons. Gross income limits for households that include an elderly or disabled person (200% FPL) are \$2,265 for 1 person, \$3,052 for 2 persons, and \$4,625 for 4 persons. The asset disregard for households that are not otherwise categorically eligible has increased to \$2,750 (formerly \$2,500); the asset disregard for households that include a person who is age 60 or older or disabled has increased to \$4,250 (formerly \$3,750). Deductions for various utilities and the shelter cost deduction for homeless persons have also increased.

Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand Ave. East, Harris Bldg., 3rd Floor, Springfield IL 62762, 217/785-9772.

posted on the ILPMP website) to cover the costs of maintaining secure one-to-one connections between the ILPMP and EHR systems. If an unsolicited report of potential "medication shopping" by an individual to 5 (currently, 3) or more unrelated prescribers or pharmacies within a 6-month (currently, 30 day) period is sent by DHS to a prescriber, the same report must also be sent to the applicable dispensing pharmacies. The rulemaking also changes the composition of the ILPMP Advisory Committee to include a pain specialist physician and a family or primary care physician (in addition to the 4 physicians currently included), 2

advanced practice registered nurses (currently 1), and a clinical representative from a statewide organization representing hospitals. It requires the Advisory Committee to review ILPMP's website and various communications on a semi-annual (currently, quarterly) basis. The Advisory Committee's Peer Review Subcommittee is increased from 5 to 10 members, who must now include 3 (currently 2) pharmacists, a dentist, an APRN, a physician assistant, and an optometrist. The rulemaking requires the Peer Review

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Proposed Rulemakings

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Subcommittee to meet at least semi-annually and clarifies its review functions concerning prescribers or dispensers that do not conform to current professional standards. Other provisions outline the registration and approval process for prescribers, dispensers and their designees to gain access to the ILPMP; establish a process for ILPMP access by APRNs with full practice authority; require prescription errors to be reported to the dispensing pharmacy and corrected within 3 business days (currently, reported to ILPMP within 7 days); and allow confidential information from the ILPMP database to be released to select representatives of the Department of Children and Family Services. Those affected by this rulemaking include physicians, dentists, other

healthcare providers and pharmacies.

Questions/requests for copies/comments through 11/28/22: Tracie Drew, DHS, 100 S. Grand Ave. East, Harris Bldg., 3rd Floor, Springfield IL 62762, 217/785-9772.

LICENSE PLATES

The SECRETARY OF STATE proposed amendments to Certificates of Title, Registration of Vehicles (92 IAC 1010; 46 Ill Reg 17084) implementing Public Acts 101-27 and 102-382. The rulemaking adds a new Section concerning eligibility for special military veterans' license plates. Persons honorably discharged from the U.S. Armed Forces (including service in the National Guard or a reserve unit), and their surviving spouses, are eligible for

these plates. Individuals who received a less than honorable discharge because of their sexual orientation or gender identity, or who received a less than honorable discharge on or after 6/25/19 due to marijuana possession that would not have been illegal in Illinois at the time of the discharge, may request an administrative hearing if they are denied issuance of a special plate based on their discharge status. If the SOS administrative hearing officer determines that the less than honorable discharge was based solely on either of these reasons, the hearing officer will recommend that the plate be issued.

Questions/requests for copies/comments through 11/28/22: Pamela Wright, SOS, 298 Howlett Building, Springfield IL 62756, pwright@ilsos.gov

Second Notice

The following rulemaking was moved to Second Notice this week by the agency listed below, commencing the JCAR review period. This rulemaking will appear in next week's *Illinois Register* and be considered at the November 15, 2022, meeting in Springfield. Other items not published in the *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.

DEPT OF REVENUE

Income Tax (86 IAC 100; 46 Ill Reg 14492) proposed 8/19/22