

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 & USE TAXES

The DEPARTMENT OF REVENUE proposed amendments to Retailers' Occupation Tax (86 IAC 130; 46 Ill Reg 18945), Use Tax (86 IAC 150; 46 Ill Reg 18967) and Electronic Filing of Returns or Other Documents (86 IAC 760; 46 Ill Reg 18986) implementing provisions of Public Act 102-1019 concerning electronic filing of returns required under the Retailers' Occupation Tax Act and Use Tax Act. The PA and the rulemaking require retailers who sell motor vehicles, watercraft, aircraft, and trailers that are required to be registered in Illinois to file sales and use tax returns electronically if their annual gross receipts average \$20,000 or more. (Previously, these retailers were exempt from the electronic filing requirement, which already applies to other retailers that have average annual gross receipts of \$20,000 or more.)

Other changes to Part 130 expand a tax exemption for gasohol to include other blended and alternative fuels, change the due date for quarterly returns to the 20th of the month (instead of the last day of the month), and make other updates to reflect current law. Additional changes to Part 150 reflect current statute by reducing from \$200 to \$100 the minimum average monthly tax liability that requires a retailer to file quarterly returns. Those affected by these rulemakings include retailers of motor vehicles, watercraft, aircraft, and trailers that require Illinois registration.

■ MOTOR FUEL TAX

DOR also proposed amendments to Motor Fuel Tax (86 IAC 500; 46 Ill Reg 18977) implementing another provision of PA 102-1019. The PA and this rulemaking require

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Adopted Rules

HOSPITALS

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Hospital Licensing Requirements (77 IAC 250; 46 Ill Reg 11279) effective 11/10/22 that establish a process for reinstating a hospital's operations after the hospital has been suspended due to violations of the Hospital Licensing Act, violations of federal Medicare rules, or termination from the Medicare program. The affected hospital must submit to DPH an updated license application and a plan of correction that explains how the outstanding violations will be corrected. If DPH confirms by an on-site survey that the hospital has corrected the violations and is in compliance with all licensing requirements, DPH will issue a provisional license. A second survey must be conducted within 4 months after the first; if this survey

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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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finds the hospital to be in full compliance, its regular license will be restored. If the hospital is not in compliance at the time of the second survey, DPH may extend the provisional license or begin the process for license suspension or revocation. The rulemaking also clarifies that when a hospital notifies DPH in advance of its permanent closure, the notification must include the physical location of all medical records and medical staff credentialing files, along with contact information for obtaining these records.

Questions/requests for copies: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield, IL 62701, 217/782-1159, dph.rules@illinois.gov

ELECTRONIC PAYMENTS

The OFFICE OF THE STATE TREASURER adopted amendments to the Part titled E-Pay Program (74 IAC 735; 46 Ill Reg 11701) effective 11/10/22, updating the existing rule to align with changes to the statute. The rulemaking adds Area Agencies on Aging and other providers under the Illinois Act on the Aging to the

definition of a public agency; excludes the legislative and judicial branches of State government and State colleges and universities from the definition of a State agency; updates security standards; and provides for State agencies to request waivers from participation in the E-Pay Program.

Questions/requests for copies: Maya Ganguly, Office of the Treasurer, 555 W. Monroe, Suite 1400S-B, Chicago IL 60661, 217/299-3966, fax 312/814-5930, MGanguly@illinoistreasurer.gov

Proposed Rulemakings

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dyed diesel fuel (which is not subject to motor fuel tax because it is intended only for off-highway use) to be sold by a licensed distributor or supplier directly to an end user who is not a licensed distributor or supplier. Previously,

the statute and rule did not clearly prohibit resale of dyed diesel to entities other than licensed distributors/suppliers once it had been delivered in a manner intended to insure off-highway use only. Businesses that purchase dyed diesel fuel for off-highway use are affected.

Questions/requests for copies/ comments on the 4 DOR rulemakings through 1/11/23: Parts 130, 150 and 760, Thomas Grudichak; Part 500, Samuel J. Moore; DOR, 101 W. Jefferson St., Springfield IL 62794, 217/782-2844.

Joint Committee on Administrative Rules

Senator Bill Cunningham, *co-chair*
Senator John F. Curran
Senator Donald DeWitte
Senator Don Harmon
Senator Kimberly Lightford
Senator Sue Rezin

Representative Tom Demmer
Representative Michael Halpin
Representative Frances Ann Hurley
Representative Steven Reick
Representative Curtis Tarver, II
Representative Keith Wheeler, *co-chair*

Kim Schultz
Executive Director

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 December 13, 2022, meeting in Chicago. Other items not published in the *Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

DEPT OF FINANCIAL & PROFESSIONAL REGULATION

Financial Institutions Code (38 IAC 200; 46 III Reg 15908) proposed 9/23/22

Transmitters of Money Act (38 IAC 205; 46 III Reg 15919) proposed 9/23/22

Illinois Dental Practice Act (68 IAC 1220; 46 III Reg 3903) proposed 3/11/22

Environmental Health Practitioner Licensing Act (68 IAC 1247; 46 III Reg 11067) proposed 7/1/22

The Professional Engineering Practice Act of 1989 (68 IAC 1380; 46 III Reg 11151) proposed 7/1/22

DEPT OF HUMAN SERVICES

Supplemental Nutrition Assistance Program (SNAP) (89 IAC 121; 46 III Reg 12391) proposed 7/22/22

OFFICE OF THE STATE FIRE MARSHAL

Policy and Procedures Manual for Fire Protection Personnel (41 IAC 141; 46 III Reg 15078) proposed 9/9/22

DEPT OF REVENUE

Retailers' Occupation Tax (86 IAC 130; 46 III Reg 14631) proposed 8/26/22

Cannabis Cultivation Privilege Tax Law (86 IAC 422; 46 III Reg 14650) proposed 8/26/22

Cannabis Purchaser Excise Tax (86 IAC 423; 46 III Reg 14657) proposed 8/26/22

Medical Cannabis Cultivation Privilege Tax Law (86 IAC 429; 46 III Reg 14664) proposed 8/26/22

Illinois Hydraulic Fracturing Tax Act (86 IAC 475; 46 III Reg 14671) proposed 8/26/22

Telecommunications Excise Tax (86 IAC 495; 46 III Reg 14677) proposed 8/26/22

Tobacco Products Tax Act of 1995 (86 IAC 660; 46 III Reg 14684) proposed 8/26/22

SECRETARY OF STATE

Collection of Fees (92 IAC 1003; 46 III Reg 14529) proposed 8/19/22

Issuance of Licenses (92 IAC 1030; 46 III Reg 15069) proposed 9/9/22

Issuance of Licenses (92 IAC 1030; 46 III Reg 15522) proposed 9/16/22

Cancellation, Revocation, or Suspension of Licenses or Permits (92 IAC 1040; 46 III Reg 15539) proposed 9/16/22