

# THE FLINN REPORT

ILLINOIS GENERAL ASSEMBLY  
JOINT COMMITTEE ON ADMINISTRATIVE RULES

Elaine Spencer, Editor

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The Flinn Report is a weekly summary of regulatory actions of State agencies published in the *Illinois Register* and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules (JCAR). The Flinn Report honors founding JCAR member Representative Monroe Flinn, and is designed to inform and involve the public in changes taking place in agency administration.

## Proposed Rulemakings

### FOOD BANKS

The DEPARTMENT OF HUMAN SERVICES proposed an amendment to the Part titled Administration of Social Service Programs (89 IAC 130; 48 Ill Reg 13061) implementing the Illinois Farm to Food Bank Program Act. The program is intended to expand availability within the Department's existing Emergency Food Assistance Program (EFAP) of nutritious foods locally grown, raised or processed by Illinois farmers. An administering entity for the Farm to Food Bank Program will be chosen by DHS from among the non-profit entities currently participating in EFAP. Foods acquired through the program must be surplus, seconds, or market-grade quality and safe for consumption. No fees may be charged to individual or household recipients or to distribution sites or programs. Funding to participating food banks will be based on the current weighted county allocations used by EFAP, with an

allocation formula to be determined by the administering entity. To qualify for funding, a participating food bank must supply cash or in-kind contributions from non-State sources equal to at least 50% of the cost of program activities. Funding not accepted or used before the end of the State fiscal year may be reallocated to other food banks. At

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No Second Notices This Week**

least 75% of funds received must be used for picking, packing, processing, transportation, and other costs directly related to acquisition and distribution of food. Separate matching grants will be available to qualifying agricultural entities, food banks, food pantries, soup kitchens, and other agencies that provide food or meals to the needy to fund facility upgrades, equipment, or other capacity-building measures. The administering entity must also

establish goals, preferences and incentives to promote equity in the farm industry and prioritize acquisition of food from socially disadvantaged farmers and ranchers (including those located in high social vulnerability counties, or located more than 30 minutes or 50 miles from the nearest distribution point such as a farmer's market). Those affected by this rulemaking include farms, ranches, food banks, food pantries, soup kitchens and other entities that participate in the Emergency Food Assistance Program.

*Questions/requests for copies/comments through 10/21/24: Tracie Drew, DHS, 100 S. Grand Ave. East, Harris Building, 3<sup>rd</sup> Fl., Springfield IL 62762, 217-785-9772, [DHS.AdministrativeRules@illinois.gov](mailto:DHS.AdministrativeRules@illinois.gov)*

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**ADOPTED RULES:** Rules adopted by agencies this week. **EMERGENCY RULES:** Temporary rules adopted for no more than 150 days. **PROPOSED RULEMAKINGS:** Rules proposed by agencies this week, commencing a First Notice public comment period of at least 45 days. **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/or non-profit organizations. Agencies must consider comments from these groups and attempt to minimize regulatory burdens on them.

**QUESTIONS/COMMENTS:** Submit mail, e-mail or phone calls to the agency personnel listed below each summary.

**RULE TEXT:** First Notice proposed text, emergency rule and peremptory rule text is available at the Secretary of State website (<https://www.ilsos.gov/departments/index/register/home.html>) or at the Illinois General Assembly website (<http://www.ilga.gov>) under "Illinois Register". Second Notice text for proposed rulemakings (original version with any changes made by the agency during First Notice included) is available at the JCAR website.

# Proposed Rulemakings

(cont. from page 1)

## ▪ MOVERS

The ILLINOIS COMMERCE COMMISSION proposed amendments to the Part titled Household Goods Carriers (92 IAC 1457; 48 Ill Reg 12972) implementing recommendations from a recent public workshop. These amendments clarify and update various aspects of ICC's rules for licensing moving companies that pack and transport furniture and other household goods. An applicant for a household goods moving license must publish notice of their application in an official State newspaper and file a certificate of publication with ICC. An application for a new license is considered to be an application for both temporary authority and a permanent license. Temporary authority to operate may be granted for up to 1 year while the applicant awaits a permanent license. During this period, the applicant is subject to a compliance audit and a review of any and all consumer complaints. Noncompliance with these rules will prompt ICC Staff to recommend that the Motor Carrier Employee Board deny a permanent license. Expiration of temporary authority will be stayed while a denial is being appealed. Other provisions allow required forms to be submitted electronically and to be presented to law enforcement in an electronic format; clarify the documentation to be submitted with a license application and to show proof of required insurance coverage; limit carrier liability for loss or damage to the greater of 60 cents per pound per article (currently, \$2 per pound per shipment) or the lump sum value declared in writing by the shipper; define a short haul shipment, outside of the Chicago area, as a move of no

more than 50 (currently 35) miles for purposes of determining whether a photo or video inventory is required; allow interns or trainees to be employed on a move provided that the shipper is not charged for their use; prohibit any unlicensed carrier from advertising themselves as offering moving services; and update information to be included on a bill of lading. Moving companies operating in Illinois are affected by this rulemaking.

*Questions/requests for copies/comments through 10/21/24: Greg Stucka, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217-524-4227, [Greg.stucka@illinois.gov](mailto:Greg.stucka@illinois.gov)*

## DRIVERS' LICENSES

The SECRETARY OF STATE proposed amendments to Issuance of Licenses (92 IAC 1030; 48 Ill Reg 13327) implementing PA 103-782. This rulemaking expands an existing program through which SOS issues identification cards to individuals upon release from a Department of Corrections institution or Department of Juvenile Justice facility to also include individuals released from federal prisons located in Illinois and Illinois county jails. It also streamlines the documentation requirements for those individuals who have previously held a driver's license or identification card and individuals who have not previously held an Illinois credential but can provide a certified birth certificate.

*Questions/requests for copies/comments through 10/21/24: Pamela Wright, SOS, 298 Howlett Building, Springfield IL 62756, 217-785-3094, [pwright@ilsos.gov](mailto:pwright@ilsos.gov)*

## ▪ NURSES

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

proposed amendments to the Part titled Nurse Practice Act (68 IAC 1300; 48 Ill Reg 13019) that add a new Section addressing requirements for certified nurse midwives to report adverse occurrences (death or hospitalization of a newborn or mother within 48 hours after delivery or attempted delivery), allow other English tests approved by the Division of Professional Regulation (currently, only the Test of English as a Foreign Language (TOEFL) or the International English Language Testing System (IELTS) are approved) to be used by licensure applicants whose primary language is not English, and set minimum passing scores for some of the alternative tests. Grounds for withdrawing approval of a nurse education program now include failure to maintain a pass rate for graduates of 75% or higher on the National Council Licensing Examination for 2 consecutive years. Other provisions require all substance abuse assessments, in cases involving substance-abuse-related allegations, to be paid for by the licensee (currently, by DFPR); set timelines for action when a licensee contests a suspension; and allow licensees to request a hearing to terminate a suspension. Licensed nurses, their employers, and nurse education programs are affected.

*Questions/requests for copies/comments through 10/21/24: Craig Cellini, DFPR, 320 W. Washington St. 2<sup>nd</sup> Floor, Springfield IL 62786, 217-785-0810, fax 217-557-4451, [Craig.Cellini@illinois.gov](mailto:Craig.Cellini@illinois.gov)*

## ▪ INCOME TAX

The DEPARTMENT OF REVENUE proposed amendments to Income Tax (86 IAC 100; 48 Ill Reg 13299) reflecting PAs 103-592 and 103-595.

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# Proposed Rulemakings

(cont. from page 2)

This rulemaking extends the sunset date for the Research and Development Credit to 1/1/32 (currently, 1/1/27) and for the Student Assistance Contributions Credit to 12/31/29 (currently 12/31/24). This rulemaking also limits the Illinois net loss to \$500,000 in tax years ending on or after 12/31/24 and prior to 12/31/27. Businesses that are eligible to claim these credits will be affected.

*Questions/requests for copies/comments through 10/21/24: Brian Fliflet, DOR, 101 W. Jefferson St., Springfield IL 62794, 217-782-2844, [REV.GCO@illinois.gov](mailto:REV.GCO@illinois.gov)*

## HUNTING

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to the Parts titled Duck, Goose and Coot Hunting (17 IAC 590; 48 Ill Reg 13070), White-Tailed Deer Hunting By Use of Bow and Arrow (17 IAC 670; 48 Ill Reg 13084), and Dove Hunting (17 IAC 730; 48 Ill Reg 13104) making site-specific updates. The Part 590 rulemaking establishes the hunting season for Clinton Lake State Recreation Area as every Tuesday, Thursday and Saturday of the regular Central Zone duck hunting season (currently, duck and Canada goose season). Amendments to Part 670 add the Annbriar Karst State Natural Area, Guthrie Cave Land and Water Reserve, Mill Creek State Natural Area, Ralph Clover State Natural Area, and Illinois Caverns State Natural Area to the list of sites where statewide archery deer hunting rules apply. The Part 730 rulemaking clarifies that dove hunting at Moraine View State Park is limited to the dove management fields and to the hours

of noon to 5 p.m. from Sept. 1-5 and sunrise to sunset from Sept. 6-Oct. 15.

## • OIL & GAS

DNR also proposed amendments to the Part titled The Illinois Oil and Gas Act (62 IAC 240; 48 Ill Reg 13121) implementing Public Act 102-1017 by raising or establishing fees for various activities. The rulemaking imposes a \$100 per well annual fee for wells in Temporary Abandonment status; raises the application fee for a liquid oilfield waste transportation permit from \$100 to \$150; raises fees for drilling a test well or hole from \$300 to \$400 per section; and raises the fee for drilling or converting an observation, storage or service well from \$300 to \$400. Oil and gas producing or drilling companies are affected.

*Questions/requests for copies/comments on the 4 DNR rulemakings through 10/21/24: 17 IAC 590, 670 and 730, John Fischer; 62 IAC 240, Carrie Leitner; DNR, One Natural Resources Way, Springfield IL 62702, 217-782-1809, [dnr.rules@illinois.gov](mailto:dnr.rules@illinois.gov)*

## • LONG TERM CARE

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Skilled Nursing and Intermediate Care Facilities Code (77 IAC 300; 48 Ill Reg 13167) and Illinois Veterans' Homes Code (77 IAC 340; 48 Ill Reg 13193) implementing two Public Acts. The Part 300 amendments implement PA 102-1080, which requires the following information to be conspicuously posted in a nursing home for viewing by residents, employees, and visitors: phone numbers and websites for services that protect and defend residents' rights; a statement that the Illinois Long-Term Care Ombudsman Program is a free resident advocacy service available to the public; and the name,

address and phone number of the appropriate State governmental office to which complaints may be directed, plus notice of the facility or program's grievance procedure. Information regarding how to file complaints or grievances must be provided to residents in a language and format (e.g., Braille) they can understand. This rulemaking also updates statutory language concerning residents' rights to be treated with courtesy and respect, have their basic needs accommodated in a timely manner, maintain their autonomy as much as possible, and choose whether or not to perform labor or services for the facility. If a resident chooses to perform services for a facility, these services must be part of the resident's plan of care and the resident must be compensated at or above the prevailing wage rate. Finally, the Part 300 rulemaking requires facilities to have internal grievance procedures that clearly state the process to be followed, set time limits for the facility to respond, inform residents of their right to have an advocate, and provide for a third party (which may include, but is not limited to, the State Long-Term Care Ombudsman) to respond within 25 days if a grievance cannot be resolved by the facility. A facility must keep records of any grievance proceedings for at least 3 years and make them available to DPH upon request. The Part 340 rulemaking implements PA 103-320, which requires the State Long Term Care Ombudsman to be notified whenever a resident is transferred or discharged on an emergency basis and requires 60 days (currently 90 days) notice to DPH and to the State Long Term Care Ombudsman when a facility is being wholly or partially closed and more than 10% of its residents must be discharged or transferred.

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# Proposed Rulemakings

(cont. from page 3)

## NURSES' AIDES TRAINING

DPH also proposed amendments to Long-Term Care Assistants and Aides Training Programs Code (77 IAC 395; 48 Ill Reg 13206) updating the Code to align with current best practices for training of Certified Nursing Assistants and nurses' aides working in long-term care facilities. This rulemaking requires Basic Nursing Assistant Training Programs (BNATPs) to be presented over at least 4 (currently 3) weeks and include a minimum of 62 hours of theory instruction and 18 hours of laboratory (skills) instruction (currently, 80 hours of theory instruction) in addition to the existing 40 hours of clinical instruction. Educational entities other than secondary schools must check the DPH Health Care Worker Registry before enrolling a student, and students must initiate a fingerprint-based background check prior to the first day of classes. A 30-minute uninterrupted meal break must be allowed in any class session of 5 or more continuous hours, and a 15-minute break every 2 hours must be allowed for any class lasting 2 or more hours. "Train the Trainer" programs for BNATP instructors must be either college-based or DPH-approved and shall (currently, "may") include an Approved Evaluator Workshop. Continuing education units (CEUs) for Train the Trainer programs shall be accredited by the same entities the Department of Financial and Professional Regulation accepts for

continuing education of registered nurses. The rulemaking also updates requirements for Train the Trainer instructors, approved evaluators, and BNATP coordinators; adds definitions for classroom instruction and program cluster scores (which rate students' understanding of required skills in six duty areas or clusters); replaces suspension of a previously approved training program with revocation of its approval; and updates grounds for denial or revocation of approval for a training program.

## AIDS DRUG ASSISTANCE

DPH proposed an amendment to the Part titled AIDS Drug Assistance Program (77 IAC 692; 48 Ill Reg 13294) updating the gross annual income limits for program eligibility (no more than 300% of the Federal Poverty Level, based on household size) to reflect the 2024 FPL. The new income limits are \$45,180 for 1 person; \$61,320 for a 2-person household; \$77,460 for a 3-person household; etc.

*Questions/requests for copies/comments on the 4 DPH rulemakings through 10/21/24: Tracey Trigillo, DPH, 524 S. Second St., 6<sup>th</sup> Floor, Springfield IL 62701, 217-782-1159, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)*

## COAL RESIDUALS

The POLLUTION CONTROL BOARD proposed amendments to Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments (35 IAC 845; 48 Ill Reg 13140) that redefine a coal combustion residual (CCR) storage pile as any accumulation (currently, a temporary accumulation) of solid, non-flowing CCR placed on

land in such a way as to limit releases of CCR into the environment. Any CCR storage pile that remains in place for more than a year will also be defined as a CCR landfill for purposes of federal regulations. For a pile that remains in place for a shorter period, the owner must provide photographs or other records showing that the pile was removed within the year-long timeframe. The Illinois Environmental Protection Agency must more closely evaluate quarterly reports of fugitive dust from CCR storage to determine whether the owner's fugitive dust control plan needs to be revised. If complaints regarding fugitive dust are received in two consecutive quarters from an area of environmental justice concern (defined by IEPA as a census block with a minority and/or low-income population at least twice the statewide average), the dust control plan must be revised to include additional mitigation measures. Other provisions expand information required in a CCR owner/operator's annual consolidated report; and require storage pads or liners for CCR piles to be inspected for cracks, holes, tears or other damage at least once a year. Owners of CCR storage piles are affected.

*Questions/requests for copies/comments through 10/21/24: Clerk's Office, PCB, 60 E. Van Buren St., Suite 630, Chicago IL 60605, 312-814-3621, [don.brown@illinois.gov](mailto:don.brown@illinois.gov). Please reference Docket R20-19(A). Comments can also be filed electronically through the Clerk's Office On-Line (COOL) at <https://pcb.illinois.gov/>.*



# Adopted Rules

## • CANNABIS DISPENSARIES

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to Cannabis Regulation and Tax Act (68 IAC 1291; proposed at 47 Ill Reg 12526) effective 8/20/24 at 48 Ill Reg 13377, adding new Subparts and Sections outlining various aspects of the adult use cannabis dispensary licensing process. New provisions (which have undergone numerous changes since 1<sup>st</sup> Notice) include establishment of fees and credentialing procedures for principal officers, agents, and agents-in-charge; licensing fees and renewals for dispensing organizations; provisions for DFPR to grant variances from its rules; parameters for unprofessional or unethical conduct; disciplinary procedures; and appeals of disciplinary actions. The fee for a 2-year dispensing organization license is \$60,000, with all licenses expiring on March 31 of even-numbered years; the initial licensing fee may be prorated based on the number of months left until the next renewal period (e.g., a license issued in March of an odd-numbered year, with 12 months left until renewal, will cost \$30,000). Fees of \$5,000 will be charged for late renewals and for changes of ownership or control. Hardship waivers reducing the licensing fee by 50% for the first renewal cycle only may be granted to dispensing organizations that meet the criteria for social equity applicants (individuals, family members, or residents of communities adversely impacted by past enforcement of cannabis laws) and meet income criteria. A new Subpart establishing rules for the Responsible Vendor Program (a training course for dispensary employees that addresses health and safety concerns, cannabis laws and regulations, ID verification, safe storage, inventory tracking, and

other matters) has also been added, along with another Subpart addressing changes in licensure for dispensing organizations (e.g., ownership changes, reorganizations or relocations). Security requirements, including signage, inventory control, destruction of cannabis and cannabis infused products, and requirements for onsite consumption lounges have been added. Since 1<sup>st</sup> Notice, DFPR has added and clarified numerous definitions and also clarified various aspects of the licensing process and the Responsible Vendor Program. Cannabis dispensing organizations and their employees are affected by this rulemaking.

*Questions/requests for copies: Craig Cellini, DFPR, 320 W. Washington St., 2<sup>nd</sup> Floor, Springfield IL 62786, 217/785-0813, fax 217/557-4451, [Craig.Cellini@illinois.gov](mailto:Craig.Cellini@illinois.gov)*

## ABANDONED INFANTS

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted amendments to Rights and Responsibilities (89 IAC 102; proposed at 48 Ill Reg 6433) effective 8/26/24 at 48 Ill Reg 13502, implementing PA 103-501, which requires hospitals to complete and submit an application for medical assistance on behalf of any abandoned newborn infant born outside the hospital. Hospitals must obtain the application form from the HFS website and submit it by e-mail as an attachment. The infant will then be eligible for medical assistance for 12 months, after which the individual or agency caring for the infant must submit a new application.

## MEDICAL PAYMENT

HFS also adopted an amendment to Medical Payment (89 IAC 140;

proposed at 48 Ill Reg 7543) effective 8/26/24 at 48 Ill Reg 13507, that adjusts HFS' schedule for notifying nursing facilities of their nursing, support and capital payment rates. Facilities shall be notified of their nursing rates quarterly (previously, no later than 30 days before the beginning of the rate quarter) and shall be notified of their support and capital rates annually (previously, no later than 30 days before the beginning of the rate/fiscal year).

*Questions/requests for copies of the 2 HFS rulemakings: Katie Hill, HFS, 201 S. Grand Ave. East, 3<sup>rd</sup> Floor, Springfield IL 62763-0002, 217-782-1233, [HFS.Rules@illinois.gov](mailto:HFS.Rules@illinois.gov)*

## STATE TRAVEL

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted an amendment to Travel (80 IAC 2800; proposed at 48 Ill Reg 7512) effective 8/26/24 at 48 Ill Reg 13372, implementing a provision of the Open Meetings Act. The amendment provides that a member of the Travel Regulation Council (which establishes travel reimbursement policy for all State agencies) may attend a meeting by video or audio conference when a quorum is physically present at the meeting site; the member is prevented from attending due to personal illness, disability, employment duties, or a family or other emergency; and when a majority of the Council approves the member's remote attendance by a majority vote.

*Questions/requests for copies: Administrative Rules Coordinator, Governor's Travel Control Board, 313 S. Sixth St., 3<sup>rd</sup> Floor, Springfield IL 62702, 217-782-9669, [CMS.Rule@illinois.gov](mailto:CMS.Rule@illinois.gov)*

**Next JCAR Meeting: Tuesday, Sept. 10, 11 a.m.**

Room C-600, Bilandic Building, 160 N. LaSalle St., Chicago

Meeting will be live streamed on the JCAR website

**Joint Committee on Administrative Rules**

Senator Bill Cunningham, Co-Chair

Senator Cristina Castro

Senator Donald DeWitte

Senator Dale Fowler

Senator Napoleon Harris, III

Senator Sue Rezin

Representative Ryan Spain, Co-Chair

Representative Eva-Dina Delgado

Representative Jackie Haas

Representative Steven Reick

Representative Curtis Tarver, II

Representative Dave Vella

Kim Schultz, Executive Director ■ Kevin Kulavic, Deputy Director

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