



Sen. Julie A. Morrison

Filed: 2/5/2018

10000SB0456sam002

LRB100 05000 MJP 33938 a

1 AMENDMENT TO SENATE BILL 456

2 AMENDMENT NO. _____. Amend Senate Bill 456 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Administrative Procedure Act is
5 amended by changing Section 5-45 as follows:

6 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

7 Sec. 5-45. Emergency rulemaking.

8 (a) "Emergency" means the existence of any situation that
9 any agency finds reasonably constitutes a threat to the public
10 interest, safety, or welfare.

11 (b) If any agency finds that an emergency exists that
12 requires adoption of a rule upon fewer days than is required by
13 Section 5-40 and states in writing its reasons for that
14 finding, the agency may adopt an emergency rule without prior
15 notice or hearing upon filing a notice of emergency rulemaking
16 with the Secretary of State under Section 5-70. The notice

1 shall include the text of the emergency rule and shall be
2 published in the Illinois Register. Consent orders or other
3 court orders adopting settlements negotiated by an agency may
4 be adopted under this Section. Subject to applicable
5 constitutional or statutory provisions, an emergency rule
6 becomes effective immediately upon filing under Section 5-65 or
7 at a stated date less than 10 days thereafter. The agency's
8 finding and a statement of the specific reasons for the finding
9 shall be filed with the rule. The agency shall take reasonable
10 and appropriate measures to make emergency rules known to the
11 persons who may be affected by them.

12 (c) An emergency rule may be effective for a period of not
13 longer than 150 days, but the agency's authority to adopt an
14 identical rule under Section 5-40 is not precluded. No
15 emergency rule may be adopted more than once in any 24-month
16 period, except that this limitation on the number of emergency
17 rules that may be adopted in a 24-month period does not apply
18 to (i) emergency rules that make additions to and deletions
19 from the Drug Manual under Section 5-5.16 of the Illinois
20 Public Aid Code or the generic drug formulary under Section
21 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)
22 emergency rules adopted by the Pollution Control Board before
23 July 1, 1997 to implement portions of the Livestock Management
24 Facilities Act, (iii) emergency rules adopted by the Illinois
25 Department of Public Health under subsections (a) through (i)
26 of Section 2 of the Department of Public Health Act when

1 necessary to protect the public's health, (iv) emergency rules
2 adopted pursuant to subsection (n) of this Section, (v)
3 emergency rules adopted pursuant to subsection (o) of this
4 Section, or (vi) emergency rules adopted pursuant to subsection
5 (c-5) of this Section. Two or more emergency rules having
6 substantially the same purpose and effect shall be deemed to be
7 a single rule for purposes of this Section.

8 (c-5) To facilitate the maintenance of the program of group
9 health benefits provided to annuitants, survivors, and retired
10 employees under the State Employees Group Insurance Act of
11 1971, rules to alter the contributions to be paid by the State,
12 annuitants, survivors, retired employees, or any combination
13 of those entities, for that program of group health benefits,
14 shall be adopted as emergency rules. The adoption of those
15 rules shall be considered an emergency and necessary for the
16 public interest, safety, and welfare.

17 (d) In order to provide for the expeditious and timely
18 implementation of the State's fiscal year 1999 budget,
19 emergency rules to implement any provision of Public Act 90-587
20 or 90-588 or any other budget initiative for fiscal year 1999
21 may be adopted in accordance with this Section by the agency
22 charged with administering that provision or initiative,
23 except that the 24-month limitation on the adoption of
24 emergency rules and the provisions of Sections 5-115 and 5-125
25 do not apply to rules adopted under this subsection (d). The
26 adoption of emergency rules authorized by this subsection (d)

1 shall be deemed to be necessary for the public interest,
2 safety, and welfare.

3 (e) In order to provide for the expeditious and timely
4 implementation of the State's fiscal year 2000 budget,
5 emergency rules to implement any provision of Public Act 91-24
6 or any other budget initiative for fiscal year 2000 may be
7 adopted in accordance with this Section by the agency charged
8 with administering that provision or initiative, except that
9 the 24-month limitation on the adoption of emergency rules and
10 the provisions of Sections 5-115 and 5-125 do not apply to
11 rules adopted under this subsection (e). The adoption of
12 emergency rules authorized by this subsection (e) shall be
13 deemed to be necessary for the public interest, safety, and
14 welfare.

15 (f) In order to provide for the expeditious and timely
16 implementation of the State's fiscal year 2001 budget,
17 emergency rules to implement any provision of Public Act 91-712
18 or any other budget initiative for fiscal year 2001 may be
19 adopted in accordance with this Section by the agency charged
20 with administering that provision or initiative, except that
21 the 24-month limitation on the adoption of emergency rules and
22 the provisions of Sections 5-115 and 5-125 do not apply to
23 rules adopted under this subsection (f). The adoption of
24 emergency rules authorized by this subsection (f) shall be
25 deemed to be necessary for the public interest, safety, and
26 welfare.

1 (g) In order to provide for the expeditious and timely
2 implementation of the State's fiscal year 2002 budget,
3 emergency rules to implement any provision of Public Act 92-10
4 or any other budget initiative for fiscal year 2002 may be
5 adopted in accordance with this Section by the agency charged
6 with administering that provision or initiative, except that
7 the 24-month limitation on the adoption of emergency rules and
8 the provisions of Sections 5-115 and 5-125 do not apply to
9 rules adopted under this subsection (g). The adoption of
10 emergency rules authorized by this subsection (g) shall be
11 deemed to be necessary for the public interest, safety, and
12 welfare.

13 (h) In order to provide for the expeditious and timely
14 implementation of the State's fiscal year 2003 budget,
15 emergency rules to implement any provision of Public Act 92-597
16 or any other budget initiative for fiscal year 2003 may be
17 adopted in accordance with this Section by the agency charged
18 with administering that provision or initiative, except that
19 the 24-month limitation on the adoption of emergency rules and
20 the provisions of Sections 5-115 and 5-125 do not apply to
21 rules adopted under this subsection (h). The adoption of
22 emergency rules authorized by this subsection (h) shall be
23 deemed to be necessary for the public interest, safety, and
24 welfare.

25 (i) In order to provide for the expeditious and timely
26 implementation of the State's fiscal year 2004 budget,

1 emergency rules to implement any provision of Public Act 93-20
2 or any other budget initiative for fiscal year 2004 may be
3 adopted in accordance with this Section by the agency charged
4 with administering that provision or initiative, except that
5 the 24-month limitation on the adoption of emergency rules and
6 the provisions of Sections 5-115 and 5-125 do not apply to
7 rules adopted under this subsection (i). The adoption of
8 emergency rules authorized by this subsection (i) shall be
9 deemed to be necessary for the public interest, safety, and
10 welfare.

11 (j) In order to provide for the expeditious and timely
12 implementation of the provisions of the State's fiscal year
13 2005 budget as provided under the Fiscal Year 2005 Budget
14 Implementation (Human Services) Act, emergency rules to
15 implement any provision of the Fiscal Year 2005 Budget
16 Implementation (Human Services) Act may be adopted in
17 accordance with this Section by the agency charged with
18 administering that provision, except that the 24-month
19 limitation on the adoption of emergency rules and the
20 provisions of Sections 5-115 and 5-125 do not apply to rules
21 adopted under this subsection (j). The Department of Public Aid
22 may also adopt rules under this subsection (j) necessary to
23 administer the Illinois Public Aid Code and the Children's
24 Health Insurance Program Act. The adoption of emergency rules
25 authorized by this subsection (j) shall be deemed to be
26 necessary for the public interest, safety, and welfare.

1 (k) In order to provide for the expeditious and timely
2 implementation of the provisions of the State's fiscal year
3 2006 budget, emergency rules to implement any provision of
4 Public Act 94-48 or any other budget initiative for fiscal year
5 2006 may be adopted in accordance with this Section by the
6 agency charged with administering that provision or
7 initiative, except that the 24-month limitation on the adoption
8 of emergency rules and the provisions of Sections 5-115 and
9 5-125 do not apply to rules adopted under this subsection (k).
10 The Department of Healthcare and Family Services may also adopt
11 rules under this subsection (k) necessary to administer the
12 Illinois Public Aid Code, the Senior Citizens and Persons with
13 Disabilities Property Tax Relief Act, the Senior Citizens and
14 Disabled Persons Prescription Drug Discount Program Act (now
15 the Illinois Prescription Drug Discount Program Act), and the
16 Children's Health Insurance Program Act. The adoption of
17 emergency rules authorized by this subsection (k) shall be
18 deemed to be necessary for the public interest, safety, and
19 welfare.

20 (l) In order to provide for the expeditious and timely
21 implementation of the provisions of the State's fiscal year
22 2007 budget, the Department of Healthcare and Family Services
23 may adopt emergency rules during fiscal year 2007, including
24 rules effective July 1, 2007, in accordance with this
25 subsection to the extent necessary to administer the
26 Department's responsibilities with respect to amendments to

1 the State plans and Illinois waivers approved by the federal
2 Centers for Medicare and Medicaid Services necessitated by the
3 requirements of Title XIX and Title XXI of the federal Social
4 Security Act. The adoption of emergency rules authorized by
5 this subsection (l) shall be deemed to be necessary for the
6 public interest, safety, and welfare.

7 (m) In order to provide for the expeditious and timely
8 implementation of the provisions of the State's fiscal year
9 2008 budget, the Department of Healthcare and Family Services
10 may adopt emergency rules during fiscal year 2008, including
11 rules effective July 1, 2008, in accordance with this
12 subsection to the extent necessary to administer the
13 Department's responsibilities with respect to amendments to
14 the State plans and Illinois waivers approved by the federal
15 Centers for Medicare and Medicaid Services necessitated by the
16 requirements of Title XIX and Title XXI of the federal Social
17 Security Act. The adoption of emergency rules authorized by
18 this subsection (m) shall be deemed to be necessary for the
19 public interest, safety, and welfare.

20 (n) In order to provide for the expeditious and timely
21 implementation of the provisions of the State's fiscal year
22 2010 budget, emergency rules to implement any provision of
23 Public Act 96-45 or any other budget initiative authorized by
24 the 96th General Assembly for fiscal year 2010 may be adopted
25 in accordance with this Section by the agency charged with
26 administering that provision or initiative. The adoption of

1 emergency rules authorized by this subsection (n) shall be
2 deemed to be necessary for the public interest, safety, and
3 welfare. The rulemaking authority granted in this subsection
4 (n) shall apply only to rules promulgated during Fiscal Year
5 2010.

6 (o) In order to provide for the expeditious and timely
7 implementation of the provisions of the State's fiscal year
8 2011 budget, emergency rules to implement any provision of
9 Public Act 96-958 or any other budget initiative authorized by
10 the 96th General Assembly for fiscal year 2011 may be adopted
11 in accordance with this Section by the agency charged with
12 administering that provision or initiative. The adoption of
13 emergency rules authorized by this subsection (o) is deemed to
14 be necessary for the public interest, safety, and welfare. The
15 rulemaking authority granted in this subsection (o) applies
16 only to rules promulgated on or after July 1, 2010 (the
17 effective date of Public Act 96-958) through June 30, 2011.

18 (p) In order to provide for the expeditious and timely
19 implementation of the provisions of Public Act 97-689,
20 emergency rules to implement any provision of Public Act 97-689
21 may be adopted in accordance with this subsection (p) by the
22 agency charged with administering that provision or
23 initiative. The 150-day limitation of the effective period of
24 emergency rules does not apply to rules adopted under this
25 subsection (p), and the effective period may continue through
26 June 30, 2013. The 24-month limitation on the adoption of

1 emergency rules does not apply to rules adopted under this
2 subsection (p). The adoption of emergency rules authorized by
3 this subsection (p) is deemed to be necessary for the public
4 interest, safety, and welfare.

5 (q) In order to provide for the expeditious and timely
6 implementation of the provisions of Articles 7, 8, 9, 11, and
7 12 of Public Act 98-104, emergency rules to implement any
8 provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104
9 may be adopted in accordance with this subsection (q) by the
10 agency charged with administering that provision or
11 initiative. The 24-month limitation on the adoption of
12 emergency rules does not apply to rules adopted under this
13 subsection (q). The adoption of emergency rules authorized by
14 this subsection (q) is deemed to be necessary for the public
15 interest, safety, and welfare.

16 (r) In order to provide for the expeditious and timely
17 implementation of the provisions of Public Act 98-651,
18 emergency rules to implement Public Act 98-651 may be adopted
19 in accordance with this subsection (r) by the Department of
20 Healthcare and Family Services. The 24-month limitation on the
21 adoption of emergency rules does not apply to rules adopted
22 under this subsection (r). The adoption of emergency rules
23 authorized by this subsection (r) is deemed to be necessary for
24 the public interest, safety, and welfare.

25 (s) In order to provide for the expeditious and timely
26 implementation of the provisions of Sections 5-5b.1 and 5A-2 of

1 the Illinois Public Aid Code, emergency rules to implement any
2 provision of Section 5-5b.1 or Section 5A-2 of the Illinois
3 Public Aid Code may be adopted in accordance with this
4 subsection (s) by the Department of Healthcare and Family
5 Services. The rulemaking authority granted in this subsection
6 (s) shall apply only to those rules adopted prior to July 1,
7 2015. Notwithstanding any other provision of this Section, any
8 emergency rule adopted under this subsection (s) shall only
9 apply to payments made for State fiscal year 2015. The adoption
10 of emergency rules authorized by this subsection (s) is deemed
11 to be necessary for the public interest, safety, and welfare.

12 (t) In order to provide for the expeditious and timely
13 implementation of the provisions of Article II of Public Act
14 99-6, emergency rules to implement the changes made by Article
15 II of Public Act 99-6 to the Emergency Telephone System Act may
16 be adopted in accordance with this subsection (t) by the
17 Department of State Police. The rulemaking authority granted in
18 this subsection (t) shall apply only to those rules adopted
19 prior to July 1, 2016. The 24-month limitation on the adoption
20 of emergency rules does not apply to rules adopted under this
21 subsection (t). The adoption of emergency rules authorized by
22 this subsection (t) is deemed to be necessary for the public
23 interest, safety, and welfare.

24 (u) In order to provide for the expeditious and timely
25 implementation of the provisions of the Burn Victims Relief
26 Act, emergency rules to implement any provision of the Act may

1 be adopted in accordance with this subsection (u) by the
2 Department of Insurance. The rulemaking authority granted in
3 this subsection (u) shall apply only to those rules adopted
4 prior to December 31, 2015. The adoption of emergency rules
5 authorized by this subsection (u) is deemed to be necessary for
6 the public interest, safety, and welfare.

7 (v) In order to provide for the expeditious and timely
8 implementation of the provisions of Public Act 99-516,
9 emergency rules to implement Public Act 99-516 may be adopted
10 in accordance with this subsection (v) by the Department of
11 Healthcare and Family Services. The 24-month limitation on the
12 adoption of emergency rules does not apply to rules adopted
13 under this subsection (v). The adoption of emergency rules
14 authorized by this subsection (v) is deemed to be necessary for
15 the public interest, safety, and welfare.

16 (w) In order to provide for the expeditious and timely
17 implementation of the provisions of Public Act 99-796,
18 emergency rules to implement the changes made by Public Act
19 99-796 may be adopted in accordance with this subsection (w) by
20 the Adjutant General. The adoption of emergency rules
21 authorized by this subsection (w) is deemed to be necessary for
22 the public interest, safety, and welfare.

23 (x) In order to provide for the expeditious and timely
24 implementation of the provisions of Public Act 99-906,
25 emergency rules to implement subsection (i) of Section 16-115D,
26 subsection (g) of Section 16-128A, and subsection (a) of

1 Section 16-128B of the Public Utilities Act may be adopted in
2 accordance with this subsection (x) by the Illinois Commerce
3 Commission. The rulemaking authority granted in this
4 subsection (x) shall apply only to those rules adopted within
5 180 days after June 1, 2017 (the effective date of Public Act
6 99-906). The adoption of emergency rules authorized by this
7 subsection (x) is deemed to be necessary for the public
8 interest, safety, and welfare.

9 (y) In order to provide for the expeditious and timely
10 implementation of the provisions of this amendatory Act of the
11 100th General Assembly, emergency rules to implement the
12 changes made by this amendatory Act of the 100th General
13 Assembly to Section 4.02 of the Illinois Act on Aging, Sections
14 5.5.4 and 5-5.4i of the Illinois Public Aid Code, Section 55-30
15 of the Alcoholism and Other Drug Abuse and Dependency Act, and
16 Sections 74 and 75 of the Mental Health and Developmental
17 Disabilities Administrative Act may be adopted in accordance
18 with this subsection (y) by the respective Department. The
19 adoption of emergency rules authorized by this subsection (y)
20 is deemed to be necessary for the public interest, safety, and
21 welfare.

22 (z) In order to provide for the expeditious and timely
23 implementation of the provisions of this amendatory Act of the
24 100th General Assembly, emergency rules to implement the
25 changes made by this amendatory Act of the 100th General
26 Assembly to Section 4.7 of the Lobbyist Registration Act may be

1 adopted in accordance with this subsection (z) by the Secretary
2 of State. The adoption of emergency rules authorized by this
3 subsection (z) is deemed to be necessary for the public
4 interest, safety, and welfare.

5 (aa) In order to provide for the expeditious and timely
6 implementation of the provisions of this amendatory Act of the
7 100th General Assembly, emergency rules to implement the
8 changes made by this amendatory Act of the 100th General
9 Assembly to Section 3.35 of the Newborn Metabolic Screening Act
10 may be adopted in accordance with this subsection (aa) by the
11 Secretary of State. The adoption of emergency rules authorized
12 by this subsection (aa) is deemed to be necessary for the
13 public interest, safety, and welfare.

14 (Source: P.A. 99-2, eff. 3-26-15; 99-6, eff. 1-1-16; 99-143,
15 eff. 7-27-15; 99-455, eff. 1-1-16; 99-516, eff. 6-30-16;
16 99-642, eff. 7-28-16; 99-796, eff. 1-1-17; 99-906, eff. 6-1-17;
17 100-23, eff. 7-6-17; 100-554, eff. 11-16-17.)

18 Section 10. The Newborn Metabolic Screening Act is amended
19 by adding Section 3.35 as follows:

20 (410 ILCS 240/3.35 new)

21 Sec. 3.35. Spinal muscular atrophy. In accordance with the
22 timetable specified in this Section, the Department shall
23 provide all newborns with a screening test for spinal muscular
24 atrophy using a method that determines the presence or absence

1 of the intact or normal SMN1 gene, beginning on the earlier of
2 the following:

3 (1) July 1, 2020; or

4 (2) within 6 months following the occurrence of all of
5 the following:

6 (A) the establishment and verification of relevant
7 and appropriate performance specifications as defined
8 under the federal Clinical Laboratory Improvement
9 Amendments and regulations thereunder for federal Food
10 and Drug Administration-cleared or in-house developed
11 methods, performed under an institutional review board
12 approved protocol, if required;

13 (B) the availability of quality assurance
14 materials and comparative threshold values to
15 determine the presence or absence of the intact or
16 normal SMN1 gene;

17 (C) the procurement and installation by the
18 Department of the equipment necessary to implement the
19 initial pilot and statewide volume of screening tests
20 for spinal muscular atrophy;

21 (D) the establishment of precise threshold values
22 ensuring defined disorder identification for spinal
23 muscular atrophy;

24 (E) the development and validation of a reliable
25 methodology for screening newborns for spinal muscular
26 atrophy using dried blood spots and quality assurance

1 testing methodology for such test or the approval and
2 procurement of a test for spinal muscular atrophy using
3 dried blood spots by the federal Food and Drug
4 Administration;

5 (F) the authentication of pilot testing achieving
6 each milestone described in subparagraphs (A) through
7 (E) of this paragraph for spinal muscular atrophy; and

8 (G) the authentication of achieving the potential
9 of high throughput standards for statewide volume of
10 spinal muscular atrophy concomitant with each
11 milestone described in subparagraphs (A) through (E)
12 of this paragraph.

13 The Department is authorized to implement an additional fee
14 for the screening upon the effective date of this amendatory
15 Act of the 100th General Assembly in order to accumulate the
16 resources for start-up and other costs associated with the
17 implementation of the screening and thereafter to support the
18 costs associated with screening. If the Department has not
19 implemented statewide screening for spinal muscular atrophy
20 under this Section within 36 months after the effective date of
21 this amendatory Act of the 100th General Assembly, then the
22 Department shall cease collecting any additional fees related
23 to the screening. The Department may adopt emergency rules in
24 accordance with Section 5-45 of the Illinois Administrative
25 Procedure Act to implement this Section.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".