

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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
17 shall include the text of the emergency rule and shall be
18 published in the Illinois Register. Consent orders or other
19 court orders adopting settlements negotiated by an agency may
20 be adopted under this Section. Subject to applicable
21 constitutional or statutory provisions, an emergency rule
22 becomes effective immediately upon filing under Section 5-65 or
23 at a stated date less than 10 days thereafter. The agency's

1 finding and a statement of the specific reasons for the finding
2 shall be filed with the rule. The agency shall take reasonable
3 and appropriate measures to make emergency rules known to the
4 persons who may be affected by them.

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

1 (c-5) To facilitate the maintenance of the program of group
2 health benefits provided to annuitants, survivors, and retired
3 employees under the State Employees Group Insurance Act of
4 1971, rules to alter the contributions to be paid by the State,
5 annuitants, survivors, retired employees, or any combination
6 of those entities, for that program of group health benefits,
7 shall be adopted as emergency rules. The adoption of those
8 rules shall be considered an emergency and necessary for the
9 public interest, safety, and welfare.

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

22 (e) In order to provide for the expeditious and timely
23 implementation of the State's fiscal year 2000 budget,
24 emergency rules to implement any provision of Public Act 91-24
25 or any other budget initiative for fiscal year 2000 may be
26 adopted in accordance with this Section by the agency charged

1 with administering that provision or initiative, except that
2 the 24-month limitation on the adoption of emergency rules and
3 the provisions of Sections 5-115 and 5-125 do not apply to
4 rules adopted under this subsection (e). The adoption of
5 emergency rules authorized by this subsection (e) shall be
6 deemed to be necessary for the public interest, safety, and
7 welfare.

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

20 (g) In order to provide for the expeditious and timely
21 implementation of the State's fiscal year 2002 budget,
22 emergency rules to implement any provision of Public Act 92-10
23 or any other budget initiative for fiscal year 2002 may be
24 adopted in accordance with this Section by the agency charged
25 with administering that provision or initiative, except that
26 the 24-month limitation on the adoption of emergency rules and

1 the provisions of Sections 5-115 and 5-125 do not apply to
2 rules adopted under this subsection (g). The adoption of
3 emergency rules authorized by this subsection (g) shall be
4 deemed to be necessary for the public interest, safety, and
5 welfare.

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

18 (i) In order to provide for the expeditious and timely
19 implementation of the State's fiscal year 2004 budget,
20 emergency rules to implement any provision of Public Act 93-20
21 or any other budget initiative for fiscal year 2004 may be
22 adopted in accordance with this Section by the agency charged
23 with administering that provision or initiative, except that
24 the 24-month limitation on the adoption of emergency rules and
25 the provisions of Sections 5-115 and 5-125 do not apply to
26 rules adopted under this subsection (i). The adoption of

1 emergency rules authorized by this subsection (i) shall be
2 deemed to be necessary for the public interest, safety, and
3 welfare.

4 (j) In order to provide for the expeditious and timely
5 implementation of the provisions of the State's fiscal year
6 2005 budget as provided under the Fiscal Year 2005 Budget
7 Implementation (Human Services) Act, emergency rules to
8 implement any provision of the Fiscal Year 2005 Budget
9 Implementation (Human Services) Act may be adopted in
10 accordance with this Section by the agency charged with
11 administering that provision, except that the 24-month
12 limitation on the adoption of emergency rules and the
13 provisions of Sections 5-115 and 5-125 do not apply to rules
14 adopted under this subsection (j). The Department of Public Aid
15 may also adopt rules under this subsection (j) necessary to
16 administer the Illinois Public Aid Code and the Children's
17 Health Insurance Program Act. The adoption of emergency rules
18 authorized by this subsection (j) shall be deemed to be
19 necessary for the public interest, safety, and welfare.

20 (k) In order to provide for the expeditious and timely
21 implementation of the provisions of the State's fiscal year
22 2006 budget, emergency rules to implement any provision of
23 Public Act 94-48 or any other budget initiative for fiscal year
24 2006 may be adopted in accordance with this Section by the
25 agency charged with administering that provision or
26 initiative, except that the 24-month limitation on the adoption

1 of emergency rules and the provisions of Sections 5-115 and
2 5-125 do not apply to rules adopted under this subsection (k).
3 The Department of Healthcare and Family Services may also adopt
4 rules under this subsection (k) necessary to administer the
5 Illinois Public Aid Code, the Senior Citizens and Persons with
6 Disabilities Property Tax Relief Act, the Senior Citizens and
7 Disabled Persons Prescription Drug Discount Program Act (now
8 the Illinois Prescription Drug Discount Program Act), and the
9 Children's Health Insurance Program Act. The adoption of
10 emergency rules authorized by this subsection (k) shall be
11 deemed to be necessary for the public interest, safety, and
12 welfare.

13 (l) In order to provide for the expeditious and timely
14 implementation of the provisions of the State's fiscal year
15 2007 budget, the Department of Healthcare and Family Services
16 may adopt emergency rules during fiscal year 2007, including
17 rules effective July 1, 2007, in accordance with this
18 subsection to the extent necessary to administer the
19 Department's responsibilities with respect to amendments to
20 the State plans and Illinois waivers approved by the federal
21 Centers for Medicare and Medicaid Services necessitated by the
22 requirements of Title XIX and Title XXI of the federal Social
23 Security Act. The adoption of emergency rules authorized by
24 this subsection (l) shall be deemed to be necessary for the
25 public interest, safety, and welfare.

26 (m) In order to provide for the expeditious and timely

1 implementation of the provisions of the State's fiscal year
2 2008 budget, the Department of Healthcare and Family Services
3 may adopt emergency rules during fiscal year 2008, including
4 rules effective July 1, 2008, in accordance with this
5 subsection to the extent necessary to administer the
6 Department's responsibilities with respect to amendments to
7 the State plans and Illinois waivers approved by the federal
8 Centers for Medicare and Medicaid Services necessitated by the
9 requirements of Title XIX and Title XXI of the federal Social
10 Security Act. The adoption of emergency rules authorized by
11 this subsection (m) shall be deemed to be necessary for the
12 public interest, safety, and welfare.

13 (n) In order to provide for the expeditious and timely
14 implementation of the provisions of the State's fiscal year
15 2010 budget, emergency rules to implement any provision of
16 Public Act 96-45 or any other budget initiative authorized by
17 the 96th General Assembly for fiscal year 2010 may be adopted
18 in accordance with this Section by the agency charged with
19 administering that provision or initiative. The adoption of
20 emergency rules authorized by this subsection (n) shall be
21 deemed to be necessary for the public interest, safety, and
22 welfare. The rulemaking authority granted in this subsection
23 (n) shall apply only to rules promulgated during Fiscal Year
24 2010.

25 (o) In order to provide for the expeditious and timely
26 implementation of the provisions of the State's fiscal year

1 2011 budget, emergency rules to implement any provision of
2 Public Act 96-958 or any other budget initiative authorized by
3 the 96th General Assembly for fiscal year 2011 may be adopted
4 in accordance with this Section by the agency charged with
5 administering that provision or initiative. The adoption of
6 emergency rules authorized by this subsection (o) is deemed to
7 be necessary for the public interest, safety, and welfare. The
8 rulemaking authority granted in this subsection (o) applies
9 only to rules promulgated on or after July 1, 2010 (the
10 effective date of Public Act 96-958) through June 30, 2011.

11 (p) In order to provide for the expeditious and timely
12 implementation of the provisions of Public Act 97-689,
13 emergency rules to implement any provision of Public Act 97-689
14 may be adopted in accordance with this subsection (p) by the
15 agency charged with administering that provision or
16 initiative. The 150-day limitation of the effective period of
17 emergency rules does not apply to rules adopted under this
18 subsection (p), and the effective period may continue through
19 June 30, 2013. The 24-month limitation on the adoption of
20 emergency rules does not apply to rules adopted under this
21 subsection (p). The adoption of emergency rules authorized by
22 this subsection (p) is deemed to be necessary for the public
23 interest, safety, and welfare.

24 (q) In order to provide for the expeditious and timely
25 implementation of the provisions of Articles 7, 8, 9, 11, and
26 12 of Public Act 98-104, emergency rules to implement any

1 provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104
2 may be adopted in accordance with this subsection (q) by the
3 agency charged with administering that provision or
4 initiative. The 24-month limitation on the adoption of
5 emergency rules does not apply to rules adopted under this
6 subsection (q). The adoption of emergency rules authorized by
7 this subsection (q) is deemed to be necessary for the public
8 interest, safety, and welfare.

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

18 (s) In order to provide for the expeditious and timely
19 implementation of the provisions of Sections 5-5b.1 and 5A-2 of
20 the Illinois Public Aid Code, emergency rules to implement any
21 provision of Section 5-5b.1 or Section 5A-2 of the Illinois
22 Public Aid Code may be adopted in accordance with this
23 subsection (s) by the Department of Healthcare and Family
24 Services. The rulemaking authority granted in this subsection
25 (s) shall apply only to those rules adopted prior to July 1,
26 2015. Notwithstanding any other provision of this Section, any

1 emergency rule adopted under this subsection (s) shall only
2 apply to payments made for State fiscal year 2015. The adoption
3 of emergency rules authorized by this subsection (s) is deemed
4 to be necessary for the public interest, safety, and welfare.

5 (t) In order to provide for the expeditious and timely
6 implementation of the provisions of Article II of Public Act
7 99-6, emergency rules to implement the changes made by Article
8 II of Public Act 99-6 to the Emergency Telephone System Act may
9 be adopted in accordance with this subsection (t) by the
10 Department of State Police. The rulemaking authority granted in
11 this subsection (t) shall apply only to those rules adopted
12 prior to July 1, 2016. The 24-month limitation on the adoption
13 of emergency rules does not apply to rules adopted under this
14 subsection (t). The adoption of emergency rules authorized by
15 this subsection (t) is deemed to be necessary for the public
16 interest, safety, and welfare.

17 (u) In order to provide for the expeditious and timely
18 implementation of the provisions of the Burn Victims Relief
19 Act, emergency rules to implement any provision of the Act may
20 be adopted in accordance with this subsection (u) by the
21 Department of Insurance. The rulemaking authority granted in
22 this subsection (u) shall apply only to those rules adopted
23 prior to December 31, 2015. The adoption of emergency rules
24 authorized by this subsection (u) is deemed to be necessary for
25 the public interest, safety, and welfare.

26 (v) In order to provide for the expeditious and timely

1 implementation of the provisions of Public Act 99-516,
2 emergency rules to implement Public Act 99-516 may be adopted
3 in accordance with this subsection (v) by the Department of
4 Healthcare and Family Services. The 24-month limitation on the
5 adoption of emergency rules does not apply to rules adopted
6 under this subsection (v). The adoption of emergency rules
7 authorized by this subsection (v) is deemed to be necessary for
8 the public interest, safety, and welfare.

9 (w) In order to provide for the expeditious and timely
10 implementation of the provisions of Public Act 99-796,
11 emergency rules to implement the changes made by Public Act
12 99-796 may be adopted in accordance with this subsection (w) by
13 the Adjutant General. The adoption of emergency rules
14 authorized by this subsection (w) is deemed to be necessary for
15 the public interest, safety, and welfare.

16 (x) In order to provide for the expeditious and timely
17 implementation of the provisions of Public Act 99-906,
18 emergency rules to implement subsection (i) of Section 16-115D,
19 subsection (g) of Section 16-128A, and subsection (a) of
20 Section 16-128B of the Public Utilities Act may be adopted in
21 accordance with this subsection (x) by the Illinois Commerce
22 Commission. The rulemaking authority granted in this
23 subsection (x) shall apply only to those rules adopted within
24 180 days after June 1, 2017 (the effective date of Public Act
25 99-906). The adoption of emergency rules authorized by this
26 subsection (x) is deemed to be necessary for the public

1 interest, safety, and welfare.

2 (y) In order to provide for the expeditious and timely
3 implementation of the provisions of Public Act 100-23,
4 emergency rules to implement the changes made by Public Act
5 100-23 to Section 4.02 of the Illinois Act on the Aging,
6 Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code,
7 Section 55-30 of the Alcoholism and Other Drug Abuse and
8 Dependency Act, and Sections 74 and 75 of the Mental Health and
9 Developmental Disabilities Administrative Act may be adopted
10 in accordance with this subsection (y) by the respective
11 Department. The adoption of emergency rules authorized by this
12 subsection (y) is deemed to be necessary for the public
13 interest, safety, and welfare.

14 (z) In order to provide for the expeditious and timely
15 implementation of the provisions of Public Act 100-554,
16 emergency rules to implement the changes made by Public Act
17 100-554 to Section 4.7 of the Lobbyist Registration Act may be
18 adopted in accordance with this subsection (z) by the Secretary
19 of State. The adoption of emergency rules authorized by this
20 subsection (z) is deemed to be necessary for the public
21 interest, safety, and welfare.

22 (aa) In order to provide for the expeditious and timely
23 initial implementation of the changes made to Articles 5, 5A,
24 12, and 14 of the Illinois Public Aid Code under the provisions
25 of Public Act 100-581, the Department of Healthcare and Family
26 Services may adopt emergency rules in accordance with this

1 subsection (aa). The 24-month limitation on the adoption of
2 emergency rules does not apply to rules to initially implement
3 the changes made to Articles 5, 5A, 12, and 14 of the Illinois
4 Public Aid Code adopted under this subsection (aa). The
5 adoption of emergency rules authorized by this subsection (aa)
6 is deemed to be necessary for the public interest, safety, and
7 welfare.

8 (bb) In order to provide for the expeditious and timely
9 implementation of the provisions of Public Act 100-587,
10 emergency rules to implement the changes made by Public Act
11 100-587 to Section 4.02 of the Illinois Act on the Aging,
12 Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code,
13 subsection (b) of Section 55-30 of the Alcoholism and Other
14 Drug Abuse and Dependency Act, Section 5-104 of the Specialized
15 Mental Health Rehabilitation Act of 2013, and Section 75 and
16 subsection (b) of Section 74 of the Mental Health and
17 Developmental Disabilities Administrative Act may be adopted
18 in accordance with this subsection (bb) by the respective
19 Department. The adoption of emergency rules authorized by this
20 subsection (bb) is deemed to be necessary for the public
21 interest, safety, and welfare.

22 (cc) In order to provide for the expeditious and timely
23 implementation of the provisions of Public Act 100-587,
24 emergency rules may be adopted in accordance with this
25 subsection (cc) to implement the changes made by Public Act
26 100-587 to: Sections 14-147.5 and 14-147.6 of the Illinois

1 Pension Code by the Board created under Article 14 of the Code;
2 Sections 15-185.5 and 15-185.6 of the Illinois Pension Code by
3 the Board created under Article 15 of the Code; and Sections
4 16-190.5 and 16-190.6 of the Illinois Pension Code by the Board
5 created under Article 16 of the Code. The adoption of emergency
6 rules authorized by this subsection (cc) is deemed to be
7 necessary for the public interest, safety, and welfare.

8 (dd) In order to provide for the expeditious and timely
9 implementation of the provisions of Public Act 100-864,
10 emergency rules to implement the changes made by Public Act
11 100-864 to Section 3.35 of the Newborn Metabolic Screening Act
12 may be adopted in accordance with this subsection (dd) by the
13 Secretary of State. The adoption of emergency rules authorized
14 by this subsection (dd) is deemed to be necessary for the
15 public interest, safety, and welfare.

16 (ee) In order to provide for the expeditious and timely
17 implementation of the provisions of this amendatory Act of the
18 100th General Assembly, emergency rules implementing the
19 Illinois Underground Natural Gas Storage Safety Act may be
20 adopted in accordance with this subsection by the Department of
21 Natural Resources. The adoption of emergency rules authorized
22 by this subsection is deemed to be necessary for the public
23 interest, safety, and welfare.

24 (ff) In order to provide for the expeditious and timely
25 implementation of the provisions of this amendatory Act of the
26 101st General Assembly, emergency rules may be adopted by the

1 Department of Labor in accordance with this subsection (ff) to
2 implement the changes made by this amendatory Act of the 101st
3 General Assembly to the Minimum Wage Law. The adoption of
4 emergency rules authorized by this subsection (ff) is deemed to
5 be necessary for the public interest, safety, and welfare.

6 (gg) In order to provide for the expeditious and timely
7 implementation of the provisions of this amendatory Act of the
8 101st General Assembly, emergency rules to implement the
9 changes made by this amendatory Act of the 101st General
10 Assembly to the Newborn Metabolic Screening Act may be adopted
11 in accordance with this subsection (gg) by the Department of
12 Public Health. The adoption of emergency rules authorized by
13 this subsection (gg) is deemed to be necessary for the public
14 interest, safety, and welfare.

15 (Source: P.A. 100-23, eff. 7-6-17; 100-554, eff. 11-16-17;
16 100-581, eff. 3-12-18; 100-587, Article 95, Section 95-5, eff.
17 6-4-18; 100-587, Article 110, Section 110-5, eff. 6-4-18;
18 100-864, eff. 8-14-18; 100-1172, eff. 1-4-19; 101-1, eff.
19 2-19-19.)

20 Section 10. The Newborn Metabolic Screening Act is amended
21 by adding Section 3.40 as follows:

22 (410 ILCS 240/3.40 new)

23 Sec. 3.40. Guanidinoacetate methyltransferase deficiency.
24 In accordance with the timetable specified in this Section, the

1 Department shall provide all newborns with a screening test for
2 guanidinoacetate methyltransferase deficiency using a method
3 that determines the presence or absence of guanidinoacetate
4 methyltransferase deficiency, beginning on the earlier of the
5 following:

6 (1) July 1, 2021; or

7 (2) within 6 months following the occurrence of all of
8 the following:

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

16 (B) the availability of quality assurance
17 materials and comparative threshold values to
18 determine the presence or absence of guanidinoacetate
19 methyltransferase deficiency;

20 (C) the procurement and installation by the
21 Department of the equipment necessary to implement the
22 initial pilot and statewide volume of screening tests
23 for guanidinoacetate methyltransferase deficiency;

24 (D) the establishment of precise threshold values
25 ensuring defined disease identification for
26 guanidinoacetate methyltransferase deficiency;

1 (E) the development and validation of a reliable
2 methodology for screening newborns for
3 guanidinoacetate methyltransferase deficiency using
4 dried blood spots and quality assurance testing
5 methodology for such test or the approval and
6 procurement of a test for guanidinoacetate
7 methyltransferase deficiency using dried blood spots
8 by the federal Food and Drug Administration;

9 (F) the authentication of pilot testing achieving
10 each milestone described in subparagraphs (A) through
11 (E) of this paragraph for guanidinoacetate
12 methyltransferase deficiency; and

13 (G) the authentication of achieving the potential
14 of high throughput standards for statewide volume of
15 guanidinoacetate methyltransferase deficiency
16 concomitant with each milestone described in
17 subparagraphs (A) through (E) of this paragraph.

18 The Department is authorized to implement an additional fee
19 for the screening upon the effective date of this amendatory
20 Act of the 101st General Assembly in order to accumulate the
21 resources for start-up and other costs associated with the
22 implementation of the screening and thereafter to support the
23 costs associated with screening. If the Department has not
24 implemented statewide screening for guanidinoacetate
25 methyltransferase deficiency under this Section within 36
26 months after the effective date of this amendatory Act of the

1 101st General Assembly, then the Department shall cease
2 collecting any additional fees related to the screening. The
3 Department may adopt emergency rules in accordance with Section
4 5-45 of the Illinois Administrative Procedure Act to implement
5 this Section.