

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.

New Rules

■ CO DETECTORS/ALARMS

The OFFICE OF THE STATE FIRE MARSHAL adopted a new Part titled Carbon Monoxide Alarms and Detectors (41 IAC 112; 40 Ill Reg 5165), effective 7/29/16, implementing Public Act 99-470, effective 1/1/16, which requires public schools to be equipped with carbon monoxide (CO) alarms or detectors and directs OSFM to establish guidelines for approved CO alarms and detectors in schools and multi-unit dwellings. The new Part incorporates by reference current National Fire Protection Association and Underwriters Laboratories standards for CO alarms and detectors, and specifies which NFPA or UL standards must be met by CO devices (including combined CO/smoke detectors) used in schools or multi-unit dwellings. Public school buildings designed on or after 1/1/16 must

have CO alarms permanently wired into the building's electrical system and monitored by the fire alarm system. CO detection systems for schools must include automatic occupant notification throughout the building, or else transmit a signal to a constantly attended location on or off the premises where response action can be taken. Signals transmitted from a CO detector to a fire alarm system also must not be the same as fire alarm signals. Local school districts and owners of multi-unit apartments or other dwellings are affected by this rulemaking.

Questions/requests for copies: Deborah J. Williams, OSFM, 1035 Stevenson Dr., Springfield IL 62703-4259, 217/785-0978.

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Proposed Rulemakings

■ MEDICAL CANNABIS

The DEPARTMENT OF PUBLIC HEALTH adopted emergency amendments to Compassionate Use of Medical Cannabis Patient Registry (77 IAC 946; 40 Ill Reg 10992) effective 8/1/16 for a maximum of 150 days. An identical permanent rulemaking appears in this week's *Illinois Register* at 40 Ill Reg 10751. These rulemakings implement Public Act 99-519, effective 6/30/16. The emergency and proposed rules add Post Traumatic Stress Disorder (PTSD) and terminal illnesses for which the patient's life expectancy is 6 months or less to the list of debilitating conditions for which patients may use medical cannabis. Also, the period for which a DPH medical cannabis patient or caregiver registry card is valid has been extended from

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NEW 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.

New Rules

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■ DAY CARE HOMES

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted amendments to Licensing Standards for Day Care Homes (89 IAC 406; 39 Ill Reg 10500) and Licensing Standards for Group Day Care Homes (89 IAC 408; 39 Ill Reg 10540), both effective 7/29/16, implementing recent Public Acts and other changes. Both rulemakings require licensed day care homes to post “no firearms” signs in accordance with the Firearm Concealed Carry Act. The Part 406 rulemaking also prohibits caregivers from working outside the home during the hours that the day care home is licensed to operate (formerly, during hours that children are present). Other provisions in both rulemakings require emergency preparedness plans to include procedures for notifying parents and reuniting them with their children in case of an evacuation, and to include procedures for evacuating children at or below 30 months of age and special needs children. Day care staff licensed to care for infants must also undergo training regarding Sudden Infant Death Syndrome (SIDS), Sudden Unexplained Infant Death (SUID), safe sleep, and Shaken Baby Syndrome when their licenses are renewed every 3 years, as well as prior to initial licensure. Finally, a college or vocational school diploma may be accepted in place of a high school diploma for day care

staff required to hold at least a high school diploma. Since 1st Notice, in response to public comment, DCFS has removed a proposed prohibition on the use of home swimming pools during day care hours. Day care home owners and operators are affected by these rulemakings.

Questions/requests for copies of the 2 DCFS rulemakings: Jeff Osowski, DCFS, 406 E. Monroe St., Station #65, Springfield IL 62701-1498, 217/524-1983, TDD: 217/524-3715, fax 217/557-0692, e-mail: CFPolicy@idcfs.state.il.us

■ LABOR RELATIONS BOARD

The ILLINOIS LABOR RELATIONS BOARD adopted amendments to General Procedures (80 IAC 1200; 40 Ill Reg 2414), effective 8/1/16, updating its rules to comply with the Open Meetings Act. The Board is also updating its requirements to allow for e-mail submissions. Motions filed during a hearing must be filed with the Executive Director. Rules for briefs are also updated to include post-hearing and amicus curiae briefs. Since 1st Notice, ILRB has extended from 30 to 45 days the timeframe for the General Counsel to issue a declaratory ruling (originally, timeframes for declaratory rulings were to be eliminated). Individuals and bargaining units who may have a case pending before the Board may be interested in this rulemaking.

Questions/requests for copies: Sarah Kerley, ILRB, One Natural Resources Way, 1st Fl., Springfield IL 62702, 217/785-3155, Sarah.R.Kerley@illinois.gov.

■ INCOME TAX

The DEPARTMENT OF REVENUE adopted amendments to Income Tax (86 IAC 100; 40 Ill Reg 5823) effective 7/29/16. The amendments allow DOR to make adjustments to liability outside the statute of limitations period for purposes of issuing a notice of deficiency pursuant to recent case law and statute. In instances involving omission of more than 25% of base income, no return or fraudulent return filed, failure to report federal change, report of federal change, transferee liability, and net losses, the statute of limitations period is some period other than the standard three year period. The rulemaking further affects the limitations on claims for refund based in part on statute and case law. It also aligns with federal provisions rules regarding periods of limitations suspended while a taxpayer is unable to manage financial affairs due to disability.

■ TOBACCO TAXES

DOR also adopted amendments to Tobacco Products Tax Act of 1995 (86 IAC 660; 40 Ill Reg 2156), effective 7/29/15, implementing provisions of Public Acts 97-688, 98-273 and

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Proposed Rulemakings

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1 to 3 years, with fees increasing from \$100 to \$300 for patient cards and from \$25 to \$75 for caregiver cards. Persons who already have 1-year cards in effect as of 7/31/16 may extend them for 2 additional years by paying the difference between the 1-year and 3-year fees. DPH has also removed the requirement that the patient's physician certify the "therapeutic or palliative benefit" of medical cannabis; now, the physician need only confirm that the patient has a qualifying debilitating condition. All fees and fingerprinting requirements will be waived for terminally ill patients applying for inclusion in the DPH medical cannabis patient registry. The rulemakings also restructure the process of adding or removing qualifying conditions and add new options for documents proving a patient's Illinois residency. Medical cannabis patients and caregivers

and their physicians are affected by these rulemakings.

PERINATAL CODE

DPH also proposed amendments to Regionalized Perinatal Health Care Code (77 IAC 640; 40 Ill Reg 10728) to clarify the resource, personnel and competence assessment requirements of the Code. The rulemaking provides for Perinatal Advisory Committee (PAC) members to participate remotely in hospital designation and redesignation site visits and clarifies the number of members required to participate in a hospital designation or redesignation site visit.

Questions/requests for copies/comments on the 2 proposed DPH rulemakings through 9/26/16: Elizabeth Paton, DPH, 535 W. Jefferson St., 5th Flr., Springfield IL, 62761, 217/782-2043, e-mail: dph.rules@illinois.gov.

DRIVER'S LICENSES

The SECRETARY OF STATE proposed amendments to Issuance of Licenses (92 IAC 1030; 40 Ill Reg 10754) streamlining the documentation that non-visa Temporary Visitors Driver's License (TVDL) holders must present when requesting a renewal, duplicate or corrected TVDL. Requesters must show a document with the requester's signature and one of the following: proof of date of birth, social security number, or proof of residency (currently, proof of date of birth, current address and at least 1 year Illinois residency are all required). When requesting an address change, two documents proving residency are required.

Questions/requests for copies/comments through 9/26/16: Jennifer Egizzi, SOS-Driver Services, 2701 S. Dirksen Parkway, Springfield IL 62723, 217/557-4462.

New Rules

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98-1055. The amendments add a definition of moist snuff and reflect a change in the manner it is taxed from a percentage basis to a weight-based approach; increase the rate of tax on other tobacco products from 18% to 36%; tax packages of 20-25 little cigars as cigarettes; require retailers of tobacco products to obtain a retailer's license; and require stamping distributors to

affix stamps on packages of little cigars in the same way cigarettes are stamped. The rulemaking also modifies returns and documentation for distributors collecting taxes on moist snuff and little cigars; requires electronic filing of certain documents; adds new recordkeeping requirements; explains restrictions on purchase, sale and possession of tobacco products; reflects changes to conditions for making exempt

sales; explains claims made under retailers' provisions; addresses credits for stamps damaged, unused, destroyed or affixed to packages of little cigars returned to the manufacturer; prescribes statutory penalties, interest and procedures; and adds various definitions. Since 1st Notice, DOR has added several items to the list of information a license applicant must supply to

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Second Notices

The following rulemaking was moved to Second Notice this week by the agency listed below, commencing the JCAR review period. This rulemaking will be considered at the Committee's September 6, 2016 meeting. Other items not published in the *Illinois 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.

SECRETARY OF STATE

Secretary of State Standard Procurement (44 IAC 2000; 40 Ill Reg 7043) proposed 5/6/16

New Rules

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the Department. Tobacco products retailers, distributors and manufactures may be affected.

Questions/requests for copies of the 2 DOR rulemakings: Part 100, Brian Stocker; Part 660, Richard Wolters; DOR Legal Services, 101 W. Jefferson St, Springfield IL 62794, 217/ 782-2844.

■ ENTERPRISE ZONES

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY adopted amendments to Enterprise Zones and High Impact Business Programs (14 IAC 520; 40 Ill Reg 6627) effective 7/29/16. The

amendments make technical revisions to more accurately reflect scoring of Enterprise Zone applications; allow successfully reapplied zones that expired or terminated solely by operation of law to continue to be eligible for exemptions for up to 5 years; and prescribes provisions for application/compliance for enterprise zone benefits as a certified aircraft maintenance facility.

■ PROMOTION ACT

DCEO also adopted amendments to Illinois Promotion Act Programs (14 IAC 510; 40 Ill Reg 6907) effective 7/29/16, implementing Public Act 99-476, creating the Municipal Convention Center and Sports

Facility Incentive Grant Program. The intent of the amendments and the Act is to provide grants to offer incentives for the purpose of attracting conventions, meetings and trade shows to some municipal convention centers and attracting sporting events to municipal amateur sports facilities. The amendments details eligible applicants, allocation of appropriations, funding limitations, annual certification and certification supporting documentation.

Questions/requests for copies of the 2 DCEO rulemakings: Jolene Clarke, DCEO, 500 E. Monroe, Springfield IL 62701, 217/557-1820, jolene.clarke@illinois.gov

JCAR Meeting Action

At its 8/9/16 meeting, the Joint Committee on Administrative Rules took the following actions:

RECOMMENDATION

With regard to the Department of Central Management Services' rulemaking titled Extensions of Jurisdiction (80 IAC 305; 40 Ill

Reg 5749, JCAR recommends that the Department be more timely in adopting rules implementing Memoranda of Understanding. The underlying MOU that prompted this rulemaking was dated 12/9/13; CMS proposed this rulemaking on 4/8/16.

FAILURE TO REMEDY

JCAR issued Notices of Failure to Remedy Recommendations for the Department of Natural Resources rulemakings titled Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox,

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JCAR Meeting Action

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Coyote and Woodchuck (Groundhog) Hunting (17 IAC 550; 40 Ill Reg 1413) and Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, River Otter, Beaver and Woodchuck (Groundhog) Trapping (17 IAC 570; 40 Ill Reg 1430). JCAR had issued Recommendations at its 5/10/16 meeting that DNR limit the geographical area open to bobcat hunting and trapping and also limit the number of bobcat trapping/hunting permits issued under these rulemakings (which

added provisions for bobcat hunting and trapping to the affected Parts). DNR declined to modify these rulemakings and adopted the proposed rules without further change. JCAR found that DNR had not remedied its concerns.

EXTENSION

JCAR and the Department of Agriculture agreed to extend the Second Notice period an additional 45 days for the rulemaking titled Industrial Hemp Pilot Program (8 IAC 1100; 40 Ill Reg 5741).

Membership, Chair Changes

JCAR welcomes newly appointed Committee members Rep. Tom Demmer, R-Dixon, and Rep. Keith Wheeler, R-Oswego. Current JCAR member Rep. Mike Tryon, R-Crystal Lake, has also been appointed co-chairman, replacing former Rep. Ron Sandack.

Joint Committee on Administrative Rules

Senator Bill Brady

Representative Tom Demmer

Senator Karen McConnaughay

Representative Greg Harris

Senator Matt Murphy

Representative Lou Lang

Senator Don Harmon

Representative André Thapedi

Senator Tony Muñoz

Representative Michael Tryon

Senator Ira Silverstein

Representative Keith Wheeler

**Vicki Thomas
Executive Director**