

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.

Emergency Rules

COVID-19 IN SCHOOLS

The DEPARTMENT OF PUBLIC HEALTH adopted emergency amendments to Control of Communicable Diseases Code (77 IAC 690; 46 Ill Reg 3434), effective 2/14/22 for a maximum of 150 days, replacing emergency amendments that expired 2/13/22. **(NOTE: JCAR suspended this emergency rule at its 2/15/22 meeting and it cannot be enforced at this time.)** The emergency rule established DPH protocols for excluding students and school personnel from school premises when they test positive for COVID-19 or show symptoms. It also stated that school exclusion is not considered isolation or quarantine under the DPH Act and does not require enforcement by a court or local health department. Students and personnel who test positive or show symptoms, regardless of vaccination status, must be excluded from school

COVID-19 ACTIONS

Executive Orders of the Governor concerning the COVID-19 public health emergency can be accessed at <https://www2.illinois.gov/government/executive-orders>. Emergency rules adopted by State agencies will be summarized in The Flinn Report as they are published in the *Illinois Register*.

premises for a minimum of 5 days. Those who show symptoms may return after 5 days if all symptoms have ceased but must wear masks at all times for an additional 5 days. Close contacts of confirmed or probable cases are also excluded for at least 5 days. Schools may allow close contacts who show no symptoms of COVID-19 to continue attending school as long as they test negative twice within 7 days after their contact with

(cont. page 2)

Proposed Rulemakings

ELECTRIC VEHICLES

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY proposed amendments to Alternate Fuels Program (35 IAC 275; 46 Ill Reg 3073) replacing the existing alternate fuels rebate program authorized under the Alternate Fuels Act [415 ILCS 120], now known as the Electric Vehicle Rebate Act, with an electric vehicle rebate program. The rulemaking changes the name of the Part to Electric Vehicle Rebate Program, repeals all current rebate provisions for vehicles using 80% ethanol, biodiesel, E85, natural gas, liquefied petroleum gas, or hydrogen fuels, and also eliminates electric vehicle car sharing grants. Electric vehicles that qualify for the rebate must be exclusively powered and refueled by electricity, must be plugged in

(cont. page 3)

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.

Emergency Rules

(cont. from page 1)

the infected person. Persons not subject to the exclusion rules for close contacts include: students or school personnel age 18 or older who have received all CDC-recommended COVID-19 vaccine doses, including boosters if applicable; students ages 5-17 who have completed a primary vaccine series; individuals who ride a bus or other transportation with a confirmed or probable case, if both the infected and exposed individuals were correctly and consistently masked for the entire exposure period and the vehicle's windows were open or HEPA filters were in use; individuals who tested positive in the 90 days prior to exposure; and individuals whose exposure occurred entirely outdoors.

■ COVID-19 VACCINATION

Hospitals/EMS

DPH adopted emergency amendments to Hospital Licensing Requirements (77 IAC 250; 46 Ill Reg 3208) and Emergency Medical Services, Trauma Center, Comprehensive Stroke Center, Primary Stroke Center and Acute Stroke Ready Hospital Code (77 IAC 515; 46 Ill Reg 3419) effective 2/14/22 for a maximum of 150 days, replacing emergency amendments that expired 2/13/22. These emergency rules continue to implement the COVID-19 vaccination and testing provisions of Executive Orders 2021-22 and 2022-5 for hospital and

Emergency Medical Services staff, and distinguish between persons who are fully vaccinated (have received the initial 1- or 2-dose vaccination series) and those who are up to date (have received all CDC-recommended vaccinations, including boosters if applicable). Hospital and EMS staff members must be fully vaccinated or receive an exemption on medical or religious grounds. Proof of vaccination (via CDC vaccination record card, health provider records or State records) must be provided and those who are not fully vaccinated must be tested for COVID-19 at least once a week. If an outbreak occurs in a hospital or EMS facility (two or more individuals who habitually work together test positive or show symptoms within a 14-day period) or if the county in which an EMS provider is located has a high or substantial COVID-19 transmission rate, testing must be performed twice a week until no new cases have been detected for at least 14 days. Hospital facilities that serve immunocompromised patients, provide high acuity care, or perform invasive procedures are encouraged, but not required, to test all staff members who are not up to date on vaccinations at least twice a week. Hospitals and EMS providers must provide opportunities for staff members to become up to date on COVID-19 vaccinations and may also institute more stringent rules requiring full or up to date vaccination without exception. They must also provide unvaccinated staff with at least 90 minutes of vaccine education produced by DPH or other

approved providers. Those affected by these emergency rules include hospitals; private, public or volunteer ambulance services; and EMTs, paramedics and other emergency medical responders.

Long Term Care

DPH also adopted emergency amendments to Assisted Living and Shared Housing Establishment Code (77 IAC 295; 46 Ill Reg 3225), Skilled Nursing and Intermediate Care Facilities Code (77 IAC 300; 46 Ill Reg 3243), Sheltered Care Facilities Code (77 IAC 330; 46 Ill Reg 3266), Intermediate Care for Developmentally Disabled Facilities Code (77 IAC 350; 46 Ill Reg 3315), Community Living Facilities Code (77 IAC 370; 46 Ill Reg 3347), Specialized Mental Health Rehabilitation Facilities Code (77 IAC 380; 46 Ill Reg 3365), and Medically Complex for the Developmentally Disabled Facilities Code (77 IAC 390; 46 Ill Reg 3387), all effective 2/12/22, except for the Part 300 emergency amendments which were effective 2/14/22. These amendments replace emergency rules that expired on 2/11 or 2/13/22. The new emergency rules continue implementation of COVID-19 vaccination and testing requirements for long term care facility staff contained in EO 2021-22 and EO 2022-5. Current staff must be fully vaccinated with the initial 1- or 2-dose series and those newly hired, if not already vaccinated, must receive a single

(cont. page 4)

Adopted Rules

■ RENTAL ASSISTANCE

The ILLINOIS HOUSING DEVELOPMENT AUTHORITY adopted a new Part titled Federal Emergency Rental Assistance Programs (47 IAC 378; 45 Ill Reg 12941) effective 2/9/22, replacing an emergency rule that expired on 10/10/21. The rulemaking includes an application process, prioritization criteria, recapture provisions, and distribution process for two federally funded emergency rental assistance (ERA) programs established by

Public Act 102-5. To qualify for ERA, households must meet income limits; have one or more individuals who qualified for unemployment benefits or experienced economic hardship attributable to the COVID-19 outbreak; and have one or more individuals that can demonstrate a risk of homelessness or housing instability. Grants will be paid to the landlord unless the landlord refuses to participate in the program or cannot be contacted, in which case IHDA will pay the grant money directly to the

household. Landlords that accept ERA grants must agree to waive any late fees or other charges accrued by an eligible household during the period covered by the grant and agree not to pursue eviction or other legal action for non-payment of rent/fees during the grant period. (The landlord may still pursue eviction for legally permissible reasons not related to payment of rent or other financial charges.) IHDA may also make grants or sub-awards to housing

(cont. page 4)

Proposed Rulemakings

(cont. from page 1)

to charge, and must be licensed to drive on public roadways. Hybrid or extended-range electric vehicles that also use conventional fuels are excluded, as are electric motorcycles. Effective 7/1/22, persons who purchase qualifying electric vehicles are eligible for a rebate of up to \$4,000 if they reside in Illinois at the time of the purchase and when the rebate is issued; have not received an Illinois alternate fuel rebate in the previous 10 years; and retain ownership of the vehicle for at least 12 consecutive months after purchase. Applications must be submitted within 90 days of purchase and can only be issued once per vehicle. The rebate decreases to \$2,000 effective 7/1/26 and \$1,000 on 7/1/28. The number of rebates issued will be limited by the amount of funding available, with priority given to vehicle purchasers whose total household income is at or below

80% of the State Median Income (currently \$65,886 per household, according to the U.S. Census Bureau). If insufficient funds are available to meet all requests, applications may be held over to the next rebate issuance period. Applicants who are rejected or wish to contest the amount of the rebate may appeal to the IEPA Director. Those affected by this rulemaking include auto and truck dealers that sell electric vehicles.

Questions/requests for copies/ comments through 4/11/22: Charles E. Matoesian, IEPA, 1021 N. Grand Ave. East, P.O. Box 19726, Springfield, IL 62794-9276, 217/782-5544, charles.matoesian@illinois.gov

TELECOMMUNICATIONS

The ILLINOIS COMMERCE COMMISSION proposed an amendment to Uniform System of Accounts for Telecommunications Carriers (83 IAC 710; 46 Ill Reg

3062) updating an incorporation by reference of the federal uniform system of accounts for telecommunications carriers to the version in effect as of 11/1/21 (currently, 9/3/13). ICC also proposed an amendment to the Part titled Service Quality Requirements Applicable to Wireless Eligible Telecommunications Carriers (83 IAC 736; 46 Ill Reg 3068) that gives carriers eligible to receive Federal Communication Commission service funds the option of defining their service areas by census blocks, in accordance with current FCC procedures. (Current rule only allows carriers to define their service areas by telephone exchanges.)

Questions/requests for copies/ comments on the 2 ICC rulemakings through 4/11/22: Elizabeth Rolando, ICC, 527 E. Capitol Ave., Springfield, IL 62701, 217/782-7434.

Emergency Rules

(cont. from page 2)

or 1st dose within 10 days after starting work and the 2nd dose within 30 days of the first. Additionally, effective 3/15/22, staff at skilled/intermediate nursing care facilities (Part 300), ICF/DD facilities (Part 350) or MC/DD facilities (Part 390) must be up to date with all CDC-recommended boosters, if applicable. Proof of vaccination must be presented to the employing facility and kept in the employee's confidential medical file. Opportunities for staff to become up to date on vaccinations must be made available either on site or through a pharmacy or other appropriate health care provider, and conspicuous signage announcing these opportunities must be posted throughout the facility. Staff members may decline vaccination for medical or religious reasons. Nursing home, ICF/DD and MC/DD staff who are not up to date on

their COVID-19 vaccinations must be tested twice a week. Other facilities must test staff who are not fully vaccinated at least once a week, increasing to twice a week if the facility is located in an area of high or substantial COVID-19 transmission. If any staff member, volunteer, or resident of a long term care facility tests positive for COVID-19 or shows symptoms, subsequent testing may be unit based (only in the unit or building where the infected person worked or lived) or broad-based (throughout the entire facility). Affected residents and staff must be tested every 3-7 days until no new cases or positive tests have occurred for 14 days. Facilities may impose stricter rules requiring all staff to be vaccinated without exception. Facilities must also provide unvaccinated staff with at least 90 minutes of vaccine education from DPH-approved providers. These emergency rules also renew general provisions for

infection control in long term care facilities. Long term care facilities are affected.

Veterans' Homes

Finally, DPH adopted emergency amendments to Illinois Veterans' Homes Code (77 IAC 340; 46 Ill Reg 3297), effective 2/12/22, that renew general provisions for infection control, including measures for testing and control of COVID-19, contained in previous emergency rules that expired on 2/11/22. Provisions for staff COVID-19 vaccination and testing are not included because these vaccination requirements were negotiated with bargaining units representing veterans' home staff.

Questions/requests for copies of the 11 DPH emergency rules: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield IL 62701, 217/782-1159, dph.rules@illinois.gov

Adopted Rules

(cont. from page 3)

stability services (HSS) providers (e.g., legal assistance groups, HUD-approved counseling agencies, community- or faith-based organizations) for the purpose of informing potentially eligible households about the program and assisting them to apply. Those affected by these rulemakings include eligible landlords, eligible households, and community or non-profit organizations that qualify for HSS grants.

Questions/requests for copies: Maureen Ohle, IHDA, 111 E. Wacker Drive, Suite 1000, Chicago IL 60601.

■ TOURISM GRANTS

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY adopted amendments to the Part titled Local Tourism and Convention Bureau Program (14 IAC 550; 45 Ill Reg 11663), effective 2/9/22, replacing emergency amendments that expired on 2/3/

22. The rulemaking extends two temporary provisions of DCEO's tourism matching grant program through State fiscal years 2022 and 2023: the 25% local match requirement (normally 50%) and the maximum of 60% (normally 50%) of grant funds that can be applied to payroll expenses. Local tourism and convention bureaus seeking DCEO grants are affected.

(cont. page 5)

Adopted Rules

(cont. from page 4)

■ ECONOMIC DEVELOPMENT

DCEO also repealed the Part titled Job Training and Economic Development Grant Program (56 IAC 2660; 45 Ill Reg 12935) and adopted a new Part with the same number and title (45 Ill Reg 12938) effective 2/9/22, replacing emergency rules that were effective 9/23 and 9/30/21. These rulemakings repeal obsolete rules for the Job Training and Economic Development (JTED) program and replace them with a new Part, based on recent changes to the underlying statute (in order to meet requirements for federal funding via the American Rescue Plan Act) and the State's adoption of the Grant Accountability and Transparency Act (GATA). The purpose of JTED is to provide job training and opportunities in targeted industries (those experiencing high demand, as determined by DCEO) to target populations (persons who are unemployed, under-employed, under-represented, or have other barriers to employment such as lack of access to child care, transportation, etc.). Entities eligible to apply for grants must demonstrate expertise and effectiveness in administering workforce development programs and include employers registered to do business in Illinois (for other purposes in this Part, "employer" also includes businesses in neighboring states), private non-profit organizations, community action agencies, industry associations, public or private

educational institutions, and federal Workforce Innovation and Opportunity Act administrative entities. Eligible entities may use grant funds for the following purposes: establishing customized training for individuals in the target population; coordinating partnerships among other eligible entities to develop regional or local strategies for target industries; reducing barriers to employment by directly providing services such as transportation, child care, mental health/substance abuse services, counseling, digital technology, etc., to individuals in the target population or supporting agencies that provide these services; developing work-based learning and transitional job training programs for youth; promoting outreach to potential participants; and assisting private non-profit organizations to provide job training services. Criteria for awarding grants include the applicant's performance history for past grants, experience in serving the target population, participation by local employers or industry associations, and the amount of matching funds provided. The new Part outlines the application process, recordkeeping requirements, allowable costs, and other aspects of the revised JTED program. Those affected by these rulemakings include non-profit organizations, social service providers, and businesses in targeted industries.

Questions/requests for copies of the 3 DCEO rulemakings: Jolene Clarke, DCEO, 500 E. Monroe

St., Springfield IL 62701, jolene.clarke@illinois.gov

COLLEGE SAVINGS

The OFFICE OF THE STATE TREASURER adopted amendments to College Savings Pool (23 IAC 2500; 45 Ill Reg 13169) effective 2/8/22, that clarify provisions related to the Treasurer's administration of the college savings program, incorporate recent changes to federal law and regulations, and include apprenticeship program expenses and repayment of student loans as qualifying expenses pursuant to PA 102-186. Beneficiaries and holders of college savings accounts may be affected by this rulemaking.

■ RETIREMENT SAVINGS

The OST also adopted amendments to Secure Choice Savings Program (74 IAC 721; 45 Ill Reg 12499), effective 2/8/22. This rulemaking implements PA 101-179, which expands the Secure Choice Savings Program (a voluntary retirement savings program) to include employers with 5 or more employees (rather than 25 or more employees). The rulemaking also provides that contributions to the program shall automatically increase by 1% of the participating employee's wages at the beginning of each calendar year, up to a maximum of 10%, unless the employee opts out of automatic escalation. Eligible enrollees shall be notified of the

(cont. page 6)

Adopted Rules

(cont. from page 5)

increase in advance and allowed to opt out or make other changes to their contribution rate. Small businesses are affected by this rulemaking.

Questions/requests for copies of the 2 Treasurer rulemakings: Barbara Delano, Office of the State Treasurer, 100 W. Randolph St., Suite 15-600, Chicago IL 60601, 217/720-0677, fax: 312/814-5930, BDelano@illinois.treasurer.gov

STATE OFFICES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments to Acquisition, Management and Disposal of Real Property (44 IAC 5000; 45 Ill Reg 11449) effective 2/14/22, that eliminate a requirement for State agencies to

file annual space utilization plans with CMS and remove language encouraging agencies to give at least 6 months advance notice of space needs not included in the annual plan. Agencies will be allowed to file space plans and requests as needed.

Questions/requests for copies: Sean Coombe, DCMS, 720 Stratton Bldg., Springfield IL 62706, 217/557-3761, sean.coombe@illinois.gov

■ ENVIRONMENTAL LABS

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY adopted amendments to Accreditation of Environmental Laboratories (35 IAC 186; 45 Ill Reg 10689) effective 2/8/22 that update minimum standards for analyses and laboratory testing at environmental laboratories and also update incorporations by

reference of federal regulations. Environmental laboratories are affected.

Questions/requests for copies: Sara G. Terranova, IEPA, 1021 N. Grand Ave. East, Springfield IL 62794-9276, 217/782-5544.

UTILITIES

The ILLINOIS COMMERCE COMMISSION adopted an amendment to the Part titled Construction of Electric Power and Communication Lines (83 IAC 305; 45 Ill Reg 5245) effective 2/10/22, incorporating the 2017 (formerly, 2002) edition of the National Electrical Safety Code.

Questions/requests for copies: Brian W. Allen, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/558-2387.

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 appear in next week's *Illinois Register* and be considered at the March 22, 2022, JCAR meeting in Springfield. 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 HUMAN SERVICES

Supplemental Nutrition Assistance Program (SNAP) (89 IAC 121; 45 Ill Reg 15932) proposed 12/17/21

DEPT OF NATURAL RESOURCES

Conservation Reserve Enhancement Program (CREP) (17 IAC 1515; 45 Ill Reg 15938) proposed 12/17/21

DEPT OF REVENUE

Tobacco Products Tax Act of 1995 (86 IAC 660; 45 Ill Reg 15985) proposed 12/17/21