

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.

Proposed Rulemakings

■ CANNABIS DISPENSARIES

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to Cannabis Regulation and Tax Act (68 IAC 1291; 47 Ill Reg 12526) adding new Subparts and Sections outlining various aspects of the adult use cannabis dispensary licensing process. New provisions 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

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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

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Adopted Rules

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments to Pay Plan (80 IAC 310; 47 Ill Reg 5564) effective 8/14/23 that add a newly established Transportation Seasonal Office Worker title, title code and salary range to the Merit Compensation System (MS) titles in Sec. 310.410, and add the CMS Human Resources Advanced Specialist title, code and salary range to a list of broad-band salary range titles in Appendix G effective 7/1/23.

Questions/requests for copies: Jason Doggett, CMS, 504 William G. Stratton Building, Springfield IL 62706, 217/782-4267, fax 217/524-4570, CMS.PayPlan@Illinois.gov

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.

Proposed Rulemakings

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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. Finally, the rulemaking clarifies that existing rules concerning the scoring process for tied licensure applicants apply only to the applicant lottery that was conducted in 2021. Cannabis dispensing organizations and their employees are affected by this rulemaking.

Questions/requests for copies/ comments through 10/10/23: Craig Cellini, DFPR, 320 W. Washington St., 2nd Floor, Springfield IL 62786, 217/785-0813, fax 217/557-4451, Craig.Cellini@illinois.gov

ENERGY STORAGE GRANTS

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY proposed a new Part titled Coal to Solar and Energy Storage Initiative Fund Grant Program (14 IAC 710; 47 Ill Reg 12505) implementing a grant program through which owners of

current or former coal fired power plants may receive funds to convert these facilities into electrical storage facilities, prioritizing solar-generated electricity. A maximum of 5 electric generating facilities in Illinois – 3 located in the Midcontinent Independent System Operator (MISO) grid and 2 in the PJM Interconnection grid – may qualify for up to \$280.5 million in grants for this purpose. A qualifying facility must have, or have had prior to ceasing operations, at least 150 megawatts generating capacity and have burned coal as its primary fuel source; must have been retired on or after 1/1/16 if it is no longer operating at the time of application; must have been formerly owned by a public utility and must not be currently owned by an electric cooperative or other alternative retail electric supplier; and must not already have a renewable energy facility in place at or near the current or former power plant site. Projects for which grants are awarded must be operational on 6/1/23, 6/1/24 or 6/1/25. The applicant must offer opportunities for former employees of the coal-fired generating facility to work or become qualified (by training, education or previous experience) to work at the new facility. Other provisions of the grant program include project labor agreement specifications, diversity goals, and compliance with the Grant Accountability and Transparency Act. Grant payments to each awardee will be \$110,000 per megawatt of storage capacity, paid over a 10-year period with

total payments not to exceed \$28,050,000 per year.

Questions/requests for copies/ comments through 10/10/23: Gina Arterberry, DCEO, 500 E. Monroe St., Springfield IL 62701, Gina.M.Arterberry@Illinois.gov

DRIVERS' LICENSES

The SECRETARY OF STATE proposed amendments to Issuance of Licenses (92 IAC 1030; 47 Ill Reg 12704) that allow SOS to disclose driver's license and identification card photographs to public defenders for use in defense of their clients in traffic or criminal cases. The rulemaking also requires documents submitted in the course of an application for a driver's license or identification card in a language other than English to be translated into English and the translation to be accompanied by a certification of the translator's competency.

Questions/requests for copies/ comments through 10/10/23: Pamela Wright, SOS, 298 Howlett Building, Springfield IL 62756, pwright@ilsos.gov

VACCINE MANDATE REPEAL

The DEPARTMENT OF HUMAN SERVICES proposed amendments to the Parts titled Illinois Center for Rehabilitation and Education Community Services for the Blind, Visually Impaired and Deafblind (89 IAC

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Proposed Rulemakings

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730; 47 Ill Reg 12630) and Role of Residential Educational Facilities Operated by the Illinois Department of Human Services (89 IAC 750; 47 Ill Reg 12638) that repeal COVID-19 vaccination requirements for staff at the Illinois Center for Rehabilitation and Education-Wood (Chicago) and at the Illinois Schools for the Deaf and Visually Impaired (Jacksonville). These mandates are being repealed since the State COVID-19 public health emergency and related Executive Orders have ended.

Questions/requests for copies/comments on the 2 DHS rulemakings through 10/10/23: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl. Springfield IL 62762, 217/785-9772.

INSURANCE

The DEPARTMENT OF INSURANCE proposed amendments to Derivative Instruments (50 IAC 806; 47 Ill Reg 12643), Credit for Reinsurance Ceded (50 IAC 1104; 47 Ill Reg 12648), Illinois Health Insurance Portability and Accountability Standards (50 IAC 2025; 47 Ill Reg 12653) and Health Maintenance Organization (50 IAC 4521; 47 Ill Reg 12658). Amendments to Parts 806 and 1104 update an incorporation by reference of a National Association of Insurance Commissioners (NAIC) document. The Part 2025 and 4521 rulemakings remove obsolete

Emergency Rules

■ VACCINE MANDATE REPEAL

The DEPARTMENT OF HUMAN SERVICES adopted emergency amendments to the Parts Medicaid Community Mental Health Services Program (59 IAC 132; 47 Ill Reg 12785) and Alcoholism and Substance Abuse Treatment and Intervention Licenses (77 IAC 2060; 47 Ill Reg 12793) effective 8/11/23 for a maximum of 150 days. Identical proposed amendments appear in this week's *Illinois Register* at 47 Ill Reg 12626 and 12628. The emergency and proposed rules repeal COVID-19 vaccination and testing requirements for staff at DHS-funded or certified community mental health

programs and substance abuse treatment programs. These requirements are being lifted immediately because federal COVID-19 vaccination and testing mandates for healthcare workers have ended. Similar proposed (not emergency) rules affecting State-operated institutions also appear in this week's *Register*. Employees of mental health and substance abuse treatment programs are affected.

Questions/requests for copies/comments on the 2 DHS proposed rulemakings through 10/10/23: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

requirements related to the Illinois Comprehensive Health Insurance Plan, which no longer exists.

Questions/requests for copies/comments on the 4 DOI rulemakings through 10/10/23: Laura Kotelman, DOI, 122 S. Michigan Ave., 19th Fl., Chicago IL 60603, 312/814-8214 or Susan Anders, DOI, 320 W. Washington St., 4th Fl., Springfield IL 62767, 217/558-0957.

SALES TAX

The DEPARTMENT OF REVENUE proposed an amendment to Retailers' Occupation Tax (86 IAC 130; 47 Ill

Reg 12680) implementing Public Acts 102-1125 and 103-9. The rulemaking institutes a tax credit of \$1.50 per gallon for purchases of sustainable aviation fuel made in Illinois by air common carriers from 7/1/23 through 12/31/32. The rulemaking includes specifications for the type of fuel that qualifies for the credit and the documentation requirements for purchasers to receive the credit.

Questions/requests for copies/comments through 10/10/23: Samuel J. Moore, DOR, 101 W. Jefferson St., Springfield IL 62794, 217/782-7055, REV.GCO@illinois.gov

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 be considered at the September 12, 2023, meeting in Chicago. 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.

CAPITAL DEVELOPMENT BOARD

Illinois Energy Conservation Code (71 IAC 600; 47 Ill Reg 7177) proposed 6/2/23

IL COMMUNITY COLLEGE BOARD

Administration of the Illinois Public Community College Act
(23 IAC 1501; 47 Ill Reg 1) proposed 1/6/23

DEPT OF PUBLIC HEALTH

Sickle Cell Disease Prevention, Care and Treatment Program
(77 IAC 663; 47 Ill Reg 7310) proposed 6/2/23

STATE POLICE MERIT BOARD

Public Information, Rulemaking and Organization (2 IAC 2050; 47 Ill Reg 7420) proposed 6/2/23

Joint Committee on Administrative Rules

Senator Cristina Castro

Representative Eva-Dina Delgado

Senator Bill Cunningham, *co-chair*

Representative Jackie Haas

Senator Donald DeWitte

Representative Steven Reick

Senator Dale Fowler

Representative Ryan Spain, *co-chair*

Senator Kimberly Lightford

Representative Curtis Tarver, II

Senator Sue Rezin

Representative Dave Vella

**Kim Schultz
Executive Director**