



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB1875

Introduced 2/9/2023, by Sen. Bill Cunningham

#### SYNOPSIS AS INTRODUCED:

5 ILCS 100/5-40	from Ch. 127, par. 1005-40
5 ILCS 100/5-45	from Ch. 127, par. 1005-45
5 ILCS 100/5-50	from Ch. 127, par. 1005-50
5 ILCS 100/5-60	from Ch. 127, par. 1005-60
5 ILCS 100/5-65	from Ch. 127, par. 1005-65
815 ILCS 333/18	

Amends the Illinois Administrative Procedure Act. In provisions concerning general, emergency, and peremptory rulemaking, specifies that State agencies shall accept submissions in writing, including submissions by email, and may, in their discretion, accept oral submissions. Requires each summary in a regulatory agenda to contain, among other things, the email address of the agency representative who is knowledgeable about the rule. Amends the Uniform Electronic Transactions Act. Requires the Department of Innovation and Technology and the Secretary of State to adopt specified administrative rules concerning electronic records no later than 6 months after the effective date of the amendatory Act. Effective immediately.

LRB103 28045 DTM 54424 b

1 AN ACT concerning regulation.

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 Sections 5-40, 5-45, 5-50, 5-60, and 5-65  
6 as follows:

7 (5 ILCS 100/5-40) (from Ch. 127, par. 1005-40)

8 Sec. 5-40. General rulemaking.

9 (a) In all rulemaking to which Sections 5-45 and 5-50 do  
10 not apply, each agency shall comply with this Section.

11 (b) Each agency shall give at least 45 days' notice of its  
12 intended action to the general public. This first notice  
13 period shall commence on the first day the notice appears in  
14 the Illinois Register. The first notice shall include all the  
15 following:

16 (1) The text of the proposed rule, the old and new  
17 materials of a proposed amendment, or the text of the  
18 provision to be repealed.

19 (2) The specific statutory citation upon which the  
20 proposed rule, the proposed amendment to a rule, or the  
21 proposed repeal of a rule is based and by which it is  
22 authorized.

23 (3) A complete description of the subjects and issues

1 involved.

2 (3.5) A descriptive title or other description of any  
3 published study or research report used in developing the  
4 rule, the identity of the person who performed such study,  
5 and a description of where the public may obtain a copy of  
6 any such study or research report. If the study was  
7 performed by an agency or by a person or entity that  
8 contracted with the agency for the performance of the  
9 study, the agency shall also make copies of the underlying  
10 data available to members of the public upon request if  
11 the data are not protected from disclosure under the  
12 Freedom of Information Act.

13 (4) For all proposed rules and proposed amendments to  
14 rules, an initial regulatory flexibility analysis  
15 containing a description of the types of small businesses  
16 subject to the rule; a brief description of the proposed  
17 reporting, bookkeeping, and other procedures required for  
18 compliance with the rule; and a description of the types  
19 of professional skills necessary for compliance.

20 (5) The time, place, and manner in which interested  
21 persons may present their views and comments concerning  
22 the proposed rulemaking.

23 During the first notice period, the agency shall accept  
24 ~~from any interested persons~~ data, views, arguments, or  
25 comments from any interested persons. The agency shall accept  
26 submissions in writing, including submissions by email. In the

1 discretion of the agency, submissions may be submitted orally.  
2 ~~These may, in the discretion of the agency, be submitted~~  
3 ~~either orally or in writing or both.~~ The notice published in  
4 the Illinois Register shall indicate the manner selected by  
5 the agency for the submissions, including the email address  
6 where submissions will be accepted. The agency shall consider  
7 all submissions received.

8 The agency shall hold a public hearing on the proposed  
9 rulemaking during the first notice period if (i) during the  
10 first notice period, the agency finds that a public hearing  
11 would facilitate the submission of views and comments that  
12 might not otherwise be submitted or (ii) the agency receives a  
13 request for a public hearing, within the first 14 days after  
14 publication of the notice of proposed rulemaking in the  
15 Illinois Register, from 25 interested persons, an association  
16 representing at least 100 interested persons, the Governor,  
17 the Joint Committee on Administrative Rules, or a unit of  
18 local government that may be affected. At the public hearing,  
19 the agency shall allow interested persons to present views and  
20 comments on the proposed rulemaking. A public hearing in  
21 response to a request for a hearing may not be held less than  
22 20 days after the publication of the notice of proposed  
23 rulemaking in the Illinois Register unless notice of the  
24 public hearing is included in the notice of proposed  
25 rulemaking. A public hearing on proposed rulemaking may not be  
26 held less than 5 days before submission of the notice required

1 under subsection (c) of this Section to the Joint Committee on  
2 Administrative Rules. Each agency may prescribe reasonable  
3 rules for the conduct of public hearings on proposed  
4 rulemaking to prevent undue repetition at the hearings. The  
5 hearings must be open to the public and recorded by  
6 stenographic or mechanical means. At least one agency  
7 representative shall be present during the hearing who is  
8 qualified to respond to general questions from the public  
9 regarding the agency's proposal and the rulemaking process.

10 (c) Each agency shall provide additional notice of the  
11 proposed rulemaking to the Joint Committee on Administrative  
12 Rules. The period commencing on the day written notice is  
13 received by the Joint Committee shall be known as the second  
14 notice period and shall expire 45 days thereafter unless  
15 before that time the agency and the Joint Committee have  
16 agreed to extend the second notice period beyond 45 days for a  
17 period not to exceed an additional 45 days or unless the agency  
18 has received a statement of objection from the Joint Committee  
19 or notification from the Joint Committee that no objection  
20 will be issued. The written notice to the Joint Committee  
21 shall include (i) the text and location of any changes made to  
22 the proposed rulemaking during the first notice period in a  
23 form prescribed by the Joint Committee; (ii) for all proposed  
24 rules and proposed amendments to rules, a final regulatory  
25 flexibility analysis containing a summary of issues raised by  
26 small businesses during the first notice period and a

1 description of actions taken on any alternatives to the  
2 proposed rule suggested by small businesses during the first  
3 notice period, including reasons for rejecting any  
4 alternatives not utilized; and (iii) if a written request has  
5 been made by the Joint Committee within 30 days after initial  
6 notice appears in the Illinois Register under subsection (b)  
7 of this Section, an analysis of the economic and budgetary  
8 effects of the proposed rulemaking. After commencement of the  
9 second notice period, no substantive change may be made to a  
10 proposed rulemaking unless it is made in response to an  
11 objection or suggestion of the Joint Committee. The agency  
12 shall also send a copy of the final regulatory flexibility  
13 analysis to each small business that has presented views or  
14 comments on the proposed rulemaking during the first notice  
15 period and to any other interested person who requests a copy.  
16 The agency may charge a reasonable fee for providing the  
17 copies to cover postage and handling costs.

18 (d) After the expiration of the second notice period,  
19 after notification from the Joint Committee that no objection  
20 will be issued, or after a response by the agency to a  
21 statement of objections issued by the Joint Committee,  
22 whichever is applicable, the agency shall file, under Section  
23 5-65, a certified copy of each rule, modification, or repeal  
24 of any rule adopted by it. The copy shall be published in the  
25 Illinois Register. Each rule hereafter adopted under this  
26 Section is effective upon filing unless a later effective date

1 is required by statute or is specified in the rulemaking.

2 (e) No rule or modification or repeal of any rule may be  
3 adopted, or filed with the Secretary of State, more than one  
4 year after the date the first notice period for the rulemaking  
5 under subsection (b) commenced. Any period during which the  
6 rulemaking is prohibited from being filed under Section 5-115  
7 shall not be considered in calculating this one-year time  
8 period.

9 (Source: P.A. 92-330, eff. 1-1-02.)

10 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

11 Sec. 5-45. Emergency rulemaking.

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

15 (b) If any agency finds that an emergency exists that  
16 requires adoption of a rule upon fewer days than is required by  
17 Section 5-40 and states in writing its reasons for that  
18 finding, the agency may adopt an emergency rule without prior  
19 notice or hearing upon filing a notice of emergency rulemaking  
20 with the Secretary of State under Section 5-70. The notice  
21 shall include the text of the emergency rule and shall be  
22 published in the Illinois Register. Consent orders or other  
23 court orders adopting settlements negotiated by an agency may  
24 be adopted under this Section. Subject to applicable  
25 constitutional or statutory provisions, an emergency rule

1 becomes effective immediately upon filing under Section 5-65  
2 or at a stated date less than 10 days thereafter. The agency's  
3 finding and a statement of the specific reasons for the  
4 finding shall be filed with the rule. The agency shall take  
5 reasonable and appropriate measures to make emergency rules  
6 known to the persons who may be affected by them. The agency  
7 shall accept data, views, arguments, or comments regarding the  
8 emergency rulemaking from any interested persons. The agency  
9 shall accept submissions in writing, including submissions by  
10 email. In the discretion of the agency, submissions may be  
11 submitted orally. The notice published in the Illinois  
12 Register shall indicate the manner selected by the agency for  
13 the submissions, including the email address where submissions  
14 will be accepted. The agency shall consider all submissions  
15 received.

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



1 July 1, 1997 to implement portions of the Livestock Management  
2 Facilities Act, (iii) emergency rules adopted by the Illinois  
3 Department of Public Health under subsections (a) through (i)  
4 of Section 2 of the Department of Public Health Act when  
5 necessary to protect the public's health, (iv) emergency rules  
6 adopted pursuant to subsection (n) of this Section, (v)  
7 emergency rules adopted pursuant to subsection (o) of this  
8 Section, or (vi) emergency rules adopted pursuant to  
9 subsection (c-5) of this Section. Two or more emergency rules  
10 having substantially the same purpose and effect shall be  
11 deemed to be a single rule for purposes of this Section.

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

21 (d) In order to provide for the expeditious and timely  
22 implementation of the State's fiscal year 1999 budget,  
23 emergency rules to implement any provision of Public Act  
24 90-587 or 90-588 or any other budget initiative for fiscal  
25 year 1999 may be adopted in accordance with this Section by the  
26 agency charged with administering that provision or

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

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

19 (f) In order to provide for the expeditious and timely  
20 implementation of the State's fiscal year 2001 budget,  
21 emergency rules to implement any provision of Public Act  
22 91-712 or any other budget initiative for fiscal year 2001 may  
23 be adopted in accordance with this Section by the agency  
24 charged with administering that provision or initiative,  
25 except that the 24-month limitation on the adoption of  
26 emergency rules and the provisions of Sections 5-115 and 5-125

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

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

17 (h) In order to provide for the expeditious and timely  
18 implementation of the State's fiscal year 2003 budget,  
19 emergency rules to implement any provision of Public Act  
20 92-597 or any other budget initiative for fiscal year 2003 may  
21 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 (h). The  
26 adoption of emergency rules authorized by this subsection (h)

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

3 (i) In order to provide for the expeditious and timely  
4 implementation of the State's fiscal year 2004 budget,  
5 emergency rules to implement any provision of Public Act 93-20  
6 or any other budget initiative for fiscal year 2004 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 (i). The adoption of  
12 emergency rules authorized by this subsection (i) shall be  
13 deemed to be necessary for the public interest, safety, and  
14 welfare.

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

1 to administer the Illinois Public Aid Code and the Children's  
2 Health Insurance Program Act. The adoption of emergency rules  
3 authorized by this subsection (j) shall be deemed to be  
4 necessary for the public interest, safety, and welfare.

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

24 (l) In order to provide for the expeditious and timely  
25 implementation of the provisions of the State's fiscal year  
26 2007 budget, the Department of Healthcare and Family Services

1 may adopt emergency rules during fiscal year 2007, including  
2 rules effective July 1, 2007, in accordance with this  
3 subsection to the extent necessary to administer the  
4 Department's responsibilities with respect to amendments to  
5 the State plans and Illinois waivers approved by the federal  
6 Centers for Medicare and Medicaid Services necessitated by the  
7 requirements of Title XIX and Title XXI of the federal Social  
8 Security Act. The adoption of emergency rules authorized by  
9 this subsection (l) shall be deemed to be necessary for the  
10 public interest, safety, and welfare.

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

24 (n) In order to provide for the expeditious and timely  
25 implementation of the provisions of the State's fiscal year  
26 2010 budget, emergency rules to implement any provision of

1 Public Act 96-45 or any other budget initiative authorized by  
2 the 96th General Assembly for fiscal year 2010 may be adopted  
3 in accordance with this Section by the agency charged with  
4 administering that provision or initiative. The adoption of  
5 emergency rules authorized by this subsection (n) shall be  
6 deemed to be necessary for the public interest, safety, and  
7 welfare. The rulemaking authority granted in this subsection  
8 (n) shall apply only to rules promulgated during Fiscal Year  
9 2010.

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

22 (p) In order to provide for the expeditious and timely  
23 implementation of the provisions of Public Act 97-689,  
24 emergency rules to implement any provision of Public Act  
25 97-689 may be adopted in accordance with this subsection (p)  
26 by the agency charged with administering that provision or

1 initiative. The 150-day limitation of the effective period of  
2 emergency rules does not apply to rules adopted under this  
3 subsection (p), and the effective period may continue through  
4 June 30, 2013. The 24-month limitation on the adoption of  
5 emergency rules does not apply to rules adopted under this  
6 subsection (p). The adoption of emergency rules authorized by  
7 this subsection (p) is deemed to be necessary for the public  
8 interest, safety, and welfare.

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

20 (r) In order to provide for the expeditious and timely  
21 implementation of the provisions of Public Act 98-651,  
22 emergency rules to implement Public Act 98-651 may be adopted  
23 in accordance with this subsection (r) by the Department of  
24 Healthcare and Family Services. The 24-month limitation on the  
25 adoption of emergency rules does not apply to rules adopted  
26 under this subsection (r). The adoption of emergency rules



1 authorized by this subsection (r) is deemed to be necessary  
2 for the public interest, safety, and welfare.

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

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

1 this subsection (t) is deemed to be necessary for the public  
2 interest, safety, and welfare.

3 (u) In order to provide for the expeditious and timely  
4 implementation of the provisions of the Burn Victims Relief  
5 Act, emergency rules to implement any provision of the Act may  
6 be adopted in accordance with this subsection (u) by the  
7 Department of Insurance. The rulemaking authority granted in  
8 this subsection (u) shall apply only to those rules adopted  
9 prior to December 31, 2015. The adoption of emergency rules  
10 authorized by this subsection (u) is deemed to be necessary  
11 for the public interest, safety, and welfare.

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

21 (w) In order to provide for the expeditious and timely  
22 implementation of the provisions of Public Act 99-796,  
23 emergency rules to implement the changes made by Public Act  
24 99-796 may be adopted in accordance with this subsection (w)  
25 by the Adjutant General. The adoption of emergency rules  
26 authorized by this subsection (w) is deemed to be necessary

1 for the public interest, safety, and welfare.

2 (x) In order to provide for the expeditious and timely  
3 implementation of the provisions of Public Act 99-906,  
4 emergency rules to implement subsection (i) of Section  
5 16-115D, subsection (g) of Section 16-128A, and subsection (a)  
6 of Section 16-128B of the Public Utilities Act may be adopted  
7 in accordance with this subsection (x) by the Illinois  
8 Commerce Commission. The rulemaking authority granted in this  
9 subsection (x) shall apply only to those rules adopted within  
10 180 days after June 1, 2017 (the effective date of Public Act  
11 99-906). The adoption of emergency rules authorized by this  
12 subsection (x) is deemed to be necessary for the public  
13 interest, safety, and welfare.

14 (y) In order to provide for the expeditious and timely  
15 implementation of the provisions of Public Act 100-23,  
16 emergency rules to implement the changes made by Public Act  
17 100-23 to Section 4.02 of the Illinois Act on the Aging,  
18 Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code,  
19 Section 55-30 of the Alcoholism and Other Drug Abuse and  
20 Dependency Act, and Sections 74 and 75 of the Mental Health and  
21 Developmental Disabilities Administrative Act may be adopted  
22 in accordance with this subsection (y) by the respective  
23 Department. The adoption of emergency rules authorized by this  
24 subsection (y) is deemed to be necessary for the public  
25 interest, safety, and welfare.

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

1 implementation of the provisions of Public Act 100-554,  
2 emergency rules to implement the changes made by Public Act  
3 100-554 to Section 4.7 of the Lobbyist Registration Act may be  
4 adopted in accordance with this subsection (z) by the  
5 Secretary of State. The adoption of emergency rules authorized  
6 by this subsection (z) is deemed to be necessary for the public  
7 interest, safety, and welfare.

8 (aa) In order to provide for the expeditious and timely  
9 initial implementation of the changes made to Articles 5, 5A,  
10 12, and 14 of the Illinois Public Aid Code under the provisions  
11 of Public Act 100-581, the Department of Healthcare and Family  
12 Services may adopt emergency rules in accordance with this  
13 subsection (aa). The 24-month limitation on the adoption of  
14 emergency rules does not apply to rules to initially implement  
15 the changes made to Articles 5, 5A, 12, and 14 of the Illinois  
16 Public Aid Code adopted under this subsection (aa). The  
17 adoption of emergency rules authorized by this subsection (aa)  
18 is deemed to be necessary for the public interest, safety, and  
19 welfare.

20 (bb) In order to provide for the expeditious and timely  
21 implementation of the provisions of Public Act 100-587,  
22 emergency rules to implement the changes made by Public Act  
23 100-587 to Section 4.02 of the Illinois Act on the Aging,  
24 Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code,  
25 subsection (b) of Section 55-30 of the Alcoholism and Other  
26 Drug Abuse and Dependency Act, Section 5-104 of the

1 Specialized Mental Health Rehabilitation Act of 2013, and  
2 Section 75 and subsection (b) of Section 74 of the Mental  
3 Health and Developmental Disabilities Administrative Act may  
4 be adopted in accordance with this subsection (bb) by the  
5 respective Department. The adoption of emergency rules  
6 authorized by this subsection (bb) is deemed to be necessary  
7 for the public interest, safety, and welfare.

8 (cc) In order to provide for the expeditious and timely  
9 implementation of the provisions of Public Act 100-587,  
10 emergency rules may be adopted in accordance with this  
11 subsection (cc) to implement the changes made by Public Act  
12 100-587 to: Sections 14-147.5 and 14-147.6 of the Illinois  
13 Pension Code by the Board created under Article 14 of the Code;  
14 Sections 15-185.5 and 15-185.6 of the Illinois Pension Code by  
15 the Board created under Article 15 of the Code; and Sections  
16 16-190.5 and 16-190.6 of the Illinois Pension Code by the  
17 Board created under Article 16 of the Code. The adoption of  
18 emergency rules authorized by this subsection (cc) is deemed  
19 to be necessary for the public interest, safety, and welfare.

20 (dd) In order to provide for the expeditious and timely  
21 implementation of the provisions of Public Act 100-864,  
22 emergency rules to implement the changes made by Public Act  
23 100-864 to Section 3.35 of the Newborn Metabolic Screening Act  
24 may be adopted in accordance with this subsection (dd) by the  
25 Secretary of State. The adoption of emergency rules authorized  
26 by this subsection (dd) is deemed to be necessary for the

1 public interest, safety, and welfare.

2 (ee) In order to provide for the expeditious and timely  
3 implementation of the provisions of Public Act 100-1172,  
4 emergency rules implementing the Illinois Underground Natural  
5 Gas Storage Safety Act may be adopted in accordance with this  
6 subsection by the Department of Natural Resources. The  
7 adoption of emergency rules authorized by this subsection is  
8 deemed to be necessary for the public interest, safety, and  
9 welfare.

10 (ff) In order to provide for the expeditious and timely  
11 initial implementation of the changes made to Articles 5A and  
12 14 of the Illinois Public Aid Code under the provisions of  
13 Public Act 100-1181, the Department of Healthcare and Family  
14 Services may on a one-time-only basis adopt emergency rules in  
15 accordance with this subsection (ff). The 24-month limitation  
16 on the adoption of emergency rules does not apply to rules to  
17 initially implement the changes made to Articles 5A and 14 of  
18 the Illinois Public Aid Code adopted under this subsection  
19 (ff). The adoption of emergency rules authorized by this  
20 subsection (ff) is deemed to be necessary for the public  
21 interest, safety, and welfare.

22 (gg) In order to provide for the expeditious and timely  
23 implementation of the provisions of Public Act 101-1,  
24 emergency rules may be adopted by the Department of Labor in  
25 accordance with this subsection (gg) to implement the changes  
26 made by Public Act 101-1 to the Minimum Wage Law. The adoption

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

4 (hh) In order to provide for the expeditious and timely  
5 implementation of the provisions of Public Act 101-10,  
6 emergency rules may be adopted in accordance with this  
7 subsection (hh) to implement the changes made by Public Act  
8 101-10 to subsection (j) of Section 5-5.2 of the Illinois  
9 Public Aid Code. The adoption of emergency rules authorized by  
10 this subsection (hh) is deemed to be necessary for the public  
11 interest, safety, and welfare.

12 (ii) In order to provide for the expeditious and timely  
13 implementation of the provisions of Public Act 101-10,  
14 emergency rules to implement the changes made by Public Act  
15 101-10 to Sections 5-5.4 and 5-5.4i of the Illinois Public Aid  
16 Code may be adopted in accordance with this subsection (ii) by  
17 the Department of Public Health. The adoption of emergency  
18 rules authorized by this subsection (ii) is deemed to be  
19 necessary for the public interest, safety, and welfare.

20 (jj) In order to provide for the expeditious and timely  
21 implementation of the provisions of Public Act 101-10,  
22 emergency rules to implement the changes made by Public Act  
23 101-10 to Section 74 of the Mental Health and Developmental  
24 Disabilities Administrative Act may be adopted in accordance  
25 with this subsection (jj) by the Department of Human Services.  
26 The adoption of emergency rules authorized by this subsection

1 (jj) is deemed to be necessary for the public interest,  
2 safety, and welfare.

3 (kk) In order to provide for the expeditious and timely  
4 implementation of the Cannabis Regulation and Tax Act, Public  
5 Act 101-27, and Public Act 102-98, the Department of Revenue,  
6 the Department of Public Health, the Department of  
7 Agriculture, the Department of State Police, and the  
8 Department of Financial and Professional Regulation may adopt  
9 emergency rules in accordance with this subsection (kk). The  
10 rulemaking authority granted in this subsection (kk) shall  
11 apply only to rules adopted before December 31, 2021.  
12 Notwithstanding the provisions of subsection (c), emergency  
13 rules adopted under this subsection (kk) shall be effective  
14 for 180 days. The adoption of emergency rules authorized by  
15 this subsection (kk) is deemed to be necessary for the public  
16 interest, safety, and welfare.

17 (ll) In order to provide for the expeditious and timely  
18 implementation of the provisions of the Leveling the Playing  
19 Field for Illinois Retail Act, emergency rules may be adopted  
20 in accordance with this subsection (ll) to implement the  
21 changes made by the Leveling the Playing Field for Illinois  
22 Retail Act. The adoption of emergency rules authorized by this  
23 subsection (ll) is deemed to be necessary for the public  
24 interest, safety, and welfare.

25 (mm) In order to provide for the expeditious and timely  
26 implementation of the provisions of Section 25-70 of the



1 Sports Wagering Act, emergency rules to implement Section  
2 25-70 of the Sports Wagering Act may be adopted in accordance  
3 with this subsection (mm) by the Department of the Lottery as  
4 provided in the Sports Wagering Act. The adoption of emergency  
5 rules authorized by this subsection (mm) is deemed to be  
6 necessary for the public interest, safety, and welfare.

7 (nn) In order to provide for the expeditious and timely  
8 implementation of the Sports Wagering Act, emergency rules to  
9 implement the Sports Wagering Act may be adopted in accordance  
10 with this subsection (nn) by the Illinois Gaming Board. The  
11 adoption of emergency rules authorized by this subsection (nn)  
12 is deemed to be necessary for the public interest, safety, and  
13 welfare.

14 (oo) In order to provide for the expeditious and timely  
15 implementation of the provisions of subsection (c) of Section  
16 20 of the Video Gaming Act, emergency rules to implement the  
17 provisions of subsection (c) of Section 20 of the Video Gaming  
18 Act may be adopted in accordance with this subsection (oo) by  
19 the Illinois Gaming Board. The adoption of emergency rules  
20 authorized by this subsection (oo) is deemed to be necessary  
21 for the public interest, safety, and welfare.

22 (pp) In order to provide for the expeditious and timely  
23 implementation of the provisions of Section 50 of the Sexual  
24 Assault Evidence Submission Act, emergency rules to implement  
25 Section 50 of the Sexual Assault Evidence Submission Act may  
26 be adopted in accordance with this subsection (pp) by the

1 Department of State Police. The adoption of emergency rules  
2 authorized by this subsection (pp) is deemed to be necessary  
3 for the public interest, safety, and welfare.

4 (qq) In order to provide for the expeditious and timely  
5 implementation of the provisions of the Illinois Works Jobs  
6 Program Act, emergency rules may be adopted in accordance with  
7 this subsection (qq) to implement the Illinois Works Jobs  
8 Program Act. The adoption of emergency rules authorized by  
9 this subsection (qq) is deemed to be necessary for the public  
10 interest, safety, and welfare.

11 (rr) In order to provide for the expeditious and timely  
12 implementation of the provisions of subsection (c) of Section  
13 2-3.130 of the School Code, emergency rules to implement  
14 subsection (c) of Section 2-3.130 of the School Code may be  
15 adopted in accordance with this subsection (rr) by the State  
16 Board of Education. The adoption of emergency rules authorized  
17 by this subsection (rr) is deemed to be necessary for the  
18 public interest, safety, and welfare.

19 (Source: P.A. 101-1, eff. 2-19-19; 101-10, Article 20, Section  
20 20-5, eff. 6-5-19; 101-10, Article 35, Section 35-5, eff.  
21 6-5-19; 101-27, eff. 6-25-19; 101-31, Article 15, Section  
22 15-5, eff. 6-28-19; 101-31, Article 25, Section 25-900, eff.  
23 6-28-19; 101-31, Article 35, Section 35-3, eff. 6-28-19;  
24 101-377, eff. 8-16-19; 101-601, eff. 12-10-19; 102-98, eff.  
25 7-15-21; 102-339, eff. 8-13-21; 102-813, eff. 5-13-22.)

1 (5 ILCS 100/5-50) (from Ch. 127, par. 1005-50)

2 Sec. 5-50. Peremptory rulemaking. "Peremptory rulemaking"  
3 means any rulemaking that is required as a result of federal  
4 law, federal rules and regulations, an order of a court, or a  
5 collective bargaining agreement pursuant to subsection (d) of  
6 Section 1-5, under conditions that preclude compliance with  
7 the general rulemaking requirements imposed by Section 5-40  
8 and that preclude the exercise of discretion by the agency as  
9 to the content of the rule it is required to adopt. Peremptory  
10 rulemaking shall not be used to implement consent orders or  
11 other court orders adopting settlements negotiated by the  
12 agency. If any agency finds that peremptory rulemaking is  
13 necessary and states in writing its reasons for that finding,  
14 the agency may adopt peremptory rulemaking upon filing a  
15 notice of rulemaking with the Secretary of State under Section  
16 5-70. The notice shall be published in the Illinois Register.  
17 The agency shall accept data, views, arguments, or comments  
18 regarding the peremptory rulemaking. The agency shall accept  
19 submissions in writing, including submissions by email. In the  
20 discretion of the agency, submissions may be submitted orally.  
21 The notice published in the Illinois Register shall indicate  
22 the manner selected by the agency for the submissions,  
23 including the email address where submissions will be  
24 accepted. The agency shall consider all submissions received.  
25 A rule adopted under the peremptory rulemaking provisions of  
26 this Section becomes effective immediately upon filing with

1 the Secretary of State and in the agency's principal office,  
2 or at a date required or authorized by the relevant federal  
3 law, federal rules and regulations, or court order, as stated  
4 in the notice of rulemaking. Notice of rulemaking under this  
5 Section shall be published in the Illinois Register, shall  
6 specifically refer to the appropriate State or federal court  
7 order or federal law, rules, and regulations, and shall be in a  
8 form as the Secretary of State may reasonably prescribe by  
9 rule. The agency shall file the notice of peremptory  
10 rulemaking within 30 days after a change in rules is required.

11 The Department of Healthcare and Family Services may adopt  
12 peremptory rulemaking under the terms and conditions of this  
13 Section to implement final payments included in a State  
14 Medicaid Plan Amendment approved by the Centers for Medicare  
15 and Medicaid Services of the United States Department of  
16 Health and Human Services and authorized under Section 5A-12.2  
17 of the Illinois Public Aid Code, and to adjust hospital  
18 provider assessments as Medicaid Provider-Specific Taxes  
19 permitted by Title XIX of the federal Social Security Act and  
20 authorized under Section 5A-2 of the Illinois Public Aid Code.

21 (Source: P.A. 95-859, eff. 8-19-08.)

22 (5 ILCS 100/5-60) (from Ch. 127, par. 1005-60)

23 Sec. 5-60. Regulatory agenda. An agency shall submit for  
24 publication in the Illinois Register by January 1 and July 1 of  
25 each year a regulatory agenda to elicit public comments

1 concerning any rule that the agency is considering proposing  
2 but for which no notice of proposed rulemaking activity has  
3 been submitted to the Illinois Register. A regulatory agenda  
4 shall consist of summaries of those rules. Each summary shall,  
5 in less than 2,000 words, contain the following when  
6 practicable:

7 (1) A description of the rule.

8 (2) The statutory authority the agency is exercising.

9 (3) A schedule of the dates for any hearings,  
10 meetings, or other opportunities for public participation  
11 in the development of the rule.

12 (4) The date the agency anticipates submitting a  
13 notice of proposed rulemaking activity, if known.

14 (5) The name, address, email address, and telephone  
15 number of the agency representative who is knowledgeable  
16 about the rule, from whom any information may be obtained,  
17 and to whom written comments may be submitted concerning  
18 the rule.

19 (6) A statement whether the rule will affect small  
20 businesses, not for profit corporations, or small  
21 municipalities as defined in this Act.

22 (7) Any other information that may serve the public  
23 interest.

24 Nothing in this Section shall preclude an agency from  
25 adopting a rule that has not been summarized in a regulatory  
26 agenda or from adopting a rule different than one summarized

1 in a regulatory agenda if in the agency head's best judgment it  
2 is necessary. If an agency finds that a situation exists that  
3 requires adoption of a rule that was not summarized on either  
4 of the 2 most recent regulatory agendas, it shall state its  
5 reasons in writing together with the facts that form their  
6 basis upon filing the notice of proposed rulemaking with the  
7 Secretary of State under Section 5-40. Nothing in this Section  
8 shall require an agency to adopt a rule summarized in a  
9 regulatory agenda. The Secretary of State shall adopt rules  
10 necessary for the publication of a regulatory agenda,  
11 including but not limited to standard submission forms and  
12 deadlines.

13 (Source: P.A. 87-823; 88-667, eff. 9-16-94.)

14 (5 ILCS 100/5-65) (from Ch. 127, par. 1005-65)

15 Sec. 5-65. Filing of rules.

16 (a) Each agency shall file in the office of the Secretary  
17 of State and in the agency's principal office a certified copy  
18 of each rule and modification or repeal of any rule adopted by  
19 it. The Secretary of State and the agency shall each keep a  
20 permanent register of the rules open to public inspection.

21 Whenever a rule or modification or repeal of any rule is  
22 filed with the Secretary of State, the Secretary shall send a  
23 certified copy of the rule, modification or repeal, within 3  
24 working days after it is filed, to the Joint Committee on  
25 Administrative Rules.

1 (b) Concurrent with the filing of any rule under this  
2 Section, the filing agency shall submit to the Secretary of  
3 State for publication in the next available issue of the  
4 Illinois Register a notice of adopted rules. The notice shall  
5 include the following:

6 (1) The text of the adopted rule, including the full  
7 text of the new rule (if the material is a new rule), the  
8 full text of the rule or rules as amended (if the material  
9 is an amendment to a rule or rules), or the notice of  
10 repeal (if the material is a repealer).

11 (2) The name, address, email address, and telephone  
12 number of an individual who will be available to answer  
13 questions and provide information to the public concerning  
14 the adopted rules.

15 (3) Other information that the Secretary of State may  
16 by rule require in the interest of informing the public.

17 (Source: P.A. 87-823; 87-830; 87-895.)

18 Section 10. The Uniform Electronic Transactions Act is  
19 amended by changing Section 18 as follows:

20 (815 ILCS 333/18)

21 Sec. 18. Acceptance and distribution of electronic records  
22 by governmental agencies.

23 (a) Except as otherwise provided in Section 12(f), each  
24 governmental agency of this State shall determine whether, and

1 the extent to which, it will send and accept electronic  
2 records and electronic signatures to and from other persons  
3 and otherwise create, generate, communicate, store, process,  
4 use, and rely upon electronic records and electronic  
5 signatures.

6 (b) To the extent that a governmental agency uses  
7 electronic records and electronic signatures under subsection  
8 (a), the Department of Innovation and Technology and the  
9 Secretary of State, pursuant to their rulemaking authority  
10 under other law and giving due consideration to security,  
11 shall, no later than 6 months after the effective date of this  
12 amendatory Act of the 103rd General Assembly, adopt  
13 administrative rules that ~~may~~ specify:

14 (1) the manner and format in which the electronic  
15 records must be created, generated, sent, communicated,  
16 received, and stored and the systems established for those  
17 purposes;

18 (2) if electronic records must be signed by electronic  
19 means, the type of electronic signature required, the  
20 manner and format in which the electronic signature must  
21 be affixed to the electronic record, and the identity of,  
22 or criteria that must be met by, any third party used by a  
23 person filing a document to facilitate the process;

24 (3) control processes and procedures as appropriate to  
25 ensure adequate preservation, disposition, integrity,  
26 security, confidentiality, and auditability of electronic



1 records; and

2 (4) any other required attributes for electronic  
3 records which are specified for corresponding  
4 nonelectronic records or reasonably necessary under the  
5 circumstances.

6 (c) Except as otherwise provided in Section 12(f), this  
7 Act does not require a governmental agency of this State to use  
8 or permit the use of electronic records or electronic  
9 signatures.

10 (Source: P.A. 102-38, eff. 6-25-21.)

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law.