

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 is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

Proposed Regulations

☞ CANNABIS PATIENT REGISTRY

The DEPARTMENT OF PUBLIC HEALTH adopted a new Part titled "Compassionate Use of Medical Cannabis Patient Registry" (77 Ill Adm Code 946; 38 Ill Reg 8243), effective 7/29/14, implementing Public Act 98-122, the Compassionate Use of Medical Cannabis Pilot Program Act, which establishes a 4-year pilot program allowing cultivation and dispensing of cannabis (marijuana) for medical purposes. (Rules adopted by the Departments of Agriculture, Financial and Professional Regulation, and Revenue to implement the Act were published in the 8/8/14 *Illinois Register* and summarized in last week's Flinn Report.) The new Part establishes requirements for DPH's Patient Registry Program. The rulemaking specifies which debilitating medical conditions qualify an individual for eligibility (e.g., cancer, glaucoma, HIV/AIDS, various neuromuscular disorders) and establishes a process for issuing and renewing medical cannabis registry identification cards to qualifying patients and caregivers. Registered patients and caregivers may obtain medical cannabis only from the dispensing organizations designated on their applica-

tions; they may not grow or cultivate it themselves or obtain it from other patients or caregivers. From 9/1 through 10/31/14, initial DPH registry applications will be accepted from patients whose last names begin with the letters A-L and their caregivers. From 11/1 through 12/31/14, other eligible patients (last names M-Z) and their caregivers may submit initial applications. Beginning 1/1/15, applications will be accepted at any time. Annual fees for registration and identification cards are \$100 for patients and \$25 for caregivers; a fee of \$25 is charged for each replacement card. A reduced annual fee of \$50 will be charged to veterans and recipients of Social Security Disability Income or Supplemental Security Income; proof of military service (DD 214) or SSDI/SSI documentation from the Social Security Administration is required. Patient registry application procedures for veterans receiving treatment at VA hospitals are included. All applicants are notified, and must attest by their signature, that cannabis is a prohibited Schedule I controlled substance under federal law; that use of medical cannabis in conjunction with other conduct may be in violation of state or

☞ SMOKE FREE ILLINOIS

The DEPARTMENT OF PUBLIC HEALTH proposed a new Part titled "Smoke Free Illinois Code" (77 Ill Adm Code 949; 38 Ill Reg 17283) implementing Public Act 95-17, the Smoke Free Illinois Act. The new Part outlines and clarifies various aspects of the Act and the procedures for complaints and enforcement. Smoking is prohibited in restaurants, bars and any area where food, beverages or both are prepared or served by employees, including outdoor areas such as patios, beer gardens, decks, rooftops and concession areas. However, smoking may be permitted in a self-service outdoor area at least 15 feet away from any entrance, exit, window or ventilation intake, where employees do not prepare or serve food or beverages and are not required to enter, leave or pass through during their work time. Clear and conspicuous signage designating a self-service outdoor area where smoking is permitted must be posted. The statutory definition of a bar is expanded to include brew pubs, saloons, microbreweries and sports bars; independent contractors are added to the

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NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating 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/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing volume and issue number of The Flinn Report or the Illinois Register will expedite the process. Some agencies charge copying fees. However, copy requests do not have to be made under the Freedom of Information Act.

New Regulations

federal law; and that use of medical cannabis may affect an individual's ability to receive federal or state licensure in other areas. A patient or caregiver whose registration expires or is canceled must return any unused medical cannabis to a local law enforcement agency for disposal within 10 days. The rulemaking also sets criteria for physicians to recommend use of medical cannabis and establish a bona fide physician-patient relationship with a qualifying patient; provides procedures for requesting consideration of a debilitating medical condition to be added to the list via recommendation of a 15-member advisory board; and sets rules for preparation and storage of cannabis-infused food products. Since 1st Notice, DPH has added a Section outlining procedures and grounds for suspension of a registry card and added provisions for submitting electronic applications for registry cards via the DPH website. Those impacted by this rulemaking include physicians, patients and caregivers.

AIDS DRUG ASSISTANCE

DPH also adopted amendments to the Part titled "AIDS Drug Assistance Program" (77 Ill Adm Code 692; 38 Ill Reg 7783) effective 8/1/14, that update the program's rules to reflect the 2014 federal poverty guidelines. (The income eligibility limit for the program is 300% of the Federal Poverty Level for the number of persons in the applicant's household.) A companion emergency rule effective 3/28/14 was published in the *Illinois Register* at 38 Ill Reg 7997.

Questions/requests for copies of the 2 DPH rulemakings: Susan Meister, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL, 62761, 217/782-2043, e-mail: dph.rules@illinois.gov.

☞ DAY CARE

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted amendments to "Licensing Standards for Day Care Centers" (89 Ill Adm Code 407;

37 Ill Reg 13608), effective 8/1/14, that revise provisions affecting child care, staff training and education, and facilities. The rulemaking requires directors and staff to complete DCFS' online training for mandated reporters of known or suspected child abuse within 60 days after these rules take effect and within 30 days of initial hiring thereafter. Staff at centers licensed to care for infants must complete training in safe sleep practices and prevention of Sudden Infant Death Syndrome and Shaken Baby Syndrome. Providers are required to offer children at least 2 occasions per day of age-appropriate outdoor time (or active indoor play in bad weather) and to prevent mobile children from remaining sedentary for more than ½ hour at a time outside of scheduled rest or nap times. Passive screen time (e.g., watching TV or videos) is prohibited for children younger than 2, limited to no more than 1 hour per day for children age 2 and older, and prohibited during meal or snack times. New nutrition rules include a prohibition on serving foods with high sugar or fat content (e.g., cake, pastries, cookies) and on using trans fats or saturated fats as butter substitutes. Infants may not have bottles in their cribs and older children may not carry no-spill cups throughout the day or night unless the cups contain only plain water. Center directors must have at least an associate degree with a minimum of 21 semester hours in child development or early childhood education, along with additional training in management, and a staff member with the same or higher level of college education must be on site at all times. Initial licensing and renewal requirements now include documentation of radon testing within the last 3 years. Centers that use buses or other vehicles requiring a school bus driving permit must provide at least \$1 million in combined single limit liability coverage per accident for each vehicle. Centers must also provide reasonable, private accommodations for mothers who wish to breastfeed their children during the center's hours of operation and must notify parents

of these accommodations. Other provisions concerning food and drink, bedding, window coverings, storage, and infant "tummy time" are also included. Changes since 1st Notice clarify equivalent educational requirements for directors and staff and require radon testing to be performed by a licensed radon professional. Day care center owners, operators and staff will be affected by this rulemaking.

Questions/requests for copies: Jeff Osowski, DCFS, 406 E. Monroe St., Station #65, Springfield IL 62701-1498, 217/524-1983.

SALES TAXES

The DEPARTMENT OF REVENUE adopted amendments to "Retailers' Occupation Tax" (86 Ill Adm Code 130; 38 Ill Reg 8785), effective 7/31/14, reinstating the exemption from sales tax for equipment and materials used in coal and aggregate exploration, mining, off highway hauling, processing, maintenance and reclamation. New language is added to reflect the addition of equipment used in newer technologies and is updated to reflect recent letter rulings exempting additional equipment. Roof bolts used on mines are specifically mentioned. A statutory provision is added prohibiting the approval of claims or refunds for tax paid during the period 7/1/03-8/16/13. Finally, language was added forbidding purchasers claiming the aggregate or coal exemption from claiming the Manufacturer's Purchase Credit.

Questions/requests for copies: Debra Boggess, DOR Legal Services, 101 W. Jefferson St, Springfield IL 62794, 217/782-2844.

UNIVERSITIES RETIREMENT

The STATE UNIVERSITIES RETIREMENT SYSTEM adopted amendments to the Part titled "Universities Retirement" (80 Ill Adm Code 1600; 38 Ill Reg 7863) effective 7/30/14. The rulemaking provides for electronic bal-

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statutory definition of an employee; and places of worship are added to the statutory definition of public place. The rule also includes procedures for filing complaints with DPH or a State-certified local public health department alleging violations. The identity of complainants will be kept confidential unless the complainant agrees to disclosure. Enforcement shall be conducted by DPH, local public health departments and local law enforcement agencies. Persons or entities that receive a citation or notice of violation may request an administrative hearing from the agency that issued the citation or notice. Those affected by this rulemaking include restaurants, bars, casinos and other small businesses and small municipalities.

Questions/requests for copies/comments through 9/29/14: Susan Meister, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, e-mail: dph.rules@illinois.gov.

INSURANCE

The DEPARTMENT OF INSURANCE proposed amendments to the Part titled "Unfair Discrimination Based on Sex, Sexual Preference or Marital Status" (50 Ill Adm Code 2603; 38 Ill Reg 17185) to bar discriminatory insurance practices regarding transgender persons. The amendments add a new Section of definitions, including such terms as gender transition (the process of changing one's sexual characteristics to mirror one's gender identity), perceived gender identity, and transgender person (a person diagnosed with gender identity disorder or gender dysphoria), in addition to standard terms employed in other insurance Parts of the Administrative Code. Prohibited practices include discriminatory insurance clauses; provisions that treat gender dysphoria differently from other medical conditions and procedures covered by the policy; cancelling, limiting or refusing to issue a policy on the basis of an

insured's or prospective insured's actual or perceived gender identity; and designating an insured's actual or perceived gender identity, or transgender status, as a preexisting condition for which coverage will be denied or limited. A temporary exemption applies to plans having fewer than 51 members that are sold after 1/1/14 and renewed between 1/1/15 and 10/1/15 after the expiration of the 2015 plan year.

Questions/requests for copies/comments through 9/29/14: Susan Anders, DOI, 320 W. Washington St., Springfield IL 62767-0001, 217-785-8220, Fax: 217-524-9033.

HUNTING

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to the following 8 Parts: "General Hunting and Trapping on Department-Owned or -Managed Sites" (17 Ill Adm Code 510; 38 Ill Reg 17195), "Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting" (17 Ill Adm Code 530; 38 Ill Reg 17203), "Duck, Goose, and Coot Hunting" (17 Ill Adm Code 590; 38 Ill Reg 17216), "White-Tailed Deer Hunting by Use of Firearms" (17 Ill Adm Code 650; 38 Ill Reg 17223), "White-Tailed Deer Hunting by Use of Muzzleloading Rifles" (17 Ill Adm Code 660; 38 Ill Reg 17229), "White-Tailed Deer Hunting by Use of Bow and Arrow" (17 Ill Adm Code 670; 38 Ill Reg 17233), "Youth Hunting Seasons" (17 Ill Adm Code 685; 38 Ill Reg 17253), and "The Taking of Wild Turkeys - Spring Season" (17 Ill Adm Code 710; 38 Ill Reg 17261). The amendments to Parts 510 and 590 clarify that regulations on use of firearms do not prohibit legal possession of concealed firearms by persons with valid concealed carry licenses. Part 510 is also amended to allow non-hunting and non-trapping partners to accompany hunters. Amendments to Part 530 change the controlled pheasant hunting season dates at Ramsey Lake State Park and

allow the sale of pheasant permits by public/private partnership concessionaires at Ramsey Lake, Horseshoe Lake State Park, Chain O'Lakes State Park, and Silver Springs State Park. Amendments to Parts 650, 660, 670, and 710 remove Burning Star 5 State Wildlife Management Area from the list of sites open to deer and turkey hunting, since DNR no longer manages that area. The Part 650 rulemaking also adds provisions for a disabled hunt at Lake Shelbyville Projects Lands, while Part 670 is amended to clarify that archery deer hunters may possess arrows with non-broadhead points, but may only use broadhead point arrows to take deer. Finally, amendments to Parts 685 and 710 add provisions for the new youth hunting license. Those affected by these rulemakings include hunters, trappers, and outfitters.

Questions/requests for copies/comments on the 8 DNR rulemakings through 9/29/14: Virginia Yang, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

HAZARDOUS MATERIALS

The ILLINOIS EMERGENCY MANAGEMENT AGENCY proposed amendments to the Part titled "Emergency and Written Notification of an Incident or Accident Involving a Reportable Hazardous Substance" (29 Ill Adm Code 430; 38 Ill Reg 17174) updating the reporting requirement exemptions for extremely hazardous substances (e.g., ammonia, chlorine) to match federal requirements in 49 CFR 355.31 that were effective 1/1/14. Businesses that produce, store or transport these substances and municipalities that maintain emergency operations plans are affected by this rulemaking.

Questions/requests for copies/comments through 9/29/14: Traci Burton, IEMA, 1035 Outer Park Drive, Springfield IL 62704, 217/785-9860, TDD 217/782-6133.

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loting and transmission of materials in SURS Board elections and updates procurement rules. Purchase orders of \$25,000 or less (formerly \$10,000) do not require the standard contract addendum, while expenditures of \$50,000 or less (formerly \$25,000) do not require competitive bidding. With regard to trustee elections, the SURS Board Secretary may determine the voting methods, instructions and security measures to be used and may procure a qualified election services vendor. Election materials will not be mailed out 5 days or fewer prior to a Board election, but may be electronically transmitted if available and authorized by the eligible voter. A member's identity as an eligible voter must be authenticated before he or she can receive replacement election materials (e.g., a new ballot to replace an incorrectly marked or spoiled ballot). Since 1st Notice, a Section of the rulemaking that defined "annualized rate of earnings" in accordance with Public Act 98-599 (pension reform) has been removed in light of recent court rulings challenging the constitutionality of that Act.

Questions/requests for copies: Michael Weinstein (217/378-8825) or Albert J. Lee (217/378-8861), SURS, 1901 Fox Drive, Champaign IL 61820.

PUBLIC ASSISTANCE

The DEPARTMENT OF HUMAN SERVICES adopted an emergency amendment to "Aid to the Aged, Blind or Disabled" (89 Ill Adm Code 113; 38 Ill Reg 17470), effective 7/30/14 for a maximum of 150 days. An identical proposed amendment appears in this week's *Illinois Register* at 38 Ill Reg 17183. The rulemakings implement PA 98-674, effective 6/30/14, which increases the monthly cash assistance allowance for certain non-U.S. citizens whose eligibility for Supplemental Security Income (SSI) has expired. (Federal law allows certain groups of refugees, asylum seekers, and victims of human trafficking to qualify for SSI for up to 7 years.) These persons may receive an allowance equal to 90% of the current maximum SSI monthly payment, or \$648.90 (formerly, no more than \$500).

Questions/requests for copies/comments on the proposed rulemaking through 9/29/14: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted preemptory amendments to "Pay Plan" (80 Ill Adm Code 310; 38 Ill Reg 17481) effective 7/29/14, implementing a collective bargaining agreement. The amendments implement a memorandum of understanding with the Teamsters (Local 700, Cook County) assigning the sign hanger and sign hanger foreman titles at the Department of Transportation to a Teamsters bargaining unit and corresponding pay rates.

Questions/requests for copies: Jason Doggett, DCMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-7964, fax 217/524-4570, e-mail: CMS.PayPlan@illinois.gov.

Meeting Action

JCAR MEETING ACTION

At its 8/12/14 meeting, the Joint Committee on Administrative Rules withdrew a filing prohibition against a proposed rulemaking and extended the Second Notice periods for the following rulemakings an additional 45 days: Illinois Commerce Commission, "Governmental Electric Aggregation" (83 Ill Adm Code 470; 37 Ill Reg 20544); Illinois Emergency Management Agency, "General Provisions for Radiation Protection" (32 Ill Adm Code 310; 38 Ill Reg 10730), "Licensing of Radioactive Material" (32 Ill Adm Code 330; 38 Ill Reg 10752), "Licensing Requirements for Source Material Milling Facilities" (32 Ill Adm Code 332; 38 Ill Reg 10760), and "Licensing and Safety Requirements for Irradiators" (32 Ill Adm Code 346; 38 Ill Reg 10768); Department of Insurance, "Administrative Hearing Procedures" (50 Ill Adm Code 2402, 38 Ill Reg 7731); Department of Public Health, "Practice and Procedure in Administrative Hearings" (77 Ill Adm Code 100; 37 Ill Reg 15608).

DEPARTMENT OF HUMAN SERVICES

JCAR withdraws the Filing Prohibition against the DHS rulemakings repealing the current Part titled "Partner Abuse Intervention" (89 Ill Adm Code 501; 37 Ill Reg 19437) and adopting a replacement Part also titled "Partner Abuse Intervention" (89 Ill Adm Code 501; 37 Ill Reg 19457), contingent upon and effective with DHS adopting the agreed-upon modifications to the new Part. The Filing Prohibition was issued at JCAR's 6/17/14 meeting.