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Joint Committee on Administrative Rules  
Illinois General Assembly

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*Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.*

## New Rules

### ■ CANNABIS CULTIVATION

The DEPARTMENT OF AGRICULTURE adopted amendments to Compassionate Use of Medical Cannabis Pilot Program (8 IAC 1000; 38 Ill Reg 22275) effective 3/25/15 that make changes to the process of applying for a cannabis cultivation center license from DOA. A companion emergency rule (38 Ill Reg 17772), effective 8/8/14, expired on 1/4/15. The amendments specify how many points of a cultivation center permit applicant's score will be determined by each section of an application. Required elements of an application (totaling 1,000 points) are scored as follows: cultivation plan, 300 points; security plan, 200 points; product safety and labeling, 150 points; facility suitability, 150 points; staffing plan, 100 points; and business plan, 100 points. In

addition, up to 160 bonus points will be awarded for optional submissions such as labor and employment practices, environmental impact statements and proof of minority, female or disabled person majority business ownership as defined in the Business Enterprise for Minorities, Females and Persons with Disabilities Act. The rulemaking also allows applicants who are awaiting local zoning decisions to submit verification of zoning approval no later than 60 days after submitting the remainder of their applications to DOA. Applicants for cultivation center permits and local zoning authorities are affected by this rulemaking.

### ■ VEHICLE SCALES

DOA also adopted amendments to the Part titled Weights and

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## Proposed Rulemakings

### ■ GRANT ACCOUNTABILITY

The GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET proposed a new Part titled Grant Accountability and Transparency Act (44 IAC 7000; 39 Ill Reg 5278) implementing Public Act 98-706. The Act and this Part establish the Grant Accountability and Transparency Unit (GATU) within GOMB. The Unit's respons-

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ibilities include compiling a comprehensive list of all State grant programs (Catalog of State Financial Assistance), their purposes and their objectives; requiring grant applicants to understand grant management, financial disclosure and conflict of interest rules; maintaining a list of individuals and entities that have been barred from receiving

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**NEW RULES:** Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.

**PROPOSED RULES:** Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.

**PEREMPTORY RULES:** Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.

■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

**QUESTIONS/COMMENTS:** Submit mail, email or phone calls to the agency personnel listed below each summary.

**RULE TEXT:** Available on the Secretary of State ([www.cyberdriveillinois.com](http://www.cyberdriveillinois.com)) and General Assembly ([www.ilga.gov](http://www.ilga.gov)) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

## New Rules

(cont. from page 1)

Measures Act (8 IAC 600; 38 III Reg 8057), effective 3/26/15, requiring DOA approval prior to construction or relocation of any vehicle scale and establishing criteria for condemnation, seizure and destruction of vehicle scales that are not in compliance with DOA rules. Applications for approval to construct or move a vehicle scale must be submitted in writing and include a construction/relocation plan for the scale, notarized signatures of the owner/operator or facility manager, and documentation that the vehicle scale will comply with DOA rules. A similar procedure is required to obtain variances from vehicle scale construction requirements. DOA must approve or deny applications in writing within 20 business days (changed since 1<sup>st</sup> Notice from 30 business days). If a vehicle scale fails three successive inspections within a calendar year, DOA will remove the scale from service and notify the owner of intent to seek condemnation. The owner, operator or manager of the scale may request a follow-up inspection by an unbiased, qualified inspector at his or her own expense. If the scale can be repaired and brought back into compliance, repairs must be completed within 30 business days after the follow-up inspection. If it cannot be repaired, DOA or a local authority (e.g., city sealer) will retain control of the noncompliant scale until it is either repaired or disposed of

in an authorized manner within 10 days, or longer if the rejecting authority allows. A decision to condemn a vehicle scale is final but is subject to judicial review. The rulemaking also adds specifications for shallow pit vehicle scales, which must be fully electronic, installed to ensure water drainage away from the pit area, and include a concrete floor and concrete walls with at least 3 feet clearance on each side. Since 1<sup>st</sup> Notice, in addition to the changes noted above, an effective date of 5/1/15 has been added for the requirements applicable to shallow pit scales; a requirement to equip such scales with manufacturer approved rub rails has been added, and the 30-day deadline for repairing scales that fail inspection has been changed to "as expeditiously as possible". Also, a National Institute of Standards and Technology (NIST) Handbook 44 standard for vehicle-tank meter ticket printers that has previously been excluded from DOA rules will be adopted effective 4/1/16. Finally, proposed provisions stating that scales not repaired after a follow-up inspection would be destroyed at the expense of the owner have been revised. Those affected by this rulemaking include grain elevators and other facilities that use vehicle scales.

Questions/requests for copies of the 2 DOA rulemakings: Susan Baatz, DOA, State Fairgrounds, Springfield IL 62794-9281, 217/524-6905, fax 217/785-4505.

### ■ VACCINATIONS

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to 6 Parts: Hospital Licensing Requirements (77 IAC 250; 38 III Reg 19431), Skilled Nursing and Intermediate Care Facilities Code (77 IAC 300; 38 III Reg 19444), Sheltered Care Facilities Code (77 IAC 330; 38 III Reg 19458), Illinois Veterans' Homes Code (77 IAC 340; 38 III Reg 19470), Intermediate Care for the Developmentally Disabled Facilities Code (77 IAC 350; 38 III Reg 19478), and Long-Term Care for Under Age 22 Facilities Code (77 IAC 390; 38 III Reg 19491), all effective 3/25/15, implementing Public Act 98-271. The Part 250 amendments require hospital procedures for offering pneumococcal vaccines to patients to be in accordance with the most recent recommendations of the federal Centers for Disease Control and Prevention, and remove language requiring only patients age 65 and older to be offered these vaccines. Amendments to Parts 300, 330, 340, 350 and 390 require all residents of nursing homes and long term care facilities for the developmentally disabled (instead of only residents age 65 and older) and residents of pediatric long term care facilities to be offered pneumococcal vaccine. Hospitals and long term care facilities are affected by these rulemakings.

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# Proposed Rulemakings

(cont. from page 1)

State grants; and insuring that all State agencies that award grants adopt standardized rules for awarding and monitoring grant monies. Many provisions of the Part are based upon federal Uniform Requirements in 2 CFR 200, which apply to federal “pass through” grants channeled through a State agency to a non-federal entity. State agencies may not impose additional or inconsistent requirements unless specifically authorized by State or federal law. The Part also defines numerous terms related to the grant process. Those affected by this rulemaking include non-profit organizations and local governments that may apply for federally funded financial assistance.

Questions/requests for copies/comments through 5/26/15: Mary-Lisa Sullivan, GOMB, 100 W. Randolph St., Suite 15-100, Chicago IL 60601, [OMB.GATA@illinois.gov](mailto:OMB.GATA@illinois.gov). A public hearing on these rules will take place Friday, April 17, from 10 a.m. to noon at the Stratton Office Building (CDB Conference Room, 349C), 401 S. Spring St., Springfield.

## ■ RECREATIONAL TRAILS

The DEPARTMENT OF NATURAL RESOURCES proposed a new Part titled Recreational Trails Program (17 IAC 3090; 39 Ill Reg 5325). The federally funded grant program helps local governments provide and maintain motorized and non-

## HARNESS RACING

The ILLINOIS RACING BOARD adopted an emergency amendment to Entries and Declarations (11 IAC 1312; 39 Ill Reg 5514), effective 4/1/15 for a maximum of 150 days, and proposed an identical permanent rule at 39 Ill Reg 5347. The rules permit racetracks to uncouple

motorized trails. The rulemaking provides 80% reimbursement, up to a maximum of \$200,000, for non-motorized trails and sets no limit on funding for motorized trails or for land acquisition. Applicants may use funds from other DNR grant programs in combination with funds from this program. Funds may be used to acquire land, develop new trails or restore trails damaged by unauthorized use. Funds cannot be used to acquire land by eminent domain or to construct motorized trails in federal or State-protected wilderness or conservation areas. Funded projects must be open to the general public for use during reasonable times and days of the year. The Part also includes evaluation and compliance rules and a reimbursement schedule, which phases out after 15 years, for projects that are sold or transferred. Local governments may be affected by this rulemaking.

Questions/requests for copies/comments through 5/26/15: Anne Mergen, DNR, One Natural

## Emergency Rule

harness racing entries that share the same owner. Entries may be coupled with the permission of the steward.

Questions/requests for copies/comments on the proposed rulemaking through 5/26/15: Mickey Ezzo, IRB, 100 W. Randolph, Ste. 7-701, Chicago IL 60601, 312/814-5017.

Resources Way, Springfield IL 62702-1271, 217/782-1809.

## ■ ASSISTED LIVING

The DEPARTMENT OF PUBLIC HEALTH proposed an amendment to Assisted Living and Shared Housing Establishment Code (77 IAC 295; 39 Ill Reg 5339) doubling the nonrefundable license fees for assisted living and shared housing establishments. Fees for assisted living establishments are increased from the basic fee of \$1,000 plus \$10 per licensed unit to \$2,000 plus \$20 per licensed unit. The license fee for shared housing establishments increases from \$500 to \$1,000. Small businesses and non-profits who operate assisted living or shared housing establishments are affected by this rulemaking.

Questions/requests for copies/comments through 5/26/15: Elizabeth Paton, DPH, 535 W. Jefferson St., 5<sup>th</sup> Flr., Springfield IL 62761, 217/782-2043, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

## New Rules

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Questions/requests for copies of the 6 DPH rulemakings: Elizabeth Paton, DPH, 535 W. Jefferson St., 5<sup>th</sup> Fl., Springfield IL 62761, 217/782-2043, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

### ■ CHILD/FOSTER CARE

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted amendments to Background Checks (89 IAC 385; 38 Ill Reg 13570), effective 3/25/15, which dictate the applicability and nature of the requirement that employees or residents of child care facilities or foster homes undergo background checks. Changes include the following: raising from 17 to 18 the age at which fingerprinting and criminal history background checks are necessary for adult members of the household; and clarifying that the background check requirement extends also to non-licensed service providers with access to children for whom DCFS is responsible and all members of that provider's household, to stepchildren or related children of the provider who are regularly in the home for visitation but do not reside there, persons 13 or older who plan to move into a licensed foster family home, and to all direct child welfare agency employees. Since 1<sup>st</sup> Notice, proposed changes to Appendix A (list of disqualifying criminal convictions) have been removed from the rulemaking pending further review. This rulemaking may affect DCFS-licensed child

welfare agencies, child care facilities, and foster homes.

Questions/requests for copies: Jeff Osowski, DCFS, 406 East Monroe, Station #65, Springfield IL 62701-1498; 217/524-1983; [cfpolicy@idcfs.state.il.us](mailto:cfpolicy@idcfs.state.il.us).

### AIR POLLUTION

The POLLUTION CONTROL BOARD adopted amendments to Definitions and General Provisions (35 IAC 211; 38 Ill Reg 23264) and Air Quality Standards (35 IAC 243; 38 Ill Reg 23289), both effective 3/24/15, incorporating federal air pollution standards and exemptions. (The rulemakings are identical in substance to federal standards and are exempt from Second Notice review by JCAR under the Illinois Administrative Procedure Act.) The Part 211 amendment incorporates USEPA's exemption of 2-amino-2-methyl-1-propanol (AMP) from the definition of volatile organic compound. Amendments to Part 243 incorporate by reference new USEPA-designated testing methods for pollution monitoring. Those affected by these rulemakings include businesses who use AMP or emit air pollutants.

Questions/requests for copies of the 2 PCB rulemakings: Michael J. McCambridge, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601, 312/814-6924, [michael.mccambridge@illinois.gov](mailto:michael.mccambridge@illinois.gov). Please reference docket R 15-5 for the Part 211 rulemaking and R15-

4 for the Part 243 rulemaking. Copies of the Board's opinion and order can be obtained by calling 312/814-3620 or at <http://www.ipcb.state.il.us>.

### ■ VIDEO GAMING

The ILLINOIS GAMING BOARD adopted an amendment to Video Gaming (General) (11 IAC 1800; 38 Ill Reg 19901) effective 3/27/15, implementing and clarifying a provision of Public Act 98-31. The act authorizes the vendor of the Central Communications System to hold a license as a manufacturer or distributor, but prohibits this vendor from collecting or using data on gaming devices or individual game performance. The rulemaking clarifies that the prohibition against data gathering applies only to data from competing licensees, not to data gathered by the licensee regarding its own operations.

Questions/requests for copies: Emily Mattison, IGB, 160 N. La Salle St., Chicago IL 60601, 312/814-7253.

## Second Notices

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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 Committee's May 12, 2015 meeting at the Stratton Office Building, Springfield. Other items that have not been listed in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be sent to JCAR using the contact information on page 1.

### **DEPT OF INSURANCE**

Legal Reserve Life Bank (Repealer) (50 IAC 2101) proposed 1/23/15 (39 Ill Reg 1509)

Accident and Health Expense Reporting (Repealer) (50 IAC 2043)  
proposed 1/23/15 (39 Ill Reg 1499)

Standard Health Applications (Repealer) (50 IAC 2030) proposed 1/23/15 (39 Ill Reg 1459)

### **DEPARTMENT OF NATURAL RESOURCES**

Conservation Stewardship Program (17 IAC 2580) proposed 2/13/15 (39 Ill Reg 2235)

### **DEPT OF MILITARY AFFAIRS**

Illinois Military Family Relief Fund Act (95 IAC 200) proposed 9/19/14 (38 Ill Reg 18838)

### **POLLUTION CONTROL BOARD**

Permits (35 IAC 309) proposed 10/3/14 (38 Ill Reg 19416)

Water Use Designations and Site-Specific Water Quality Standards (35 IAC 303)  
proposed 10/3/14 (38 Ill Reg 19401)

Water Quality Standards (35 IAC 302) proposed 10/3/14 (38 Ill Reg 19366)

### **STATE BOARD OF ELECTIONS**

Campaign Financing (26 IAC 100) proposed 2/6/15 (39 Ill Reg 2056)

Practice and Procedure (26 IAC 125) proposed 2/6/15 (39 Ill Reg 2106)