

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

Emergency Rule

■ MEDICAL CANNABIS

The DEPARTMENT OF PUBLIC HEALTH adopted emergency amendments to the Part titled Compassionate Use of Medical Cannabis Pilot Program (77 IAC 946; 42 Ill Reg 22254), effective 12/1/18 for a maximum of 150 days. Identical proposed amendments appear in this week's *Illinois Register* at 42 Ill Reg 21571. The rulemakings implement Public Act 100-1114, which required emergency rule implementation by DPH no later than 12/1. The PA and this rulemaking create an Opioid Alternative Pilot Program through which patients with diseases or conditions for which an opioid has been or could be prescribed may obtain medical cannabis. DPH is also allowing provisional registration of patients and caregivers awaiting approval of an application for enrollment in the DPH cannabis patient registry

or who are terminally ill, eliminating the requirement of a fingerprint-based background check, and removing references to disqualifying criminal offenses. Provisional registration is valid for 90 days and may be renewed for an additional 90 days if DPH has not yet approved or denied the patient's application. To participate in the Opioid Alternative Pilot Program, patients must be Illinois residents, at least 21 years old, and must submit a co-payment of \$10 for each 90-day registration period. The patient's physician must verify the patient's eligibility to participate in the program, but this verification will not constitute a prescription for medical cannabis. Opioid Alternative participants will not be registered as medical cannabis cardholders but will have the same access to licensed

(cont. page 2)

Proposed Rulemakings

HISTORICAL HORSE RACING

The ILLINOIS RACING BOARD proposed a new Part titled Historical Horse Racing (11 IAC 327; 42 Ill Reg 21574) allowing placement at racetracks of Historical Horse Racing (HHR) terminals through which players can place pari-mutuel wagers on previously run horse races randomly selected from a video library of thousands of races run at licensed Illinois horse racing tracks. Players will not receive identifying information (e.g., the name of the racetrack, horse or jockey, or the date of the race) but will be provided each horse's odds and statistics on its past performance prior to placing their wagers. (IRB states that HHR, currently offered in four other states, will provide a new wagering product for Illinois racetracks, which do not have slot

(cont. page 2)

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) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

Emergency Rule

(cont. from page 1)

cannabis dispensing organizations as registered patients. The rulemaking also implements provisions of the School Code allowing students who have been prescribed medical cannabis to use and possess it on school grounds or on school buses; expands eligibility for reduced patient registration and renewal fees to include persons receiving

railroad retirement, Teachers' Retirement System or State Universities Retirement System disability benefits; and allows physicians to notify DPH if they believe that a registered cannabis patient no longer suffers a debilitating medical condition, no longer has a bona fide patient relationship with the physician, or that continued use of medical cannabis is contraindicated for that patient (e.g., due to interaction with other

medication). If DPH receives such notification from a physician, the patient's registry ID card will be revoked. Those affected by these rulemakings include medical cannabis dispensing organizations and physicians.

Questions/requests for copies/comments on the proposed rulemaking through 1/22/19: Erin Conley, DPH, 535 W. Jefferson St., 5th Fl, Springfield IL 61761, 217/782-2043, dph.rules@illinois.gov

Proposed Rulemakings

(cont. from page 1)

machines.) HHR may be offered by licensees that have conducted at least 40 days of live racing for two consecutive calendar years. The new Part outlines procedures for wagering, payouts, vouchers, terminal allocation, and retention of monies wagered on HHR.

Questions/requests for copies/comments through 1/22/19: Mickey Ezzo, IRB, 100 W. Randolph, Suite 5-700, Chicago IL 60601, 312/814-5017, mickey.ezzo@illinois.gov

■ BUILDING CODES

The CAPITAL DEVELOPMENT BOARD proposed amendments to the Part titled Illinois Energy Conservation Code (71 IAC 600; 42 Ill Reg 21491) updating its incorporation of the International Energy Conservation Code (IECC) from the 2015 to the 2018 edition. The rulemaking also implements Illinois-specific

adaptations and exceptions to the IECC; requires State-funded facilities to comply with the IECC (currently, with ASHRAE standards); removes the variance process for State-funded facilities; and allows exemptions for State buildings that are currently allowed for private commercial buildings. Those affected by this rulemaking include construction, renovation, and architectural businesses; businesses or non-profits seeking building permits; and municipalities.

Questions/requests for copies/comments through 1/22/19: Lisa Hennigh, CDB, 401 S. Spring St., 3rd Fl, Springfield IL 62706, 217/524-6408, fax 217/524-4208, lisa.hennigh@illinois.gov

■ ADOPTION

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES proposed amendments to Adoption Services for Children for Whom

the Department of Children and Family Services is Legally Responsible (89 IAC 309; 42 Ill Reg 21529) reflecting statutory changes to the Adoption Act from Public Acts 99-345 and 99-832. The rulemaking requires disclosure to prospective adoptive parents of requests for post-adoption contact by the birth parent or parents, and of who selected the adoptive parents and why. It adds and amends various definitions, including adoption dissolution (a child's removal from an adoptive placement after the adoption has been finalized), placement disruption (removal before an adoption is finalized), secondary placement (occurring after a placement disruption or adoption dissolution), and birth grandparent and birth relative (for purposes of the Adoption Registry). The rulemaking also recognizes parties to a civil union as persons who may adopt and exempts adoptive parents of

(cont. page 3)

New Rules

ADULT LEARNERS

The ILLINOIS COMMUNITY COLLEGE BOARD adopted a new Part titled High School Diploma for Adult Learners (23 IAC 1506; 42 Ill Reg 8375), effective 11/21/18, implementing PA 100-514. The rulemaking establishes procedures under which eligible entities (community colleges, school districts, intermediate service centers, or non-profit entities partnering with a Regional Office of Education) may apply to ICCB

for authority to issue high school diplomas to adults when the applying entity has been unable to reach an agreement with a local secondary or unit school district for that purpose. Applications must include a statement of need that addresses demographic, economic and employment trends in the area; the program's mission, structure and target audience; a description of the program and its instructional activities; and its recruitment, enrollment and retention

strategies. Initial ICCB approvals shall be for 2 years with renewals every 4 years thereafter. Since 1st Notice, ICCB has clarified some aspects of the renewal process. Community college districts, school districts and certain non-profits may be affected.

Questions/requests for copies: Matt Berry, ICCB, 401 E. Capitol Ave., Springfield IL 62701-1711, 217/785-7411, matt.berry@illinois.gov

(cont. page 4)

Proposed Rulemakings

(cont. from page 2)

children previously adopted in foreign countries from the 6-month Illinois residency requirement for adoption. Finally, the rulemaking removes a reference to the Adoption Information Center of Illinois, a private firm that formerly managed the Adoption Listing Service (now managed directly by DCFS). Current and prospective adoptive parents, adoptees and adoption agencies are affected.

Questions/requests for copies/comments through 1/22/19: Jeff Osowski, DCFS, 406 E. Monroe St., Station #65, Springfield IL 62701-1498, 217/524-1983, TDD 217/524/3715, fax 217/557-0692, e-mail: cfpolicy@idcfs.state.il.us.

ELECTRIC SUPPLIERS

The ILLINOIS COMMERCE COMMISSION proposed

amendments to Environmental Disclosure (83 IAC 421; 42 Ill Reg 21546), Certification of Alternative Retail Electric Suppliers (83 IAC 451; 42 Ill Reg 21556), and Renewable Portfolio Standard and Clean Coal Standard for Alternative Retail Electric Suppliers and Utilities Operating Outside Their Service Areas (83 IAC 455; 42 Ill Reg 21566), all concerning information provided to customers and to ICC by alternative retail electric suppliers (ARES) and electric utilities. The Part 421 rulemaking allows utilities and ARES to electronically file quarterly environmental disclosure statements without having to also provide the data to ICC in paper, CD or DVD format. On customer billing disclosure statements, electric utilities must include a pie chart depicting their quantity of zero emission credits from zero emission power facilities as a percentage of their total actual customer load. Billing

disclosures shall be made available either by mail or by a bill message or electronic mail containing a link directly to the disclosed information. Amendments to Part 451 require ARES to provide ICC's electric education internet address to all residential and small commercial retail customers, and allow annual compliance reports to be submitted electronically. Finally, the Part 455 rulemaking clarifies that a retail electric supplier does not need to file an annual report of energy purchased from a clean coal facility if it did not purchase energy from a facility meeting the criteria of the Illinois Power Agency Act.

Questions/requests for copies/comments on the 3 ICC rulemakings through 1/22/19: Elizabeth Rolando, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/782-7434. Please reference Docket 18-1603.

New Rules

(cont. from page 3)

■ TEACHERS' RETIREMENT

The TEACHERS' RETIREMENT SYSTEM adopted amendments to The Administration and Operation of the Teachers' Retirement System (80 IAC 1650; 42 Ill Reg 16477), effective 11/20/18, implementing a provision of Public Act 100-587. The rulemaking establishes when an employer (e.g., school district) is subject to an excess cost threshold of 3% rather than 6% and explains how the employer contribution to the affected System member's pension is determined. (The excess cost threshold determines when a school or school district, rather than TRS, must provide the additional System contributions needed to cover the corresponding increase in a teacher's pension generated by a salary increase in excess of the threshold. The threshold is intended to discourage school districts from spiking teacher pensions by granting large salary hikes just before retirement.) Other provisions address situations in which collective bargaining agreements or contracts provide exemptions from employer contributions and under what conditions these exemptions will be revoked or expire. For System members not covered by collective bargaining agreements, exemptions from employer contributions are permitted if the policy was in effect prior to 6/4/18. School districts will be affected by this rulemaking.

Questions/requests for copies: Marcilene Dutton, TRS, 2815 W. Washington St., P.O. Box 19253, Springfield IL 62794-9253, 217/814-2041.

INSURANCE

The DEPARTMENT OF INSURANCE adopted amendments to Minimum Standards for Individual and Group Medicare Supplement Insurance (50 IAC 2008; 42 Ill Reg 12464), effective 11/26/18. The rulemaking aligns the Part with federal mandates under the Medicare Access and CHIP Reauthorization Act of 2015, which prohibits sale of Medicare supplement policies covering Part B deductibles to persons who become newly eligible for Medicare due to age or disability on or after 1/1/20. This rulemaking also prohibits sale of Medicare supplement policies with a "ladle-shaped" premium structure that temporarily lowers rates for several years after the insured has passed age 65.

Questions/requests for copies: Kevin Fry, DOI, 320 W. Washington St., Springfield IL 62767, 217/782-1756.

■ REAL ESTATE APPRAISERS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to Real Estate Appraiser Licensing (68 IAC 1455; 42 Ill Reg 15525), effective 11/26/18, implementing new educational requirements that align with the minimum

criteria adopted by the national Appraiser Qualifications Board of The Appraisal Foundation. Licensure as a residential real estate appraiser will now require 1,500 hours of experience obtained over at least 12 months (formerly, 2,500 hours over 24 months) and other education options have been added for persons without a bachelor's degree (formerly, a bachelor's degree or higher was required). For licensure as a general real estate appraiser, 3,000 hours experience over at least 18 months (formerly, 30 months) will be required. The rulemaking also allows DFPR to send notices by e-mail when a license holder may lose a license due to unpaid taxes, child support or State-guaranteed student loans, and updates an incorporation by reference. Real estate appraisers and their employers are affected.

Questions/requests for copies: Craig Cellini, DFPR, 320 W. Washington St., 3rd Fl., Springfield IL 62786, 217/785-0813, fax 217/557-4451.

■ WASTE DISPOSAL

The POLLUTION CONTROL BOARD adopted amendments to Identification and Listing of Hazardous Waste (35 IAC 721; 42 Ill Reg 9980) and Standards Applicable to Generators of Hazardous Waste (35 IAC 722; 42 Ill Reg 10808), both effective 11/19/18. These rulemakings are part of a consolidated PCB docket correcting and updating

(cont. page 5)

New Rules

(cont. from page 4)

hazardous waste handling, underground injection control, and municipal solid waste landfill, storage, transport and disposal rules to align with federal EPA regulations approved during 2016 and 2017. Small businesses and small

municipalities that dispose of or collect solid or hazardous waste may be affected by these rulemakings.

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. Please reference consolidated docket R17-14/R17-15/R18-11/R18-31. Copies of the Board's opinion and order may be obtained by calling 312/814-3620 or downloaded from the Board's website at <http://www.ipcb.state.il.us>.

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 Committee's December 11, 2018 meeting.

CAPITAL DEVELOPMENT BOARD

Capital Development Board Procurement Practices for the Quincy Veterans' Home (44 IAC 930; 42 Ill Reg 17282) proposed 10/5/18

DEPT OF EMPLOYMENT SECURITY

Claims, Adjudication, Appeals and Hearings (56 IAC 2720; 42 Ill Reg 16965) proposed 9/28/18

Administrative Hearings and Appeals (56 IAC 2725; 42 Ill Reg 16978) proposed 9/28/18

Employment (56 IAC 2732; 42 Ill Reg 17002) proposed 9/28/18

Notices, Records, Reports (56 IAC 2760; 42 Ill Reg 17008) proposed 9/28/18

Payment of Unemployment Contributions, Interest and Penalties (56 IAC 2765; 42 Ill Reg 17028) proposed 9/28/18

Collection of Unemployment Contributions (56 IAC 2790; 42 Ill Reg 17048) proposed 9/28/18

Payment of Benefits (56 IAC 2830; 42 Ill Reg 17052) proposed 9/28/18

DEPT OF FINANCIAL AND PROFESSIONAL REGULATION

Illinois Credit Union Act (38 IAC 190; 42 Ill Reg 17285) proposed 10/5/18

DEPT OF HEALTHCARE AND FAMILY SERVICES

Medical Payment (89 IAC 140; 42 Ill Reg 16364) proposed 8/31/18

DEPT OF INSURANCE

Premium Trust Fund Account (Repealer) (50 IAC 3113; 42 Ill Reg 18372) proposed 10/12/18

IL COMMERCE COMMISSION

Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities (83 IAC 590; 42 Ill Reg 15516) proposed 8/17/18

Reports of Accidents or Incidents by Persons Engaged in the Transportation of Gas, or Who Own or Operate Gas Pipeline Facilities (83 IAC 595; 42 Ill Reg 15521) proposed 8/17/18

OFFICE OF THE TREASURER

Illinois Public Treasurers' Investment Pool for Public Treasurers in the State of Illinois (New Part) (74 IAC 740; 42 Ill Reg 17109) proposed 9/28/18