

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 Rules

■ UNEMPLOYMENT BENEFITS

The DEPARTMENT OF EMPLOYMENT SECURITY adopted a new Part by emergency rulemaking titled Special Programs (56 IAC 2870; 45 Ill Reg 6310) effective 4/29/21 for a maximum of 150 days. The emergency rule establishes a Short Time Compensation (STC) program under the Unemployment Insurance Act, through which employers may enable employees who work reduced hours (instead of being laid off entirely) to receive partial unemployment benefits. To participate in the program, known as WorkShareIL, an employer must submit an STC plan to DES for approval. Each plan must have a start date on a Sunday and an end date no later than the last Saturday of the 12th full calendar month after the month of the start date. An STC plan can be revoked if the employer fails to abide by any assurances made in the plan (e.g.,

COVID-19 ACTIONS

Numerous Executive Orders and emergency rules have been issued in response to the COVID-19 pandemic. Executive Orders of the Governor concerning this pandemic can be accessed at <https://www2.illinois.gov/government/executive-orders>. Emergency rules adopted by State agencies will be summarized in The Flinn Report as they are published in the *Illinois Register*.

that it will continue to provide health and retirement benefits, or that it will not hire new employees while current employees are working reduced hours). Small businesses that wish to participate in the STC program are affected by this emergency rule.

DES also adopted an emergency amendment to Periods of

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Proposed Rulemakings

■ CONSUMER LOANS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to the Parts titled Consumer Installment Loan Act (38 IAC 110; 45 Ill Reg 6086) and Payday Loan Reform Act (38 IAC 210; 45 Ill Reg 6117) and proposed new Parts titled Predatory Loan Prevention Act (38 IAC 215; 45 Ill Reg 6137), Retail Installment Sales Act (38 IAC 216; 45 Ill Reg 6146) and Motor Vehicle Retail Installment Sales Act (38 IAC 217; 45 Ill Reg 6151), all implementing the Predatory Loan Prevention Act (PLPA) provisions of PA 101-658, which was effective 3/23/21. The PLPA and the proposed rules prohibit lenders from charging annual percentage rates (APR) in excess of 36% on consumer loans and require consumer lenders to provide a

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ADOPTED RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.
PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.
PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.
■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.
QUESTIONS/COMMENTS: Submit mail, email or phone calls to the agency personnel listed below each summary.
RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

Adopted Rules

■ FIREARM DEALERS

The ILLINOIS STATE POLICE adopted amendments to the Part titled Firearm Dealer License Certification Act (20 IAC 1232; 45 Ill Reg 591) effective 4/29/21, implementing statutory requirements for video surveillance security systems at retail locations where licensees certified under the Act sell, lease or transfer firearms. Effective 1/2/21, a certified licensee operating a retail location open to the public must operate and maintain in good working order a 24/7 video surveillance system. This system

must, at a minimum, record and monitor all entrances and exits (including walkways leading into the retail location and parking areas in the immediate vicinity) and all interior areas where firearms in inventory are displayed, handled, sold, leased, transferred or stored. The surveillance system must monitor exterior windows, roof hatches or skylights, window or wall mounted air conditioning units, and cash register/checkout areas, but must not monitor restrooms or other areas specifically prohibited by law. If the retail location exists in a residence or other area of a residential

property, the video surveillance system must cover all operational entrances and exits, windows, roof hatches, skylights, and window or wall mounted air conditioners if any of these openings could be used as a means of entry into or exit from the retail location. The system must operate during hours when the retail location is open to the public and when the residential location is vacant. Surveillance cameras should be installed in a manner that avoids backlighting or physical obstructions to the extent that these factors are within the

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Emergency Rules

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Extended Benefits (56 IAC 2970; 45 Ill Reg 6332), effective 4/29/21 for a maximum of 150 days, establishing the continuity of extended unemployment benefits under the federal CARES Act (PL 116-136) and Continued Assistance Act (PL 116-260). The rulemaking clarifies that there is no gap between CARES-authorized benefits and CAA-authorized benefits.

Questions/requests for copies of the 2 DES emergency rules: Kevin Lovellette, DES, 33 South State Street, Room 910, Chicago IL 60603, 312/793-1224, fax: 3 1 2 / 7 9 3 - 5 6 4 5 , Kevin.Lovellette@illinois.gov

UTILITY ASSISTANCE

The DEPARTMENT OF COMMERCE AND ECONOMIC

OPPORTUNITY adopted an emergency amendment to the Part titled Low Income Home Energy Assistance Program (47 IAC 100; 45 Ill Reg 6295), effective 4/29/21 for a maximum of 150 days. The emergency rule implements the Utility Disconnection Avoidance Program (UDAP) authorized by Executive Order 2021-7. The UDAP will assist utility customers who are or were participants in LIHEAP or the Percentage of Income Payment Plan (PIPP) between 10/1/18 and 5/31/21, and are now in imminent danger of disconnection of one or more utility services due to unpaid bills. Eligible home energy providers will use the payments received from UDAP to apply credits to household accounts in imminent danger of disconnection, between 4/1 and 6/30/21, if their account arrearage amounts are not reduced. The program receives State and federal funds; if sufficient

funds are available, UDAP may be extended to additional customers enrolled in LIHEAP or PIPP from 10/1/17 through 6/30/18. Information regarding customers who qualify for UDAP credits will be sent to DCEO by utility providers (not customers). Utility customers enrolled in LIHEAP and PIPP may be affected by this emergency rule.

Questions/requests for copies: Jolene Clarke, DCEO, 500 E. Monroe St., Springfield IL 62701, jolene.clarke@illinois.gov

■ NURSING HOMES

The DEPARTMENT OF PUBLIC HEALTH adopted an emergency amendment to Skilled Nursing and Intermediate Care Facilities Code (77 IAC 300; 45 Ill Reg 6354),

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Proposed Rulemakings

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written disclosure to consumers concerning the 36% APR rate cap. The new Part 215 establishes the PLPA cap and includes rules for calculating interest and fees on consumer loans. Amendments to Parts 110 and 210 and new Parts 216 and 217 require affected lenders to provide a PLPA cap disclosure to borrowers, stating that any installment contract with a PLPA APR over 36% is null and void and that no person or entity has any right to collect, receive, or retain any principal, fee, interest, or charges related to such a

contract. Amendments to Parts 110 and 210 require all consumer installment loans, payday loans and title-secured loans to be reported to a State database. Information that must be reported for loans other than title-secured loans includes the principal amount and term of the loan, its maturity date, the number of scheduled payments, and the security/collateral taken for the loan. The lender must also report when the loan is paid off, written off, closed, or defaulted; when a payment is missed; and when any security is repossessed or sold. The Part 110 rulemaking also clarifies that

a title-secured loan does not include any loan or credit transaction specifically intended to finance purchase of a motor vehicle. Payday lenders, motor vehicle lenders, and other retail or consumer installment lenders are affected by these rulemakings.

Questions/requests for copies/comments on the 5 DFPR rulemakings through 6/28/21: Craig Cellini, DFPR, 320 W. Washington, 2nd Fl., Springfield IL 62786, 217/785-0813, fax: 217/557-4451.

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Emergency Rules

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effective 5/1/21 for a maximum of 150 days, replacing emergency amendments (effective 12/2/20 and 12/18/20) that expired 4/30/21. The emergency rule requires frontline clinical and management staff at skilled and intermediate care facilities who are hired after 1/31/21 to undergo free COVID-19 training provided by the federal Centers for Medicare & Medicaid Services within 14 days after being hired. For frontline staff hired on or before that date, at least 50% were to have completed this training by 1/31/21, and all staff must have completed training by 2/28/21. Topics addressed by the training program include infection control, personal protective equipment, disinfection, screening, surveillance, cohorting (i.e., housing infected persons in separate areas from non-infected

persons), and caring for individuals with dementia during a pandemic. Frontline staff required to complete this training include facility medical directors and nursing directors, treating physicians, nurses, aides, rehabilitation coordinators, social service directors, and any licensed physical, occupational or speech therapists. Volunteers, students, contractors, consultants and caregivers who provide or engage in direct care or services to residents on behalf of a facility are also considered frontline staff who must complete the training program. Nursing homes are affected by this emergency rule.

■ HOME HEALTH SERVICES

DPH also adopted an emergency amendment to Home Health, Home Services, and Home Nursing Agency Code (77 IAC

245; 45 Ill Reg 6335) effective 5/3/21 for a maximum of 150 days. An identical proposed amendment appears in this week's *Illinois Register* at 45 Ill Reg 6156. The emergency and proposed amendments align the Part with federal regulations by allowing a health care professional (formerly, physician or podiatrist) to approve orders for home health services. Home health service and/or nursing agencies are affected by this emergency rule.

Questions/requests for copies/comments on the proposed Part 245 DPH rulemaking through 6/28/21: Tracey Trigillo, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

Adopted Rules

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control of the licensee, and should be either day/night cameras or have sufficient lighting to maximize the quality of recorded images. An accurate date and time stamp shall be displayed on all recorded video. Surveillance systems must have the ability to remain operational during a power outage, allow still images to be exported in an industry standard format (e.g., .jpg, .gif or .bmp), and allow recordings to be viewable at any time. Video recordings shall be retained by the certified licensee for a minimum of 90 days (longer if needed to investigate a loss or theft of firearms or to assist in any criminal, civil or administrative investigation) via cloud storage, external hard drives/servers, flash drives, discs, or any device that can adequately store video data. Access to the recording system shall be limited to authorized personnel in an area not accessible to the public; the licensee must make available to ISP upon request a current roster of authorized personnel with access to the recording system. Surveillance systems shall be tested at least quarterly and must be demonstrably operational and functioning upon inspection by ISP or any law enforcement agency. Persons and businesses that sell, lease or transfer firearms at retail are affected by this rulemaking.

Questions/requests for copies: Yvette C. Loizon, ISP, 801 S. Seventh St., Suite 1000-S, Springfield IL 62703, 217/782-7658.

■ MEDICAL CANNABIS

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Compassionate Use of Medical Cannabis Pilot Program (77 IAC 946; 44 Ill Reg 17323) effective 4/27/21, implementing Public Act 101-363, updating various definitions and incorporations, and expanding the list of debilitating conditions for which medical cannabis may be used. The rulemaking allows health care professionals (formerly, physicians), who may include physicians, advanced practice registered nurses, or physician assistants, to certify a patient's condition if they have established a bona fide professional-patient relationship with ongoing responsibility for the assessment, care and treatment of a patient's debilitating medical condition. Debilitating conditions now include autism, chronic pain, irritable bowel syndrome, migraines, osteoarthritis, anorexia nervosa, Ehlers-Danlos Syndrome, Neuro-Behcet's Autoimmune Disease, neuropathy, polycystic kidney disease, superior canal dehiscence syndrome, and intractable pain. The rulemaking also adds and clarifies provisions for veterans receiving care at federal Veterans Administration medical facilities to participate in the Opioid Alternative Pilot Program, under which persons who have been or would otherwise be prescribed opioids can receive medical cannabis instead. Since 1st Notice, DPH has removed a Section concerning disposal of cannabis

(which is handled by dispensaries under rules of the Department of Financial and Professional Regulation) and added a definition of physician. Health care professionals may be affected by this rulemaking.

Questions/requests for copies: Tracey Trigillo, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-1159, dph.rules@illinois.gov

SCHOOL RECYCLING

The STATE BOARD OF EDUCATION adopted a new Part titled K-12 Recycling Grant Program (23 IAC 267; 44 Ill Reg 18275) effective 4/27/21, implementing a provision of Public Act 101-10. The PA and this rulemaking establish a program that provides school districts, laboratory schools, special education cooperatives, charter schools, area career and technical education centers, and programs operated by regional offices of education or intermediate service centers grants of up to \$5,000 toward implementation or improvement of a recycling program. The State Superintendent will issue a Request for Proposals (RFP) when funding for the program is available; the RFP will include information on available funding and application procedures. Applications shall be evaluated on a point system based on need, plan quality, and sustainability.

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Proposed Rulemakings

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VEHICLE USE TAX

The DEPARTMENT OF REVENUE proposed amendments to Vehicle Use Tax (86 IAC 151; 45 Ill Reg 6159) clarifying two aspects of the Illinois Vehicle Title & Registration Law as it applies to private sales/transfers. The rulemaking establishes that the \$15 transfer/purchase tax applied when a vehicle is sold or transferred between immediate family members (spouses, parents and children, siblings) also applies when the vehicle transfer is between divorcing spouses and the transfer is made no later than 90 days after the divorce becomes final. The rulemaking also clarifies that the transferee in a private sales/transfer transaction has 30 days to file a return and pay the applicable tax.

Questions/requests for copies/comments through 6/28/21: Richard S. Wolters, DOR, 101 W. Jefferson St., Springfield IL 62794, 217/782-2844.

Adopted Rules

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Questions/requests for copies: Azita Kakvand, SBE, 100 N. First St., Springfield IL 62777-0001, 217/782-6510, rules@isbe.net

■ NOTARIES

The SECRETARY OF STATE adopted amendments to the Part

STATE RETIREMENT

The STATE EMPLOYEES' RETIREMENT SYSTEM proposed amendments to The Administration and Operation of the State Employees' Retirement System of Illinois (80 IAC 1540; 45 Ill Reg 6166) updating and clarifying various provisions. The rulemaking establishes that a State agency is not required to certify to SERS the date that a member terminates service if the member retires while on inactive or disabled status and has been off the agency's payroll for at least 5 years. Other provisions provide that any person claiming a survivor's annuity must file a written application with SERS and provide a copy of the death certificate for the deceased member or annuitant, and may be required to provide an affidavit that states his or her relationship to the deceased member. Gainful employment rules are moved to a stand-alone Section and reflect the process by which SERS suspends payment of disability, occupational death, or survivor's benefits to recipients who exceed limits on gainful employment/activity.

titled Notary Public Records (14 IAC 176; 44 Ill Reg 18862), effective 4/28/21, reflecting current methods of SOS record keeping. Notary public appointment records are maintained in an SOS computer database (former rule, which dated from 1989, stated that these records were kept on magnetic tape). Persons requesting the list of all current

Members whose occupational disability benefits terminate upon reaching age 65 or on the 5th anniversary of the benefit start date, whichever is later, become eligible for their retirement annuity as soon as the disability benefit ceases, provided the member remains disabled. Other provisions clarify the effects of worker's compensation awards, settlements and benefits and how they may offset SERS disability benefits; allow SERS to accept a Qualified Illinois Domestic Relations Order (generally used to divide pension benefits between divorced spouses) issued after a member's death; clarify the definition of licensed healthcare professional; and allow (rather than require) SERS, at its discretion, to pay for independent medical examinations, records, and reports needed to substantiate continued disability benefits.

Questions/requests for copies/comments through 6/28/21: Jeff Houch, SERS, 2101 S. Veterans Pkwy., PO Box 19255, Springfield IL 62794-9255, 217/524-8105, fax: 217/557-3943, jeff.houch@srs.illinois.gov

notaries, or of notaries for a particular county, may obtain a current list for an initial fee of \$3,600 and may obtain weekly updates for an annual fee of \$1,000. Lists of all notaries commissioned in a specific calendar year are \$900 and lists of all notaries commissioned in a

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Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. All rulemakings listed will be considered at the May 18, 2021 JCAR meeting, except for the Department of Insurance rulemaking, which will be considered at the June 15, 2021 JCAR meeting. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

IL STUDENT ASSISTANCE COMMISSION

General Provisions (23 IAC 2700; 45 Ill Reg 2620) proposed 3/5/21

Grant Program for Dependents of Correctional Officers (23 IAC 2731; 45 Ill Reg 2639) proposed 3/5/21

Grant Program for Dependents of Police or Fire Officers (23 IAC 2732; 45 Ill Reg 2645) proposed 3/5/21

Optometric Education Scholarship Program (23 IAC 2741; 45 Ill Reg 2651) proposed 3/5/21

Grant Program for Exonerees (23 IAC 2743; 45 Ill Reg 2658) proposed 3/5/21

John R. Justice Student Loan Repayment Program (23 IAC 2754; 45 Ill Reg 2662) proposed 3/5/21

Robert C. Byrd Honors Scholarship Program (Repealer) (23 IAC 2755; 45 Ill Reg 2668) proposed 3/5/21

Minority Teachers of Illinois (MTI) Scholarship Program (23 IAC 2763; 45 Ill Reg 2680) proposed 3/5/21

Golden Apple Scholars of Illinois Program (23 IAC 2764; 45 Ill Reg 2689) proposed 3/5/21

AIM HIGH Grant Pilot Program (23 IAC 2766; 45 Ill Reg 2694) proposed 3/5/21

SECRETARY OF STATE

General Not For Profit Corporations (14 IAC 160; 45 Ill Reg 2237) proposed 2/19/21

Uniform Limited Partnership Act (14 IAC 171; 45 Ill Reg 2240) proposed 2/19/21

Public Library Non-Resident Services (23 IAC 3050; 44 Ill Reg 18660) proposed 11/30/20

DEPT OF INSURANCE

Uniform Electronic Prior Authorization Form for Prescription Benefits (50 IAC 2018; 44 Ill Reg 14406) proposed 9/11/20

Adopted Rules

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specific month of a specific year are \$75. State, federal and local law enforcement agencies may obtain the same information at no charge if needed for an official investigation; other government

agencies, including county clerks, will be charged \$500 for the full list (\$1,000 annually for updates) or \$200 for a single county's list (\$500 annually for updates). Requestors are no longer asked to provide blank magnetic tape for producing copies of these lists.

Small businesses and municipal or county governments are affected by this rulemaking.

Questions/requests for copies: Pamela Wright, SOS, 298 Howlett Bldg., Springfield IL 62756, pwright@ilsos.gov