

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.

Proposed Rulemakings

■ HUNTING & TRAPPING

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to the following 17 Parts: General Hunting and Trapping on Department-Owned or –Managed Sites (17 IAC 510; 45 Ill Reg 7587); Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 IAC 530; 45 Ill Reg 7595); Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote, Bobcat and Woodchuck (Groundhog) Hunting (17 IAC 550; 45 Ill Reg 7624); Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, River Otter, Beaver, Bobcat and Woodchuck (Groundhog) Trapping (17 IAC 570; 45 Ill Reg 7640); Duck, Goose and Coot Hunting (17 IAC 590; 45 Ill Reg 7657); White-Tailed Deer Hunting By Use of Firearms (17 IAC 650; 45 Ill Reg 7730); White-Tailed Deer Hunting By Use

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*.

of Muzzleloading Rifles (17 IAC 660; 45 Ill Reg 7756); White-Tailed Deer Hunting By Use of Bow and Arrow (17 IAC 670; 45 Ill Reg 7775); Special White-Tailed Deer Season for Disease Control (17 IAC 675; 45 Ill Reg 7800), Late-Winter Deer Hunting Season (17 IAC 680; 45 Ill Reg 7807), Youth Hunting Seasons (17 IAC 685; 45 Ill Reg 7816); Squirrel Hunting (17

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Adopted Rule

■ CONTRACTORS

The DEPARTMENT OF LABOR adopted an amendment to the Part titled Employee Classification (56 IAC 240; 44 Ill Reg 12728), effective 6/8/21, updating contractor reporting requirements to align with current statute. The rulemaking requires reports of payments made to an individual, sole proprietor or partnership performing construction service to be submitted to DOL electronically on or before April 30 (formerly, January 31) following the taxable year in which payments were made. Construction services and their contractors are affected.

Questions/requests for copies: Jason Keller, DOL, 524 South 2nd Street, Suite 400, Springfield, Illinois 62701, 217/782-1706.

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.

Proposed Rulemakings

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IAC 690; 45 Ill Reg 7832); The Taking of Wild Turkeys – Spring Season (17 IAC 710; 45 Ill Reg 7845); The Taking of Wild Turkeys – Fall Gun Season (17 IAC 715; 45 Ill Reg 7868); The Taking of Wild Turkeys – Fall Archery Season (17 IAC 720; 45 Ill Reg 7880); Dove Hunting (17 IAC 730; 45 Ill Reg 7894); and Crow, Woodcock, Snipe, Rail and Teal Hunting (17 IAC 740; 45 Ill Reg 7913). The Part 510 amendments clarify that it is unlawful to hunt or trap while under the influence of cannabis (as well as alcohol or illegal drugs) and that ground blinds (as well as tree stands) cannot be attached to a tree by nails or any device that pierces or cuts the tree bark. The rulemaking also provides that special hunting or trapping permits (issued when demand exceeds the capacity of the site) may be allocated by random drawing, that hunter and trapper quotas will be filled equally with resident adults and youth who have not hunted or trapped in more than 2 of the previous 5 years, and that if openings remain available in either the adult or youth category due to fewer applicants, those vacancies will be available to the other age category. Amendments to Parts 530 through 740 implement DNR's annual updates to hunting and trapping rules, which include opening or closing of State-managed sites to hunting and trapping; changes in hunting days/hours or other restrictions; clarifications of defined terms; and changes in procedures for obtaining hunting or trapping

licenses or reporting the number of animals harvested. Amendments to Parts 650 through 685 and Parts 715 and 720 also provide that DNR will refund fees for deer hunting and fall turkey hunting permits when a permit cannot be used due to the closure of a site during a declared emergency/disaster or the illness or death of the permit holder; when the applicant did not obtain a permit in the lottery to which the applicant applied; when the permit was issued in error; or the permit was returned before the first day of the hunting season. Those affected by these rulemakings include hunting permit vendors, outfitters and guides.

Questions/requests for copies/ comments on the 17 DNR rulemakings through 8/9/21: John Fischer, DNR, One Natural Resources Way, Springfield, IL 62702, 217/782-1809.

■ DOR HEARINGS

The DEPARTMENT OF REVENUE proposed an amendment to Administrative Hearings (86 IAC 200; 45 Ill Reg 7970) reflecting Public Act 97-1129. The rulemaking clarifies that DOR has authority to grant late discretionary hearings for Notices of Deficiency issued under the Income Tax Act in the same manner as for Notices of Tax Liability issued under the Retailers' Occupation Tax Act. Those affected by this rulemaking include small businesses.

Questions/requests for copies/ comments through 8/9/21: Terry Charlton, DOR, 101 W. Jefferson St., Springfield, IL 62702, 217/782-6995.

CHILDREN'S HEALTH CARE

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Children's Community-Based Health Care Center Code (77 IAC 260; 45 Ill Reg 7928) affecting children's community-based health care centers (CCBHCs; sites that provide transitional care for up to 120 days, or respite care for up to 14 days, to medically fragile/technology dependent children who do not require or no longer require hospitalization). The rulemaking implements updated federal Centers for Medicare and Medicaid Services requirements regarding compliance with the 2012 edition of the National Fire Protection Association 101 Life Safety Code. This rulemaking also clarifies procedures for respite care CCBHC admissions and allows respite care stays to be extended beyond 14 days, with approval from the Division of Specialized Care for Children, for family emergencies such as funerals or recovery of the child's primary caregiver from a medical event. Other provisions add and update definitions (e.g., advanced practice registered nurse, caregiver, medical plan of care, serious safety event) and update various Sections as a result of discussions with providers.

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Proposed Rulemakings

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■ SEXUAL ASSAULT

DPH also proposed amendments to Sexual Assault Survivors Emergency Treatment Code (77 IAC 545; 45 Ill Reg 7957) implementing PA 101-377 and other requirements of the Sexual Assault Survivors Emergency Treatment Act. The rulemaking establishes qualifications for sexual assault forensic examiners (SAFEs), which include training that meets guidelines established by the International Association of Forensic Nurses. The Office of the Attorney General will review documents submitted by physicians or physician assistants seeking certification as either adult/adolescent or pediatric/adolescent SAFEs. The rulemaking also requires hospitals and approved pediatric health care facilities to register with the Illinois State Police for access to the CheckPoint sexual assault evidence tracking system.

Hospitals, pediatric health care facilities, and prospective SAFEs are affected by this rulemaking.

Questions/requests for copies/comments on the 2 DPH rulemakings through 8/9/21: Tracey Trigillo, DPH, 524 S. 2nd St., 6th Floor, Springfield IL 62701, 217/782-1159, dph.rules@illinois.gov

CONTROLLED SUBSTANCES

The DEPARTMENT OF HUMAN SERVICES proposed amendments to Schedule of Controlled Substances (77 IAC 2070; 45 Ill Reg 7560) updating the controlled substance classification of dronabinol (a THC/cannabis derivative used to treat chemotherapy-induced nausea and HIV/AIDS-induced anorexia). The rulemaking classifies dronabinol capsules as Schedule III and changes the Schedule II classification of dronabinol to the oral solution only.

TANF GRANTS

DHS also proposed an amendment to Temporary Assistance for Needy Families (89 IAC 112; 45 Ill Reg 7574) implementing the federal fiscal year 2022 annual increase in TANF monthly grants to at least 30% of the most recent Federal Poverty Level guidelines by household size, with child-only grants set at a minimum of 75% of the caretaker relative and child/children payment level. The minimum child-only payment will be \$242 (currently, \$239) for one child; the minimum payment for a caretaker relative and child will be \$322 (currently \$319) for one person and \$436 (currently, \$431) for a two-person household.

Questions/requests for copies/comments on the 2 DHS rulemakings through 8/9/21: Tracie Drew, DHS, 100 S. Grand Ave. East, Harris Building, 3rd Floor, Springfield IL 62762, 217/785-9772.

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 listed in next week's *Illinois Register* and considered at the July 13, 2021 JCAR meeting. Other items not published in the *Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

DEPT OF HUMAN SERVICES

Program Description (89 IAC 676; 45 Ill Reg 4063) proposed 3/26/21

Customer Rights and Responsibilities (89 IAC 677; 45 Ill Reg 4065) proposed 3/26/21

Service Planning and Provision (89 IAC 684; 45 Ill Reg 4067) proposed 3/26/21

Provider Requirements, Type Services, and Rates of Payment (89 IAC 686; 45 Ill Reg 4069)
proposed 3/26/21

DEPT OF LABOR

Child Bereavement Leave (56 IAC 252; 44 Ill Reg 13221) proposed 8/14/20

DEPT OF TRANSPORTATION

Commercial Driver's License Standards; Requirements and Penalties (92 IAC 383; 45 Ill Reg 4884) proposed 4/16/21

Joint Committee on Administrative Rules

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Senator Donald DeWitte

Senator Kimberly Lightford

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Senator Sue Rezin

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**Kim Schultz
Executive Director**