

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

■ VACCINATION REGISTRY

The DEPARTMENT OF PUBLIC HEALTH adopted emergency amendments to Immunization Registry Code (77 IAC 689; 45 Ill Reg 9607) effective 7/16/21 for a maximum of 150 days. Identical proposed amendments appear in this week's *Illinois Register* at 45 Ill Reg 9530. The emergency and proposed rulemakings expand access to DPH's immunization registry (currently known as I-CARE) and clarify the purposes for which registry information may be used. Prospective registry users must complete a user agreement and be approved by DPH. The Department of the Lottery and the Office of the State Treasurer may access registry information in order to verify immunization status for the COVID-19 Vaccine Incentive Promotion; DPH may also share this data with local government entities sponsoring similar vaccine

COVID-19 ACTIONS

Executive Orders of the Governor concerning the COVID-19 public health emergency 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*.

incentive promotions. Health care providers, schools, child care centers, colleges/universities, and health insurance plans may also access the registry for purposes of verifying immunization status or for coordination of medical care. However, access will not be granted to verify immunization status of employees, contractors or volunteers. In addition to the purposes listed in existing rule (ensuring accurate immunization

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Proposed Rulemaking

SCHOOL FINANCES

The OFFICE OF THE AUDITOR GENERAL proposed an amendment to Code of Regulations (74 IAC 420; 45 Ill Reg 9519) removing a requirement that regional offices of education and educational service centers audited pursuant to the School Code prepare their annual financial statements on an accrual basis of accounting in accordance with generally accepted accounting principles. (Regional offices and educational service centers are still required to make their records available to the Auditor General and complete annual financial reports by August 31.)

Questions/requests for copies/comments through 9/13/21: Margaret Livingston, Office of the Auditor General, 740 E. Ash St., Springfield IL 62703, 217/782-6046.

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

LIBRARIES

The SECRETARY OF STATE adopted amendments to Public Library Non-Resident Services (23 IAC 3050; 44 Ill Reg 18660) effective 7/19/21, that address access to a library's electronic resources by non-residents. Electronic or e-resources are defined as materials in digital format that are electronically accessible, including e-journals, e-books, electronic databases and downloadable audio or video files. A public library board of trustees may annually take action that allows non-residents of the library district to apply for free access to e-resources; however, e-resource access by itself does not allow non-residents to check out books or other circulating items, access interlibrary loan services, or access collections of other Illinois libraries. Additionally, libraries shall not charge non-resident fees to veterans with service-connected disabilities of at least 70% and a property tax exemption on their primary residence, to the unmarried surviving spouse of a veteran who qualified for the exemption, or to the unmarried surviving spouse of a service member killed in the line of duty. The rulemaking also institutes a Cards for Kids program under which K-12 students who do not reside in a public library service area and who qualify for free or reduced price school lunches may receive non-resident library cards free of charge. Since 1st Notice, SOS has clarified that the fee exemption also applies to pre-kindergarten students,

homeschooled students, and disabled veterans who do not own their primary residences, and has included means for these persons to verify their eligibility. Public libraries and library districts are affected by this rulemaking.

Questions/requests for copies: Joseph Natale, SOS, Gwendolyn Brooks Bldg., Springfield IL 62701-1796, 217/558-1745, jnatale@ilsos.net

STATE RETIREMENT

The STATE EMPLOYEES' RETIREMENT SYSTEM adopted amendments to The Administration and Operation of the State Employees' Retirement System of Illinois (80 IAC 1540; 45 Ill Reg 6166) effective 7/19/21, 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 clarify the process for claiming a survivor's annuity. 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. Members in either Tier 1 or Tier 2 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 settlements and how they may offset SERS disability benefits; allow SERS to accept a Qualified Illinois Domestic Relations Order issued after a member's death; clarify the definition of licensed healthcare professional (for purposes of determining disability); 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: Jeff Houch, SERS, 2101 S. Veterans Pkwy., PO Box 19255, Springfield IL 62794-9255, 217/524-8105, jeff.houch@srs.illinois.gov

AIDS DRUG ASSISTANCE

The DEPARTMENT OF PUBLIC HEALTH adopted an amendment to AIDS Drug Assistance Program (77 IAC 692; 45 Ill Reg 4090) effective 7/19/21, updating the income eligibility threshold for the program (300% of the Federal Poverty Level) to reflect the 2021 Federal Poverty Guidelines.

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

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records, assessing immunization rates) data in the registry may also be used as a vaccine tracking and verification system and to provide immunization-related announcements, notices and guidelines to users and participants. All COVID-19 immunizations administered in Illinois must be reported to the registry; reporting of all other immunizations is voluntary, except for publicly funded vaccine providers (e.g., participants in the Vaccines for Children program), for whom reporting is mandatory. Adult patients and the parents/legal guardians of minor patients may view their own immunization registry information without signing a user agreement by requesting the information from their immunization provider, from DPH, or by using a public portal or mobile application developed by DPH. A notarized consent form is no longer required for parents/guardians to view a child's immunization record. Patients or their parents/guardians may also use the currently provided opt-out form (which withholds patient information from the registry) to reverse that decision and opt back into the registry. DPH may also develop a public portal, digital platform or mobile application for which users must be 18 or older and must register with current demographic and contact information. The information provided must exactly match the person's registry information in order to be granted access to the portal; if this information is not an

exact match, an individual must contact DPH directly or their health care provider to gain access. Those affected by these rulemakings include health care providers, schools, child care providers, and health insurers.

Questions/requests for copies/comments on the proposed rulemaking through 9/13/21: Tracey Trigillo, DPH, 524 S. 2nd St., 6th Fl., Springfield IL 62701, 217/782-1159, dph.rules@illinois.gov.

■ INTERNET SALES TAXES

The DEPARTMENT OF REVENUE adopted emergency amendments to the Part titled Leveling the Playing Field for Illinois Retail Act (86 IAC 131; 45 Ill Reg 9625) effective 7/13/21 for a maximum of 150 days. The emergency rule implements recent Public Acts and clarifies various aspects of the Act that apply to internet sales handled by marketplace facilitators (online platforms such as Amazon and eBay that advertise items for sale by third-party sellers and collect/remit payment for these items). With regard to the Chicago Municipal Soft Drink Tax and the Metropolitan Pier and Exposition Authority Retailer's Occupation Tax, the rule requires food delivery services that meet the applicable threshold (\$100,000 or more in gross IL sales receipts, or 200 or more IL sales transactions, in the previous 12 months) and serve food service establishments in the applicable taxing areas to collect and pay these taxes. Food delivery

services that meet the definition of marketplace facilitators (e.g., DoorDash, GrubHub) must provide food service establishments with certification that the delivery service will assume responsibility for collecting and paying sales tax on sales made through that delivery service. A food service establishment that receives this certification from a delivery service will generally be relieved of sales tax liability for sales made through that delivery service. The emergency rule also clarifies which taxes are incurred by remote retailers (sellers with no physical presence such as an office, warehouse or distribution center in Illinois), marketplace sellers (persons/businesses that conduct online sales through their own websites or through marketplace facilitators), and marketplace facilitators not subject to the Act. Remote retailers that make only tax-exempt sales are not subject to the Act. Occasional sales (those not made in the regular course of business, e.g., sales of equipment or assets that the seller will no longer use) do not count toward the tax remittance threshold for remote retailers, but must be included in the tax remittance threshold for marketplace facilitators. The emergency rule also explains how retailers that use origin sourcing (applying sales taxes at the seller's location; the alternate method, destination sourcing, applies sales taxes at the buyer's location) determine the location of the sale and the applicable sales taxes. Other provisions add a more

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detailed definition of an out-of-State seller; provide that sales by a remote retailer of any item that requires Illinois registration or title (e.g., vehicles, trailers, watercraft) are subject to Illinois sales tax; clarify the types of records marketplace facilitators and tax-exempt marketplace sellers must keep; and remove various examples related to auctioneers since pending legislation may change the applicability of the Act to licensed auctioneers. Those affected by this emergency rule include food service establishments that use online ordering and delivery services; small businesses that conduct sales through marketplace facilitators; and licensed auctioneers.

Questions/requests for copies: Alexis K. Overstreet, DOR, 101 West Jefferson St., Springfield IL 62794, (217) 782-2844.

■ CANNABIS DISPENSARIES

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted

emergency amendments to Cannabis Regulation and Tax Act (68 IAC 1291; 45 Ill Reg 9586) effective 7/15/21 for a maximum of 150 days, implementing recent changes to the Cannabis Regulation and Tax Act. Identical proposed amendments appear in this week's Register at 45 Ill Reg 9527. The emergency and proposed rules provide that a dispensing organization license applicant will not receive a license if the applicant/license holder, any director or principal officer, or any person with at least a 5% ownership or voting interest in the organization is delinquent in filing a State tax return or paying any State taxes. An applicant denied a license for this reason has 60 days to provide DFPR with proof that the delinquency has been remedied. The rulemakings also establish a Responsible Vendor Program (RVP) through which dispensing organization employees will receive training in cannabis laws and regulations (including laws regarding sales to minors and driving under the influence), health and safety concerns, quantity limits on sales, acceptable forms of identification, proper storage and security,

maintaining customer privacy, and other aspects of operating a cannabis dispensary. All persons directly involved in the handling or sale of cannabis or cannabis-infused products (e.g., filling or recording orders, delivering/transporting cannabis products) are required to complete RVP training within 90 days after initial hiring or within 45 days before renewing their dispensing organization ID card. RVP training providers must receive approval from DFPR and must not have any financial or ownership interest in a cannabis business establishment. Application procedures for prospective RVP training providers and curriculum requirements are included. A minimum of 2 hours classroom instruction, with testing before and after completion of the program, must be provided. Cannabis dispensing organizations are affected by these rulemakings.

Questions/requests for copies/comments on the proposed rulemaking through 9/13/21: Craig Cellini, DFPR, 320 W. Washington, 2nd Floor, Springfield IL 62786, 217/785-0813, fax: 217/557-4451.

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 August 18, 2021 JCAR meeting in Springfield. 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.

CAPITAL DEVELOPMENT BOARD

Early Childhood Construction Grant Rules (71 IAC 43; 45 Ill Reg 6614) proposed 5/28/21

DEPT OF NATURAL RESOURCES

Camping on Department of Natural Resources Properties (17 IAC 130; 45 Ill Reg 6580) proposed 5/21/21

DEPT OF PUBLIC HEALTH

Home Health, Home Services, and Home Nursing Agency Code (77 IAC 245; 45 Ill Reg 6156) proposed 5/14/21

Joint Committee on Administrative Rules

Senator Bill Cunningham, <i>co-chair</i>	Representative Tom Demmer
Senator John F. Curran	Representative Michael Halpin
Senator Donald DeWitte	Representative Frances Ann Hurley
Senator Kimberly Lightford	Representative Steven Reick
Senator Tony Muñoz	Representative Curtis Tarver, II
Senator Sue Rezin	Representative Keith Wheeler, <i>co-chair</i>

Kim Schultz
Executive Director