

THE FLINN REPORT

ILLINOIS GENERAL ASSEMBLY
JOINT COMMITTEE ON ADMINISTRATIVE RULES

Elaine Spencer, Editor

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

Proposed Rulemakings

• GAMING

The ILLINOIS GAMING BOARD proposed amendments to Video Gaming (General) (11 IAC 1800; 48 Ill Reg 15020), Sports Wagering (11 IAC 1900; 48 Ill Reg 15032), and Riverboat and Casino Gambling (86 IAC 3000; 48 Ill Reg 15042). These rulemakings institute a No Action Letter process through which video gaming, sports wagering, and casino gaming licensees can request non-binding opinions regarding IGB laws and rules or potential disciplinary actions. The 86 IAC 3000 rulemaking adds a new Section outlining the No Action Letter process, while the 11 IAC 1800 and 1900 rulemakings cross reference this new Section. The IGB Administrator is not obligated to respond to any No Action Letter request, and lack of a response does not indicate approval or disapproval of any action contained in the request. Opinions expressed in a No Action Letter are not legally binding and do not obligate the Board

to take or refrain from any action. They may, however, be considered when the Board determines whether to impose sanctions or disciplinary action on a licensee. No Action Letters and requests are public record and may be published or inspected by the public. A No Action Letter request must specify the statute or IGB rule to which the request pertains and

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include the names of the licensees and any other persons involved in the subject matter of the request; a complete and concise statement of facts regarding the case; all material documents relevant to the request; and state why the requester needs clarification regarding the law or rule in question. All requests must concern an existing situation and requests involving hypothetical situations or proposed alternative actions will not be answered. A licensee may submit

no more than one No Action Letter request per 12-month period. Video gaming, sports wagering, and casino gaming licensees are affected by these rulemakings.

Questions/requests for copies/comments on the 3 IGB rulemakings through 12/9/24: Daniel Gerber, IGB, 160 N. LaSalle St., Chicago IL 60601, 312-814-4700, fax 312-814-7253, IGB.RuleComments@Illinois.gov

ATM SERVICES

The OFFICE OF THE TREASURER proposed amendments to the Part titled Banking and Automated Teller Machine Services (74 IAC 600; 48 Ill Reg 15055) implementing Public Act 103-234. These rules govern placement and operation of automated teller machines (ATMs) at State office buildings, tourism centers,

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ADOPTED RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Temporary rules adopted for no more than 150 days.
PROPOSED RULEMAKINGS: Rules proposed by agencies this week, commencing a First Notice public comment period of at least 45 days.
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/or non-profit organizations. Agencies must consider comments from these groups and attempt to minimize regulatory burdens on them.
QUESTIONS/COMMENTS: Submit mail, e-mail or phone calls to the agency personnel listed below each summary.
RULE TEXT: First Notice proposed text, emergency rule and peremptory rule text is available at the Secretary of State website (<https://www.ilsos.gov/departments/index/register/home.html>) or at the Illinois General Assembly website (<http://www.ilga.gov>) under "Illinois Register". Second Notice text for proposed rulemakings (original version with any changes made by the agency during First Notice included) is available at the JCAR website.

Proposed Rulemakings

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the State Fairgrounds or other State property. The rulemaking reflects the statutory dissolution of the Treasurer's Rental Fee Fund and transfer of its funds to the State Treasurer's Banking Services Trust Fund. The rulemaking also updates the address for agencies to request permission to provide ATM services on their properties, changes "automatic"

to "automated" teller and replaces the term "operator" with "ATM provider".

Questions/requests for copies/comments through 12/9/24: Sara Meek, Office of the Treasurer, 219 State House, Springfield IL 62706, 217-836-0030, fax 217-782-2777, e-mail: SMEEK@illinoistreasurer.gov

▪ WATER TESTING

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY proposed an amendment to Accreditation of Environmental Laboratories (35 IAC 186; 48 Ill Reg 15011) that updates an

incorporation by reference of federal Clean Water Act rules for effluent analysis that were effective 4/16/24. Environmental laboratories that perform water testing may be affected.

Questions/requests for copies/comments through 12/9/24: Rebecca Strauss (rebecca.strauss@illinois.gov) or Kaitlyn Hutchison (kaitlyn.hutchison@illinois.gov), IEPA, 1021 N. Grand Ave. East, P. O. Box 19276, Springfield IL 62794-9276, 217-782-5544.

Adopted Rules

▪ PRESCRIPTION MONITORING

The DEPARTMENT OF HUMAN SERVICES adopted amendments to Electronic Prescription Monitoring Program (77 IAC 2080; proposed at 48 Ill Reg 4540) effective 10/8/24 at 48 Ill Reg 15062, implementing PAs 103-425 and 103-477. The PAs and this rulemaking exempt pharmacies that do not have pharmacy management systems or electronic dispensing systems within their locations, as well as inpatient hospital pharmacies, from the general requirement to interface with the Illinois Prescription Monitoring Program (ILPMP) database. Assessment of fines for willful non-compliance with statutory system integration requirements will begin on 1/1/26 (previously, 1/1/24). Pharmacies, pharmacy management systems, electronic health records (EHR) systems, and prescribers may use any system that meets the requirements of the Act and rule to connect with the ILPMP database (previously, DHS could specify use of a particular entity or system). ILPMP customers must enter into memoranda of understanding (MOUs) with DHS that establish the method of access the customer will use, data use, and other requirements. Any licensed healthcare entity that is establishing a new integration system or changing its current system must also enter into an MOU. Non-compliance with an MOU may result in the non-compliant party being barred from access to the ILPMP. Other provisions establish criteria for interstate data sharing,

establish technical requirements for transmission, use and control of ILPMP data, and remove the full name and address of the dispenser, the full name of the prescriber, and the date of dispensing from the information that must be electronically submitted to ILPMP concerning prescriptions of any controlled substance or other selected drug. A patient ID and location code is required only for prescriptions submitted by long term care facilities. Since 1st Notice, DHS has added and/or clarified various definitions; replaced the term "vendor" with either "application vendor" or "integration vendor"; aligned the definition of a prescriber with the statutory definition in the Illinois Controlled Substances Act; and clarified various aspects of how ILPMP data will be shared (including across state lines) and who may access it. Those affected by this rulemaking include hospitals, long term care facilities, pharmacies, and practitioners who prescribe or dispense controlled substances.

Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand Ave. East, Harris Building, 3rd Floor, Springfield IL 62762, 217-785-9772, DHS.AdministrativeRules@illinois.gov

VETERANS

The DEPARTMENT OF VETERANS' AFFAIRS adopted an amendment to the Part titled Rules Governing the Board of Appeals (95 IAC 113; proposed at 47 Ill Reg 17429) effective

10/10/24 at 48 Ill Reg 15109, reflecting the consolidation of the Deceased or Disabled Veterans Educational Grant Program (which provides educational grants to eligible veterans' children ages 10 through 17, or until high school graduation) with the MIA/POW Scholarship program (which provides college scholarships to children and spouses of eligible veterans). This rulemaking adds the Deceased/Disabled and MIA/POW grant and scholarship programs to the list of programs that can be appealed to the DVA Board of Appeals.

Questions/requests for copies: Sara Augustinas, DVA, 69 W. Washington, Ste. 1620, Chicago, IL 60602, 217-685-2334, Sara.Augustinas@illinois.gov

▪ ADULT DRIVER EDUCATION

The SECRETARY OF STATE adopted an amendment to Online Only Adult Driver Education Course Provider Certification (92 IAC 1066; proposed at 48 Ill Reg 8331) effective 10/9/24 at 48 Ill Reg 15101, that updates the address for course providers to submit surety bonds to the SOS Commercial Driver Training Section office. Adult driver education course providers are affected.

Questions/requests for copies: Pamela Wright, SOS, 298 Howlett Bldg., Springfield IL 62756, 217-785-3094, pwright@ilsos.gov

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 November 12, 2024 meeting in Springfield. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR at jcar@ilga.gov.

DEPT OF FINANCIAL AND PROFESSIONAL REGULATION

Transmitters of Money Act (38 IAC 205; 48 Ill Reg 12933) proposed 8/30/24

Uniform Money Transmission Modernization Act (38 IAC 207; 48 Ill Reg 12942) proposed 8/30/24

DEPT OF HUMAN SERVICES

Supplemental Nutrition Assistance Program (SNAP) (89 IAC 121; 48 Ill Reg 12688) proposed 8/23/24

Next JCAR Meeting: Tuesday, Nov. 12, 10:30 a.m.

Room C-1, Stratton Bldg., 401 S. Spring St., Springfield

Meeting will be live streamed on the JCAR website

Joint Committee on Administrative Rules

Senator Bill Cunningham, Co-Chair

Senator Cristina Castro

Senator Donald DeWitte

Senator Dale Fowler

Senator Napoleon Harris, III

Senator Sue Rezin

Representative Ryan Spain, Co-Chair

Representative Eva-Dina Delgado

Representative Jackie Haas

Representative Steven Reick

Representative Curtis Tarver, II

Representative Dave Vella

Kim Schultz, Executive Director ■ Kevin Kulavic, Deputy Director

700 Stratton Office Building, Springfield IL 62706

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