

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

• FOOD PROCESSING

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Manufacturing, Processing, Packing or Holding of Food Code (77 IAC 730; 49 Ill Reg 12370) that institute a permit system for facilities currently regulated and inspected under this Part and update incorporated federal regulations and current industry standards for processed food.

Facilities

The rulemaking defines the following categories of facilities subject to permitting and regulation under this Part:

-- Food processing plants, defined as a building, facility, or any part thereof used to manufacture, package, repack, hold or transport food for human consumption to another entity for resale. This definition does not include home kitchens; meat and poultry slaughterhouses and processors regulated by the

Department of Agriculture; dairy farms, milk plants, and egg producers subject to other DPH or DOA rules; an establishment that harvests, stores or distributes raw fruit or vegetables that are not cleaned or processed prior to public sale; or any food establishment defined in the Food Code (77 IAC 750) that sells food products directly to consumers.

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-- Food storage facilities or warehouses that store food for wholesale distribution to other wholesalers, retailers, restaurants, grocery stores, or any other outlet that sells food products to the final consumer. This definition includes cold storage facilities but does not include grain elevators or produce farms.

-- Shared, commissary, or rental kitchens that own or lease space

among processing plants or storage facilities. These kitchens must have a separate permit from the processing plant or storage facility.

Permits

Any person who establishes, operates or maintains a food processing plant, storage facility or warehouse must obtain a permit and undergo inspection by DPH. If the business name or location of the facility changes, the permit holder must notify DPH within 30 days. If a permitted location has changed, the new location is subject to a new inspection and inspection fee. Permits are not transferable and expire on Dec. 31 of the year in which they are issued, except for initial permits issued after Oct. 1, which will remain valid until Dec. 31 of the following year. Renewal applications and fees must be submitted to DPH by Dec. 1. Food processing plants and storage

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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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facilities that DPH has inspected as of 7/1/26 will not have to pay an initial permit fee, but must apply for and pay fees for renewal permits no later than 12/31/27 and annually thereafter. Permit applications must be submitted on forms provided by DPH. Permits may be denied, suspended or revoked if a facility fails to take corrective action on inspection findings.

Fees

The annual permit fee will be \$700 for a food processing plant and \$400 for a food storage facility/warehouse or shared kitchen. A one-time fee for the initial permit application is \$250 for food processing and storage facilities and \$150 for shared kitchens. Late renewal fees are \$150 and fees for reinspections (in response to a request or complaint) are \$200 for each reinspection. An additional annual special product fee of \$700 will be charged to facilities that process or store molluscan shellfish and their shared kitchens. Facilities that process seafood, juices or acidified foods and their shared kitchens and storage facilities that store seafood other than shellfish will pay an additional special product fee of \$350.

• COMMUNITY HEALTH WORKERS

DPH also proposed a new Part titled Community Health Worker Certification Program (77 IAC 951; 49 Ill Reg 12385) implementing the Community Health Worker Certification and Reimbursement Act [410 ILCS 67]. A community health worker (CHW) is defined in the Act and in this Part as a frontline public health worker "who is a trusted member or has an unusually close understanding

DOA Public Hearing

• CANNABIS BUSINESSES

The DEPARTMENT OF AGRICULTURE will hold a public hearing on proposed amendments to Cannabis Regulation and Tax Act (8 IAC 1300; 49 Ill Reg 12208) **Monday, Oct. 20, at 1 p.m.** at the John R. Block Building Auditorium, Illinois State Fairgrounds, 801 E. Sangamon Ave., Springfield. This hearing concerns the proposed amendments published in this week's *Illinois Register* and summarized on page 3 of this week's Flinn Report that expand DOA licensing of cannabis businesses and institute a statewide cannabis plant monitoring system.

Questions concerning the proposed rulemaking or the public hearing: Sam McGee, DOA, State Fairgrounds, P. O. Box 19281, Springfield IL 62794-9281, 217-558-3741, Samuel.McGee@illinois.gov

of the community served". The function of the CHW is to serve as a liaison, link, and intermediary between health and social services and the community to facilitate access to services and improve the quality and cultural competence of service delivery. A CHW may engage in outreach, community education, informal counseling, social support, and advocacy, but cannot provide direct care or treatment to any person or render any service for which a license issued by a professional licensing board is required. The Part establishes the procedures through which DPH will train, certify and provide continuing education to CHWs. Persons who are at least 17 years old, hold a high school diploma or GED, and live or work in Illinois or work for an organization enrolled in Illinois Medicaid or Medicare (e.g., an Illinois hospital or long-term care facility), may apply for CHW certification if they have completed the DPH training program or an equivalent program, have sufficient documented work experience, or have equivalent certification in another state. Candidates for certification must complete a criminal background check and disclose any felony convictions. No fees will be charged

for applications or for background checks. The training program will include at least 100 hours of instruction plus additional field experience. CHW certification will be valid for 3 years and at least 36 hours of continuing education or professional development will be required during each renewal period. Other provisions establish the content of the training program and address the approval process for training program sponsors and instructors, denial or revocation of certification, disciplinary actions, and establishment of a DPH registry for CHWs. A Community Health Workers Review Board shall advise DPH regarding standards, schedules, course content, and other elements of the training program. Non-profit community organizations, municipalities, and other entities that intend to employ or train community health workers are affected.

Questions/requests for copies/comments on the 2 DPH rulemakings through 11/17/25: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield IL 62701, 217-782-1159, dph.rules@illinois.gov

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Proposed Rulemakings

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▪ VEHICLE TITLES

The SECRETARY OF STATE proposed amendments to Certificates of Title, Registration of Vehicles (92 IAC 1010; 49 Ill Reg 12451) that institute a process for adding a beneficiary (to whom ownership will pass upon the death of the current owner) to the title of a vehicle. The current title holder must be an individual (not a business entity) and can specify only one beneficiary, which may be an individual or a business. A title with a lienholder or a joint owner cannot include a beneficiary. Upon the death of the owner, the beneficiary will own the vehicle but must apply for a new title and registration (license plates) to complete the process. The rulemaking also clarifies that a specially constructed vehicle may not include a frame acquired from a vehicle with a junk certificate and cannot be titled and registered as a specially constructed vehicle if the frame came from a junk vehicle. Finally, the rulemaking adds a new Appendix E listing acceptable and unacceptable identification and residency documents for title and registration transactions. Those affected by this rulemaking include vehicle owners, auto body shops and others who build or rebuild vehicles.

Questions/requests for copies/comments through 11/17/25: Pamela Wright, SOS, 298 Howlett Building, Springfield IL 62756, 217-785-3094, pwright@ilsos.gov

▪ CANNABIS BUSINESSES

The DEPARTMENT OF AGRICULTURE proposed amendments to the Part titled Cannabis Regulation and Tax Act

(8 IAC 1300; 49 Ill Reg 12208). The rulemaking extends DOA licensing and regulation under this Part (originally applied only to cultivation centers) to craft growers, infusers, processors (facilities that extract chemicals or compounds from cannabis to produce cannabis concentrate), and community college cannabis vocational pilot programs, reduces or pauses various fees, and establishes a statewide cannabis plant monitoring system through which DOA will track all movements of cannabis or cannabis-derived products. Those affected by this rulemaking include State-licensed cannabis cultivation centers, craft growers, infusers, and transporters.

Plant Monitoring System

A new Subpart outlines the operation of the DOA-designated cannabis plant monitoring system, within which all cannabis business establishments must create and maintain accounts. All cannabis and cannabis products in Department-licensed cannabis business establishments must be accounted for in the system at all times and kept in enclosed, locked facilities. Establishments must only use plant tags distributed by the Department or its designee and assigned in the monitoring system to that establishment. Tags cannot be transferred to another licensee or entity. Immature plants of a single strain or cultivar may be grouped together under a single plant batch tag; once plants are at least 16 inches tall, each plant will receive its own tag. Harvested plants will be assigned a unique harvest batch name and a package tag after the drying and curing process is complete. All cultivation and production activities, including receipt or rejection of transferred cannabis or cannabis product, planting, harvest, movement of cannabis or cannabis product, extraction, distillation, infusion, destruction or waste of product, and

sale of product must be recorded in the monitoring system. When cannabis or cannabis product is ready to be transferred to another establishment, a manifest must be created in the monitoring system. If an establishment loses access to the system, it must record all activities by another means and enter them into the system once access is regained. Cannabis business establishments shall not accept or use any cannabis, hemp or cannabis- or hemp-derived input that is not from a licensed Illinois cannabis business establishment. Before accepting any input, a business licensed under this Part must request Department permission through the cannabis plant monitoring system and must receive the input during the Department-approved timeframe. Cultivation centers and craft growers also must have approval from the Department to obtain seeds, clones or new genetics from an entity other than a cannabis business establishment. The rulemaking also reduces the minimum storage period for security camera footage from 180 to 90 days.

Fees

The application fees for approval of major modifications to a cannabis business establishment are reduced as follows: cultivation centers, \$4,000 (currently, \$5,000 due at application and \$3,000 upon approval); craft growers, \$2,000 (currently, \$2,500 at application and \$1,500 upon approval); infusers, \$1,000 (currently, \$1,250 at application and \$750 upon approval). For less extensive alterations, application fees are reduced to \$500 (currently \$1,000) for cultivation centers, \$250 (currently \$500) for craft growers, and \$125 (currently \$250) for infusers. The current \$1,000 fee for changing the principal officer of any licensed cannabis business or organization is

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Proposed Rulemakings

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being eliminated. The product registration fee is reduced from \$100 to \$25. Annual renewal fees for craft growers and infusers will be paused for 2 years after this rulemaking takes effect.

Questions/requests for copies/comments through 11/17/25: Sam McGee, DOA, State Fairgrounds, P. O. Box 19281, Springfield IL 62794-9281, 217-558-3741, Samuel.McGee@illinois.gov

• VIDEO GAMING

The ILLINOIS GAMING BOARD proposed amendments to Video Gaming (General) (11 IAC 1800; 49 Ill Reg 12342) implementing updates to IGB's rules concerning vertical integration (one or more owners or persons of significant influence or control (PSICs) holding both a gaming establishment license and a terminal operator license) and rules regarding sales agents and revenue share agreements. The rulemaking clarifies that all gaming licensees are limited to one tier of the gaming industry, either as gaming establishment/location licensees or as terminal operator, handler, technician or sales agent licensees, and cannot be direct or indirect owners, PSICs, or employees of a licensee or affiliated entity in the opposite tier. A new Section prohibits use agreements between terminal operators and gaming establishments when the terminal operator or any PSIC or affiliated entity is also the owner/landlord of the gaming establishment, or when the owner or any PSIC of the terminal operator is also an immediate family member of a direct or indirect owner or PSIC of the gaming establishment. Franchisors of

an establishment will be considered PSICs of the establishment if the establishment obtains more than 50% of its revenue from net terminal income. Existing use agreements between video gaming locations and licensed terminal operators that do not conform to the proposed rules or any other rules currently promulgated by IGB may remain in effect until they expire, but cannot be renewed. With regard to sales agents, the rulemaking allows licensed terminal handlers and technicians to receive sales agent licenses, and sales agents to be licensed as terminal handlers or technicians, upon filing an application and paying all necessary fees. Sales agents and brokers must retain records of all services provided to and fees received from a video gaming location for as long as the IGB Administrator's records retention schedule prescribes, or longer if required under general accounting and auditing procedures. Sales agents who are not terminal operators cannot solicit use agreements from locations owned or controlled by members of the agent's immediate family. Businesses that hold video gaming establishment licenses or that operate or service gaming terminals are affected.

Questions/requests for copies/comments through 11/17/25: Daniel Gerber, IGB, 160 N. LaSalle St., Chicago IL 60601, 312-814-4700, fax 312-814-7253, IGB.RuleComments@Illinois.gov

• DOT PROCUREMENT

The CHIEF PROCUREMENT OFFICER FOR THE DEPARTMENT OF TRANSPORTATION proposed amendments to the Part titled Chief Procurement Officer for the Department of Transportation – Contract Procurement (44 IAC 6; 49 Ill Reg 12287) implementing Public Act 103-865. This PA amended the Public-

Private Partnership for Transportation Act (P3 Act) by creating a process for submitting unsolicited proposals that are not in response to a formal or informal request issued by a responsible public entity. The rulemaking adds a new Subpart outlining procedures for receiving, reviewing and implementing unsolicited proposals under the P3 Act. DOT will post public notice that it will accept unsolicited proposals, and the approved methods for submitting proposals, on its website at least 30 days before the acceptance period begins. Proposals must be accompanied by the statutorily required proposal review fee. Unsolicited proposals must meet various financial and planning criteria specified in the rulemaking and cannot duplicate projects already being considered, planned or procured by DOT, or projects that DOT has recently declined, rejected, or abandoned. If an unsolicited proposal does not pass the eligibility determination review, DOT will refund the proposal review fee, but the contents of the proposal itself will remain the property of the State. If a proposal passes the eligibility determination review, DOT will conduct a preliminary evaluation of the proposal, followed by solicitation of counterproposals and a "best and final offer" process if one or more counterproposals are deemed to be superior to the original, unsolicited proposal. Public notice of the original proposal and counterproposals must be given to impacted communities and a public meeting held before a proposal is accepted and an agreement finalized. Additionally, the rule contains specifications for the maintenance of project records, information confidentiality, and terms and conditions of awarded contracts. Businesses that bid on DOT contracts or submit unsolicited proposals to DOT will be affected.

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Proposed Rulemakings

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Questions/requests for copies/comments through 11/17/25: Bill Grunloh, CPO-DOT, 2300 S. Dirksen Parkway, Springfield IL 62764, 217-558-5434, IDOT.AdminRules@illinois.gov

• APPRAISAL MANAGEMENT

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to the Part titled Appraisal Management Company Registration Act (68 IAC 1452; 49 Ill Reg 12312) implementing PA 102-970 and federal regulatory requirements, including the Uniform Standards of Professional Appraisal Practice (USPAP), as they apply to Appraisal Management Companies (AMCs). The rulemaking extends all registrations that are due to expire on 12/31/26 through 6/30/27, and

effective 7/1/27, requires annual renewal with all registrations expiring on June 30 every year (currently, registrations expire on December 31 of even numbered years. DFPR states that this change aligns State registrations with the annual schedule for national registration renewals.) Other provisions clarify the information to be included in an AMC registration application, allow service by email, enable the DFPR Division of Real Estate to initiate disciplinary proceedings if an AMC fails to notify the Division of a change in its designated controlling person or a change in its ownership or legal structure (e.g., from sole proprietor to corporation), and requires AMCs to have definitive fee structures for fees charged to appraisers. The incorporated version of USPAP is also updated from the 2012 to the 2024 edition. Appraisal management companies are affected.

Questions/requests for copies/comments through 11/17/25: Craig Cellini, DFPR, 320 W.

Washington St., 2nd Floor, Springfield IL 62786, 217-785-0810, fax 217-557-4451, Craig.Cellini@illinois.gov

VOTER DATA

The STATE BOARD OF ELECTIONS proposed an amendment to the Part titled Miscellaneous (26 IAC 207; 49 Ill Reg 12306) which clarifies that payment for voter data files purchased by certain entities as authorized by statute can be made by cash, credit card, money order, cashier's check, treasurer's check, or Automated Clearing House (ACH) electronic transfer. Personal checks will not be accepted.

Questions/requests for copies/comments through 11/17/25: H. Poyer, SBEL, 2329 S. MacArthur Blvd., Springfield IL 62704, 217-782-4141, GeneralCounsel@elections.il.gov

Adopted Rule

• REAL ESTATE TRANSFERS

The DEPARTMENT OF REVENUE adopted an amendment to Real Estate Transfer Tax Law (86 IAC 120; proposed at 49 Ill Reg 5889) effective 9/18/25 at 49 Ill Reg 12473, that provides for the use of electronic signatures affixed to electronically transmitted transfer declarations. This rulemaking states that electronic signatures are as legally binding as handwritten signatures and allows county recorders of deeds to use an approved interface to electronically transfer declarations and order transfer stamps from DOR. It also removes outdated provisions for transfers that occurred prior to

6/1/04. Paper transfer forms will be available at DOR's website (previously, these had to be provided by the recorder of deeds or registrar of titles in each county). County assessment offices utilizing the Department's electronic transfer declaration system must provide a file layout to both validate the information transmitted and for any other purpose as determined by the Department. In the event that a transfer qualifies for an exemption under both Section 31-45(e) of the Property Tax Code (actual consideration is less than \$100) and 31-45(b) of the Code (transfers to or from a governmental body, between government bodies, or to a corporation or other entity exclusively

for charitable, religious or educational purposes), then the Section 31-45(e) exemption shall be selected, and no transfer declaration or supplemental information shall be required. In such cases, a notation of exempt status must appear on the face of the deed, the document transferring a controlling interest in real property, or the trust document. Businesses and other entities carrying out real estate transfers are affected.

Questions/requests for copies: Laurence Mraz, DOR, 101 W. Jefferson St., Springfield IL 62794, 217-524-4821, REV.GCO@illinois.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 October 14, 2025 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 HEALTHCARE AND FAMILY SERVICES

Medical Payment (89 IAC 140; 49 Ill Reg 8871) proposed 7/11/25

DEPT OF INSURANCE

Illinois Health Benefits Exchange (50 IAC 4500; 49 Ill Reg 9724) proposed 7/25/25

DEPT OF NATURAL RESOURCES

Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote, Bobcat and Woodchuck (Groundhog) Hunting
(17 IAC 550; 49 Ill Reg 9912) proposed 8/1/25

Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, River Otter, Beaver, Bobcat and
Woodchuck (Groundhog) Trapping (17 IAC 570; 49 Ill Reg 9930) proposed 8/1/25

Illinois List of Endangered and Threatened Fauna (17 IAC 1010; 49 Ill Reg 9947) proposed 8/1/25

Illinois List of Endangered and Threatened Flora (17 IAC 1050; 49 Ill Reg 9958) proposed 8/1/25

Next JCAR Meeting: Tuesday, Oct. 14, 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 Sally Turner

Representative Ryan Spain, Co-Chair
Representative Eva-Dina Delgado
Representative Jackie Haas
Representative Steven Reick
Representative Curtis Tarver, II
Representative Dave Vella

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