

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

• WHOLESALE DRUGS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to the Part titled Wholesale Drug Distribution Licensing Act (68 IAC 1510; 50 Ill Reg 1) increasing registration fees for wholesale drug distributors and third-party logistics providers. The new fees are \$800 (currently \$200) for initial registrations and for changes of ownership; \$400 (currently \$200) for renewal registrations; and \$400 (currently \$100) for changes of name or business location. The rulemaking also repeals a Section concerning penalties and aligns other provisions with the current version of the Wholesale Drug Distribution Licensing Act.

Questions/requests for copies/comments through 2/17/26: Craig Cellini, DFPR, 320 W. Washington St., 2nd Floor, Springfield

IL 62786, 217-785-0810, fax 217-557-4451, Craig.Cellini@illinois.gov

HOSPITALS

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Hospital Licensing Requirements (77 IAC 250; 50 Ill Reg 10) updating various Sections to reflect statute and removing outdated provisions. The

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No Second Notices This Week**

rulemaking removes rules for chronic disease hospitals (which no longer exist); changes references to "alcoholism and intoxication treatment" services to "substance use disorder" services; update Sections concerning public notifications and postings, psychiatric services, and other special care/service units (e.g., intensive care, burn units, neonatal units); update and clarify the definitions of various substance use

disorder services and the titles of medical staff and personnel providing these services; and update incorporated and referenced standards and documents, including incorporation of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5).

Questions/requests for copies/comments through 2/17/26: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield IL 62701, 217-782-1159, dph.rules@illinois.gov

INCOME TAX

The DEPARTMENT OF REVENUE proposed amendments to Income Tax (86 IAC 100; 50 Ill Reg 59) implementing Public Act 104-6. The PA and this rulemaking require apportionment of sales within a unitary business group, for tax years

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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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2025 and later, to be computed under the "Finnigan method" that

apportions state taxes among the entire group if any member of the group is subject to tax in that state. The rulemaking explains how such groups can determine whether any of their sales are subject to Illinois income tax and if so, how to calculate the tax they owe.

Questions/requests for copies/comments through 2/17/26: Jennifer Uhles, DOR, 101 W. Jefferson St., Springfield IL 62702, 217-782-7055, REV.GCO@illinois.gov

Adopted Rules

▪ FUNERAL & BURIAL ASSISTANCE

The DEPARTMENT OF HUMAN SERVICES adopted amendments to Related Program Provisions (89 IAC 117; proposed at 49 Ill Reg 32) effective 12/19/25 at 50 Ill Reg 176, clarifying eligibility criteria and application procedures for DHS funeral and burial assistance programs, including the DHS Murdered Children Funeral and Burial Assistance Program.

Murdered Children

The Murdered Children Program provides assistance with funeral and burial expenses for children under 17 years of age who are killed in Illinois by a firearm in an act of first- or second-degree murder, involuntary manslaughter, or voluntary or involuntary manslaughter of an unborn child. For deaths that occurred between 7/1/22 and 6/30/24, the maximum benefit is \$10,000; for deaths on or after 7/1/24, DHS will adjust the maximum benefit annually for inflation. Funeral directors or cemetery authorities may submit requests for disbursement up to 365 calendar days after the occurrence of the crime (requests submitted more than 1 year after the crime must be accompanied by an explanation for the delay). Requests must be accompanied by documentation of the child victim's cause of death, including a copy of the death certificate and an affidavit of the facts of the death; documentation of the eligible survivor's household income;

and a copy of any invoices for funeral and burial expenses. Services that can be covered under this program, which include, but are not limited to, transportation and preparation of remains; provision of a casket, vault, mausoleum, columbarium or urn; and administration of funeral arrangements, including printed materials (e.g., memorial cards or programs), transportation of remains to the burial site, necessary facilities and equipment, and any other services the Department may allow. Payments to the funeral director and/or cemetery authority will be made within 30 days after DHS receives a completed request. Expenses paid by a responsible relative, another assistance program or by the Attorney General's Crime Victims Compensation Fund are not covered under this program.

General

This rulemaking also lists the public assistance programs (e.g., Aid to the Aged, Blind and Disabled; Temporary Assistance to Needy Families; Medicaid/Medical Assistance) that qualify a deceased person for general funeral/burial assistance if the decedent was receiving or would have qualified for these benefits at the time of death. Funeral directors and cemetery authorities are affected by this rulemaking.

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

▪ VOTER REGISTRATION

The STATE BOARD OF ELECTIONS adopted a new Part titled Certification of Computer-Based Voter Registration Systems (26 IAC 410; proposed at 49 Ill Reg 10328) effective 12/17/25 at 50 Ill Reg 159, establishing rules for certification of vendors contracted by local election authorities to manage voter registration data and for access to and use of statewide databases and resources by those vendors. A computer-based voter registration system, in order to be certified by SBEL, must securely transmit required data in the manner prescribed by the certification standards; must be capable of securely connecting to the Illinois Century Network; and must meet minimum security standards, including mandatory use of multi-factor authentication. All computer-based voter registration systems that are in use and/or accessing the statewide database as of 2/9/26 are required to complete SBEL's certification standards verification process, as outlined in this Part, no later than 7/31/26. Election authorities using new systems not previously certified for use by any other election authority must notify SBEL at least 180 days prior to the election in which the new system will first be used. SBEL staff will assess the system and grant it access to the state-

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Adopted Rules

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wide database once the Board has approved it. At each Board meeting immediately prior to a consolidated, primary, or general election, the Board may allow election authorities that have not yet completed the certification process to use their new registration systems on a temporary basis, with access granted to the statewide database for up to 60 days after election results are finalized, if the Board determines such use is in the public interest. If an election authority chooses a system that SBEL has previously certified for use elsewhere, the Board will use a shorter certification process that simply verifies whether the transmitted data meets the same requirements as data previously used by other election authorities. Certification of a previously certified system will not be required unless the signature capture or storage method has been changed. Recertification of systems currently in use will be required on or before 12/31/27 and every 2 years thereafter, or within 90 days after any material change that affects certification standards. Election authorities and vendors must notify SBEL within 5 business days of any security breach that exposes voter registration data, and within 30 days of any material change in the functionality, capability or operation of a system. If there is an immediate threat to the security of voter registration data, SBEL may revoke system access to the statewide database without notice. Failure to follow the procedures outlined in this Part may prompt the Board to decertify a voter registration system and revoke its access to the statewide

database. SBEL may also observe and publish on its website blackout periods during the year when the certification standards verification process will not be conducted outside of extraordinary circumstances. Since 1st Notice, SBEL has added the requirement for all systems currently in use or accessing the statewide database to complete the certification process by 7/31/26, and has made other clarifying changes. Election authorities, including counties and municipalities, that use computer-based voter registration systems are affected.

SBEL also adopted amendments to Registration of Voters (26 IAC 216; proposed at 49 Ill Reg 8298) effective 12/17/25 at 50 Ill Reg 142, implementing Public Act 102-292. The rulemaking outlines SBE's duties under the Address Confidentiality Program (ACP) established by the Attorney General to create a confidential, password protected database containing address information for victims of domestic violence, sexual assault, human trafficking, or stalking who do not want their names and addresses to be publicly available. SBEL will produce and supply to the AG's Office special voter registration forms, printed on red paper, which the AG will distribute to ACP participants. These forms shall include space for the participant to enter their ACP authorization number. SBEL and the AG will establish a secure format and method of transmission for ACP participant files, and the AG must transmit updated ACP information to SBEL at least monthly. When SBEL receives an ACP participant file with voter registration information, SBEL must redact those entries or exclude all confidential information from them in its

statewide system within 5 business days. Neither the name nor the address of any ACP participant shall be included in any publicly available statewide or local list of voters. SBEL must communicate with local election authorities at least twice a year regarding ACP participants who will need their information redacted in or removed from the local system. ACP participants must vote by mail in order for their addresses to remain confidential. SBEL will also redact or exclude information on ACP participants who engage in political activity that would normally be disclosed, including signing nominating petitions, donating \$150 or more to a political candidate, or filing an objection to a candidate's nominating papers. An informational sheet created by SBEL and distributed by the AG to ACP participants will advise participants of political activity that may lead to disclosure of an individual's residential address and instruct them to notify the AG or SBEL when they engage in such political activity. Since 1st Notice, SBEL has clarified that new ACP participants must enroll through the Office of the Attorney General (not SBEL or a local election authority) and new participants who are already registered to vote must re-register through the ACP if they wish to keep their information confidential. Those affected by this rulemaking include local election authorities.

Questions/requests for copies of the 2 SBEL rulemakings: S. Sarcu, SBEL, 2329 S. MacArthur Blvd., Springfield IL 62704, 217-782-4141, GeneralCounsel@elections.il.gov

Next JCAR Meeting: Friday, Jan. 9, 11 a.m.

Room C-600, Bilandic Bldg. 160 N. LaSalle St., Chicago

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

Kim Schultz, Executive Director ■ Kevin Kulavic, Deputy Director

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