

# 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

### ▪ FUNERAL HOMES

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to Funeral Directors and Embalmers Licensing Code (68 IAC 1250; 49 Ill Reg 5595) that establish chain of custody procedures through which funeral establishments must clearly identify human remains in their possession through final disposition. A unique identifier specific to the funeral establishment must be attached to all remains at each step of the disposition process, and affixed to the casket or alternative container prior to delivery of remains to a crematorium. The funeral director licensee must verify the identity of all remains upon assuming custody of the remains; prior to and following storage of remains; upon transfer to or from the funeral home, crematorium or another funeral establishment; and before transporting remains to final disposition. If remains are separated

(e.g., cremated remains placed in more than one container), additional tracking tags must be attached to all containers. These chain of custody records must be kept for at least 5 years and may be electronic or paper based as long as DFPR has the ability to audit the files. The rulemaking also clarifies procedures for funeral

treatment received by the petitioner. Funeral homes and crematories are affected by this rulemaking.

### ▪ CEMETERIES

DFPR also proposed amendments to the Part titled Cemetery Oversight Act (68 IAC 1249; 49 Ill Reg 5568) reflecting changes to the Cemetery Oversight Act. These amendments remove investigation and mediation fees and fees for duplicate or replacement certificates, and increase the fees for continuing education (CE) providers to \$200 (currently \$100) for initial approval and \$175 (currently \$75) for continuing approval. Applicants must provide an address of record to DFPR and update it within 14 days after any change. Cemetery managers and customer service personnel who begin working for an exempt cemetery not subject to the Act may place their licenses in inactive

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directors and embalmers seeking restoration of licenses that have been revoked, suspended, or not renewed, or have been on probation for 3 years or less. A new Section has been added concerning rehabilitation of licensees from disciplinary status, listing factors that DFPR will consider, including the seriousness of the offense that resulted in discipline; the time elapsed since the offense and evidence of rehabilitation or restitution to injured parties; and counseling or medical

**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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status until they return to working for a cemetery authority subject to the Act. Obsolete references to fees charged for entering plots into a statewide database are removed. Certification requirements for death care trade associations intending to provide CE for licensed cemetery personnel now include: having an office in Illinois for completing and maintaining records; having a customer assistance phone number or e-mail address; providing a copy of its liability insurance; and attesting that the association has either never had its authority to provide CE withdrawn by DFPR, or that if it has, providing the dates and the reasons for the withdrawal. CE courses may be offered online if they meet certain requirements. CE program providers must use facilities that meet local health and safety codes and may not use private residences. DFPR may withdraw approval for a program without a hearing if the program does not meet its requirements. Cemeteries subject to the Act are affected.

*Questions/requests for copies/comments on the 2 DFPR rulemakings through 6/9/25: Craig Cellini, DFPR, 320 W. Washington St., 2<sup>nd</sup> Floor, Springfield IL 62786, 217-785-0810, fax 217-557-4451, [Craig.Cellini@illinois.gov](mailto:Craig.Cellini@illinois.gov)*

## ▪ DCFS BACKGROUND CHECKS

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES proposed amendments to the Part titled Background Checks (89 IAC 385; 49 Ill Reg 5510) to align the Part with federal requirements for day care block grants and foster care grant

## HFS Public Hearing

### IMMIGRANT HEALTHCARE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES will hold a virtual public hearing on proposed amendments to Special Eligibility Groups (89 IAC 118; 49 Ill Reg 3418) **Friday, May 9, at 11 a.m.** via Webex. Participants may register at: <https://hfs.illinois.gov/info/legal/publicnotices.html> or at <https://illinois.webex.com/weblink/register/r5a78290bb96199c28296e377f36ce5cb>. The meeting number is 2864 107 5912 and the password is HBIA.

Public comment must be submitted via e-mail to [HFS.Rules@illinois.gov](mailto:HFS.Rules@illinois.gov) no later than 5 p.m. Thursday, May 8 and should contain the subject line "Request to Provide Public Comment During HBIA/S Meeting".

The hearing concerns proposed amendments published in the 3/21/25 *Illinois Register* that repeal all current rules for the Health Benefits for Immigrant Adults (HBIA) program, declare HBIA inoperative effective 7/1/25, and codify in permanent rule various restrictions on the Health Benefits for Immigrant Seniors (HBIS) program that have been enacted in emergency rule.

*Questions regarding the rulemaking or the public hearing: Kathy H. Muse, HFS, 201 S. Grand Ave. East, 3<sup>rd</sup> Floor, Springfield IL 62763-0002.*

programs. Comprehensive background checks are required prior to employment and every 5 years thereafter for all employees, operators, volunteers, caregivers and anyone with access to children in day care homes, foster family and temporary host homes, child welfare agencies and congregate care facilities. They are also required for non-licensed care providers who provide care for any child in DCFS custody. These checks must include: a fingerprint-based criminal background check of the Illinois State Police and FBI databases; a check of the Illinois and National Sex Offender Registries; and a check of the DCFS State Central Register of child abuse and neglect reports. For caregivers and others who have resided in another state during the past 5 years, that state's criminal, sex offender and child abuse registries must also be checked. Persons hired by day care or group day care homes or day care centers may begin working on a probationary basis after clearing an initial background check of the ISP (and/or other home state) and FBI databases, but they cannot be left alone with children until all background checks are complete. Members of the household in a day care or group day care home, foster home or host home who are ages 13 through 17 must complete a partial background check of the Illinois and National Sex Offender Registries and the DCFS State Central Register. Anyone in the household who is age 18 or older must complete a comprehensive background check. Parents and visitors to child care facilities are not subject to background checks but may not be left alone with any children other than their own. Persons offered employment by a child welfare agency or congregate care facility may not begin work until cleared by a complete comprehensive background check. License applicants must also certify that they are not more than 30 days delinquent in any child support

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# Proposed Rulemakings

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payments. Foreign nationals must submit copies of their valid passport or current visa when applying for a day care license or employment as a child care worker. Other provisions of this rulemaking update waivable and non-waivable criminal convictions and outline procedures and factors involved in obtaining a waiver. Day care providers, foster families and child welfare agencies are affected.

*Questions/requests for copies/comments through 6/9/25: Tamara Bristow, DCFS, 406 E. Monroe St., Station #65-D, Springfield IL 62701, 217-524-1983, [DCFS.Policy@illinois.gov](mailto:DCFS.Policy@illinois.gov)*

## ▪ INVASIVE PLANTS

The DEPARTMENT OF NATURAL RESOURCES proposed a new Part titled Regulations for Exotic Weeds (17 IAC 1100; 49 Ill Reg 5670) implementing Public Act 103-620. This rule establishes an official list of exotic weeds, defined in the Illinois Exotic Weeds Act and in this rule as plants not native to North America that "spread vegetatively or naturalize and degrade natural communities, reduce the value of fish and wildlife habitat, or threaten an Illinois endangered or threatened species". The rule also requires DNR permits to buy, sell, offer for sale, distribute, or plant seeds, plants, or plant parts of plants classified by DNR (after consultation with the Department of Agriculture) as exotic weeds. Plants listed in this Part as exotic weeds include tree of heaven; multiflora rose; garlic mustard; Oriental bittersweet; poison hemlock; Russian, thorny, and autumn olive; giant hogweed; and various species of

honeysuckle, knotweed and buckthorn. Effective 1/1/28, callery pear will also be classified as an exotic weed. The Part also establishes a process for individuals, businesses, State agencies and other entities to obtain exotic weed permits, which must specify whether the plants, seeds or plant parts in question are viable (capable of being propagated) or non-viable. Permits for viable plants will be granted only for controlled environments or research into methods of controlling exotic weeds, and all plants must be destroyed after the permit expires. Permits expire annually on December 31, are not transferable, and are renewable upon filing an annual report with DNR. Those affected by this rulemaking include businesses or State agencies involved in invasive plant control.

*Questions/requests for copies/comments through 6/9/25: John Fischer, DNR, One Natural Resources Way, Springfield IL 62702, 217-782-1809, [dnr.rules@illinois.gov](mailto:dnr.rules@illinois.gov)*

## DHS FACILITY RESIDENTS

The DEPARTMENT OF HUMAN SERVICES proposed amendments to the Part titled Recipient's Property (59 IAC 110; 49 Ill Reg 5613) updating policies for handling the property of recipients of treatment or habilitation at Department-operated mental health and developmental disabilities facilities. (This rule does not include the DHS Treatment and Detention Facility for sexually dangerous persons, whose rules are in 59 IAC 299.) This rulemaking allows personal property items left unclaimed at a DHS facility for 2 years or more to be sold, after notification to the persons to whom they originally belonged and/or their representatives, with proceeds from the sale to be deposited in the Service Recipients Activity Fund for DHS facilities. Items determined to be of significant value (currently, items

with an estimated value of \$500 or more) will be advertised for sale for at least 7 days prior to being sold. If there is no response to the advertisement, the items may be sold in a manner advantageous to the facility. Other provisions update procedures for handling recipients' trust funds and verifying their eligibility for public assistance and other benefits upon discharge from a facility; remove a \$1,500 cap on burial expenses for a deceased recipient; and update policies placing limitations on an individual's use of personal property in a State Operated Developmental Center (SODC) when that individual's service plan or behavior intervention plan calls for it (due to the recipient's lack of judgement or skills).

## DHS SCHOOLS

DHS also proposed amendments to the Parts titled Role of Residential Educational Facilities Operated by the Illinois Department of Human Services (89 IAC 750; 49 Ill Reg 5636) and Admission Procedures (89 IAC 755: 49 Ill Reg 5641) that extend eligibility for admission to schools operated by the DHS Division of Rehabilitation Services (Illinois School for the Deaf, the Illinois School for the Visually Impaired, and the Illinois Center for Rehabilitation Education-Roosevelt) to students through age 22 (currently 21) and allows students who turn 22 during a regular school term to remain enrolled through the end of the school year.

*Questions/requests for copies/comments on the 3 DHS rulemakings through 6/9/25: Tracie Drew, DHS, 100 S. Grand Ave. East, Harris Building, 3<sup>rd</sup> Floor, Springfield IL 62762, 217-785-9772, [DHS.AdministrativeRules@illinois.gov](mailto:DHS.AdministrativeRules@illinois.gov)*

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# Proposed Rulemakings

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## NUCLEAR FACILITIES

The ILLINOIS EMERGENCY MANAGEMENT AGENCY AND OFFICE OF HOMELAND SECURITY proposed amendments to the Part titled Safe Operation of Nuclear Facility Boilers and Pressure Vessels (32 IAC 505; 49 Ill Reg 5647) that update incorporated codes and regulations to align with current industry standards, update contact information for standards-establishing organizations, and update references to IEMA-OHS.

*Questions/requests for copies/comments through 6/9/25: Traci Burton, IEMA-OHS, 1035 Outer Park Drive, Springfield IL 62704, 217-785-9860, [Traci.Burton@illinois.gov](mailto:Traci.Burton@illinois.gov)*

## IEPA CONTACT INFO

The POLLUTION CONTROL BOARD proposed amendments to the following 15 Parts: General Rules (35 IAC 101, 49 Ill Reg 5681), Pretreatment Programs (35 IAC 310, 49 Ill Reg 5693), Permits (35 IAC 502, 49 Ill Reg 5702), Groundwater Quality (35 IAC 620; 49 Ill Reg 5707), UIC Permit Program (35 IAC 704; 49 Ill Reg 5718), Identification and Listing of Hazardous Waste (35 IAC 721; 49 Ill Reg 5726), Standards for Universal Waste Management (35 IAC 733; 49 Ill Reg 5737), Standards for the Management of Used Oil (35 IAC 739; 49 Ill Reg 5748), Tiered-Approach to Corrective Action Objectives (35 IAC 742; 49 Ill Reg 5758), Solid Waste (35 IAC 807; 49 Ill Reg 5773), Standards for New Solid Waste Landfills (35 IAC 811; 49 Ill Reg 5781), Site-Specific Closures of Coal Combustion Waste Surface Impoundments (35 IAC 840; 49 Ill Reg 5793), Management of Used and Waste Tires (35 IAC 848; 49 Ill Reg

5799), Procedures for Reporting Releases of Radionuclides at Nuclear Power Plants (35 IAC 1010; 49 Ill Reg 5806) and Drycleaner Environmental Response Trust Fund Program (35 IAC 1501; 49 Ill Reg 5811). These amendments replace the former address of the Illinois Environmental Protection Agency's Springfield headquarters with a link to the address posted at the IEPA website.

*Questions/requests for copies/comments on the 15 PCB rulemakings through 6/9/25: Clerk's Office, PCB, 60 E. Van Buren, Suite 630, Chicago IL 60605, 312-814-3621, [don.brown@illinois.gov](mailto:don.brown@illinois.gov). Please reference Docket R25-23. Comments may also be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at [wwwpcb.illinois.gov](http://wwwpcb.illinois.gov).*

# Adopted Rules

## ▪ FIRE RESISTANT MATERIAL

The OFFICE OF THE STATE FIRE MARSHAL adopted a new Part titled Sprayed Fire-Resistant Material Applicator Registration Rules (41 IAC 255; proposed at 48 Ill Reg 12699) effective 4/8/25 at 49 Ill Reg 5823, that implements the Sprayed Fire-Resistant Material Applicator Act [425 ILCS 75]. The Part outlines the process by which OSFM will register persons as sprayed fire-resistant material applicators and establishes requirements for applicators. The Act and the Part define "sprayed fire-resistant material" (SFRM) as cementitious or fibrous material applied to a steel structure as fire protection. An individual seeking registration as an SFRM applicator must be age 18 or older; hold a valid driver's license, other state ID, or passport; and provide proof of having completed a plasterer apprenticeship (via a certificate from the U.S. Department of Labor or a State apprenticeship program), at least 8 hours of training (on the job and/or in

the classroom) in SFRM application, or equivalent training/certification as determined by OSFM. Registrations are valid for 3 years and the registration fee is \$75 for renewals on or before the expiration date. OSFM will notify registrants at least 90 days before their registration expires. Renewal of an expired registration is \$125 plus a \$50 late fee. The rulemaking also establishes processes for OSFM to issue notices of violation and civil penalties for violations, and for affected individuals to appeal adverse decisions. Written complaints concerning unregistered activity may be addressed to the OSFM Division of Fire Prevention. Since 1<sup>st</sup> Notice, OSFM has clarified the plasterer apprenticeship requirements; clarified that notices of violation may be appealed; and clarified the procedure for registration renewal. Those affected by this rulemaking include businesses that apply SFRM in buildings.

1035 Stevenson Drive, Springfield IL 62703, 217-606-9822, [SFM.255rulemaking@fdmail.sfm.illinois.gov](mailto:SFM.255rulemaking@fdmail.sfm.illinois.gov)

## IEPA REPEALERS

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY repealed the Parts titled Introductions and Definitions (35 IAC 651; proposed at 48 Ill Reg 12059), Design, Operation and Maintenance Criteria (35 IAC 653; proposed at 48 Ill Reg 12066) and Raw and Finished Water Quality and Quantity (35 IAC 654; proposed at 48 Ill Reg 12109), all effective 4/14/25 at 49 Ill Reg 5816, 5818 and 5821 because the provisions contained in these Parts have been incorporated into 35 IAC 601 and 35 IAC 604 since 2019.

*Questions/requests for copies of the 3 IEPA rulemakings: Charles Matoesian, IEPA, 2520 W. Iles Ave., PO Box 19276, Springfield IL 62794-9276, 217-782-5544, [charles.matoesian@illinois.gov](mailto:charles.matoesian@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 May 13, 2025 meeting in Springfield. Further comments concerning these rulemakings should be addressed to JCAR at [jcar@ilga.gov](mailto:jcar@ilga.gov).

## DEPT OF FINANCIAL AND PROFESSIONAL REGULATION

Genetic Counselor Licensing Act (68 IAC 1251; 49 Ill Reg 1227) proposed 1/31/25

Landscape Architecture Registration Act (68 IAC 1275; 48 Ill Reg 18059) proposed 12/27/24

## OFFICE OF THE STATE TREASURER

Community Development Loan Guarantee Program (74 IAC 715; 49 Ill Reg 1257) proposed 1/31/25

## IL GAMING BOARD

Video Gaming (General)(11 IAC 1800; 48 Ill Reg 16724) proposed 11/22/24

Sports Wagering (11 IAC 1900; 48 Ill Reg 16738) proposed 11/22/24

Riverboat and Casino Gambling (86 IAC 3000; 48 Ill Reg 16752) proposed 11/22/24

## STATE BOARD OF ELECTIONS

Campaign Financing (26 IAC 100; 49 Ill Reg 1642) proposed 2/14/25

Practice and Procedure (26 IAC 125; 49 Ill Reg 1697) proposed 2/14/25

**Next JCAR Meeting: Tuesday, May 13, 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

Kim Schultz, Executive Director ■ Kevin Kulavic, Deputy Director

700 Stratton Office Building, Springfield IL 62706

217-785-2254 ■ [jcar@ilga.gov](mailto:jcar@ilga.gov)