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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2014

Issue#	Rules Due Date	Date of Issue
1	December 23, 2013	January 3, 2014
2	December 30, 2013	January 10, 2013
3	January 6, 2014	January 17, 2014
4	January 13, 2014	January 24, 2014
5	January 21, 2014	January 31, 2014
6	January 27, 2014	February 7, 2014
7	February 3, 2014	February 14, 2014
8	February 10, 2014	February 21, 2014
9	February 18, 2014	February 28, 2014
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13	March 17, 2014	March 28, 2014
14	March 24, 2014	April 4, 2014
15	March 31, 2014	April 11, 2014
16	April 7, 2014	April 18, 2014
17	April 14, 2014	April 25, 2014
18	April 21, 2014	May 2, 2014

19	April 28, 2014	May 9, 2014
20	May 5, 2014	May 16, 2014
21	May 12, 2014	May 23, 2014
22	May 19, 2014	May 30, 2014
23	May 27, 2014	June 6, 2014
24	June 2, 2014	June 13, 2014
25	June 9, 2014	June 20, 2014
26	June 16, 2014	June 27, 2014
27	June 23, 2014	July 7, 2014
28	June 30, 2014	July 11, 2014
29	July 7, 2014	July 18, 2014
30	July 14, 2014	July 25, 2014
31	July 21, 2014	August 1, 2014
32	July 28, 2014	August 8, 2014
33	August 4, 2014	August 15, 2014
34	August 11, 2014	August 22, 2014
35	August 18, 2014	August 29, 2014
36	August 25, 2014	September 5, 2014
37	September 2, 2014	September 12, 2014
38	September 8, 2014	September 19, 2014
39	September 15, 2014	September 26, 2014
40	September 22, 2014	October 3, 2014
41	September 29, 2014	October 10, 2014
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45	October 27, 2014	November 7, 2014
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48	November 17, 2014	December 1, 2014
49	November 24, 2014	December 5, 2014
50	December 1, 2014	December 12, 2014
51	December 8, 2014	December 19, 2014
52	December 15, 2014	December 26, 2014

Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from May 1, 2014 until July 1, 2014.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Illinois Bovidae and Cervidae Tuberculosis Eradication Act

2) Code Citation: 8 Ill. Adm. Code 80

3)

Section Numbers:	Proposed Action:
80.120	Amend
80.140	Amend

4) Statutory Authority: Illinois Bovidae and Cervidae Tuberculosis Eradication Act [510 ILCS 35]

5) A Complete Description of the Subjects and Issues Involved: The interval between Tuberculosis skin tests in cervidae is a minimum of 90 days, whereas in other species it is 60 days. The USDA has approved the use of a blood test for testing cervidae for tuberculosis. This allows testing to be performed with minimum amount of animal handling.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rule in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

12) Time, place and manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the Notice of Proposed Amendment appears in the *Illinois Register*. Please send written comments on the proposed rulemaking to the attention of:

Susan Baatz
Illinois Department of Agriculture
State Fairgrounds, PO Box 19281
Springfield IL 62794-9281

217/524-6905
217/785-4505 (fax)

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Cervid producers should be positively affected by reduced handling time and stress on animals being tested.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Regulatory agenda on which this rulemaking was summarized: January 2014

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 80
ILLINOIS BOVIDAE AND CERVIDAE TUBERCULOSIS ERADICATION ACT

Section
80.5 Definitions/Incorporations by Reference
80.10 Requirements for Illinois Bovine Tuberculosis-Free Accredited Cattle and Bison Herds
80.20 When Indemnity Will Be Paid on Tests
80.30 Herds Quarantined Because of Suspected Tuberculosis Infection
80.40 Identification Tags Not To Be Removed
80.50 Infected Herd Depopulation (Repealed)
80.60 Cattle for Immediate Slaughter (Repealed)
80.70 Feeding or Grazing Cattle from Non-Accredited Bovine Tuberculosis-Free States
80.80 Female Cattle – Beef Breeds – 18 Months and Over from Non-Accredited Bovine Tuberculosis-Free Areas or Canadian Provinces
80.90 Sale of Quarantined Feeding or Grazing Cattle (Repealed)
80.100 Release of Feeding or Grazing Cattle from Quarantine (Repealed)
80.110 Breeding Cattle
80.120 Tuberculin Tests
80.130 Establishing and Maintaining Accredited Tuberculosis-Free Goat Herds
80.140 Cervidae
80.150 Goats
80.160 Testing Requirements for Cattle from Non-Accredited Free Areas or Canadian Provinces
80.170 Bison
80.180 Illinois Exhibition Animals Returning from Non-Accredited Free States
80.190 Animals Entering Illinois from Non-Accredited Free States, Canadian Provinces or Areas; Permit Required

AUTHORITY: Implementing and authorized by the Illinois Bovidae and Cervidae Tuberculosis Eradication Act [510 ILCS 35].

SOURCE: Regulations Relating to Bovine Tuberculosis, filed January 17, 1972, effective January 27, 1972; filed June 21, 1976, effective July 1, 1976; filed December 29, 1976, effective

January 8, 1977; amended at 2 Ill. Reg. 24, p. 1, effective June 15, 1978; codified at 5 Ill. Reg. 10455; amended at 7 Ill. Reg. 1742, effective January 28, 1983; amended at 8 Ill. Reg. 17809, effective October 1, 1984; amended at 9 Ill. Reg. 4503, effective March 22, 1985; amended at 9 Ill. Reg. 18432, effective November 19, 1985; emergency amendment at 11 Ill. Reg. 5326, effective March 13, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10183, effective May 15, 1987; amended at 12 Ill. Reg. 8295, effective May 2, 1988; amended at 13 Ill. Reg. 3676, effective March 13, 1989; amended at 14 Ill. Reg. 1931, effective January 19, 1990; amended at 21 Ill. Reg. 17070, effective January 1, 1998; amended at 23 Ill. Reg. 428, effective January 1, 1999; amended at 23 Ill. Reg. 9775, effective August 9, 1999; amended at 24 Ill. Reg. 1003, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 8613, effective June 15, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16623, effective November 1, 2000; amended at 26 Ill. Reg. 71, effective January 1, 2002; amended at 28 Ill. Reg. 2077, effective February 1, 2004; amended at 30 Ill. Reg. 10075, effective May 22, 2006; emergency amendment at 34 Ill. Reg. 12236, effective August 6, 2010, for a maximum of 150 days; emergency expired January 2, 2011; amended at 34 Ill. Reg. 19382, effective January 1, 2011; amended at 38 Ill. Reg. _____, effective _____.

Section 80.120 Tuberculin Tests

a) The caudal fold test shall be the official tuberculin test for testing of cattle, bison, sheep, goats, and antelope not known to be infected with, or exposed to, bovine tuberculosis. The caudal fold test shall be applied by accredited veterinarians or by full-time State or Federal regulatory veterinarians.

b) The comparative cervical test shall be the official tuberculin test for retesting suspects. The comparative cervical test shall be applied only by full-time employed State or Federal regulatory veterinarians. The comparative cervical test must be applied within 10 or not less than 60 days, 90 days in the case of cervidae, following the initial caudal fold injection. In approved cervidae, an official USDA approved blood test must be used in cases in which the initial test was an official USDA approved blood test. The second blood test can be conducted no sooner than 30 days after the first blood test was conducted.

c) The single cervical test shall be the official tuberculin test for retesting known infected herds and exposed cattle, bison, sheep, goats, antelope or cervidae which were once part of a known infected herd and is the official tuberculin test for any type of testing for cervidae. In approved cervidae, an official USDA approved blood test can be used in place of the single cervical tuberculin test. The single cervical test and official USDA approved blood test shall be applied only by full-time employed State or Federal regulatory veterinarians or by designated

accredited veterinarians as defined by the Uniform Methods and Rules for Tuberculosis Eradication in Cervidae.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 80.140 Cervidae

a) All cervidae entering Illinois shall comply with the following:

1) Animals originating from:

A) Accredited Bovine Tuberculosis-Free Areas shall be negative to two single cervical tests using 0.1 PPD Bovis tuberculin in the midcervical region with reading by observation and palpation at 72 hours, plus or minus 6 hours, no less than 90 days apart, with the second test conducted within 90 days prior to the movement, for all animals 12 months of age and over that were isolated from all other members of the herd during the testing period, unless they originate from an accredited, qualified or monitored herd. As an alternative to the single cervical tests, approved cervidae shall be negative to two USDA official blood tests for tuberculosis conducted no less than 30 days apart with the second test conducted within 90 days prior to the movement.

i) Cervidae from an accredited herd may be moved into Illinois without further tuberculosis testing provided that they are accompanied by a certificate stating that such cervidae originated from an accredited herd.

ii) Cervidae originating from qualified or monitored herds may enter Illinois with a negative single cervical test or, for approved cervidae, USDA official tuberculosis blood test within 90 days prior to importation and a certificate stating that the animals originate from a monitored herd.

B) Non-Accredited Bovine Tuberculosis-Free Areas or Canadian provinces that are not tuberculosis free and that originate from a herd where a complete herd test has been conducted within the past year, and all animals found negative to an official USDA tuberculosis blood test, for approved cervidae, or a single cervical

test using 0.1 PPD Bovis tuberculin in the midcervical region with reading by observation and palpation at 72 hours, plus or minus 6 hours, shall be negative to two USDA official tuberculosis blood tests, for approved cervidae, or single cervical tests conducted within 180 and 30 days prior to entry.

C) Institutions that have been accredited by the American Zoo and Aquarium Association (AZAA) are exempt from these requirements when movement is between accredited member facilities. All other movement from AZAA-accredited members must comply with these movement requirements.

2) Be accompanied by a Certificate of Veterinary Inspection issued by an accredited veterinarian within 30 days prior to importation.

3) Be individually identified by ~~an~~ approved eartags~~eartag~~, microchips ~~microchip~~ or tattoos~~tattoo~~.

4) Be accompanied by a permit obtained from the Department as follows:

A) Applicant for permit shall furnish the following information to the Department:

i) Name and post office mailing address of Illinois destination;

ii) Name and post office mailing address of consignor;

iii) Number of cervidae in shipment.

B) Grounds for refusal to issue permit are:

i) Violation of the Act or any rule of this Part;

ii) Presence of a disease which might endanger the Illinois livestock industry;

iii) Refusal to provide required information for the permit.

C) Permits will be issued by telephoning or writing the Department.

b) Accredited, qualified and monitored tuberculosis-free cervidae herds shall be established and maintained in accordance with the Uniform Methods and Rules for Bovine Tuberculosis Eradication with the following amendments:

1) Initial Accrediting
All test eligible captive cervids in the herd must have tested negative to at least two consecutive official tuberculosis tests conducted at 9-15 month intervals.

2) Maintenance of Accreditation
To maintain status as an accredited herd, all test-eligible captive cervids in the herd must test negative to an official tuberculosis test within 33-39 months after the anniversary date of the second consecutive negative herd test conducted under subsection (b)(1).

c) Cervidae entering Illinois must also be in compliance with the Illinois Wildlife Code [520 ILCS 5].

(Source: Amended at 38 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Diseased Animals

2) Code Citation: 8 Ill. Adm. Code 85

3) Section Number: 85.120 Proposed Action: Amend

4) Statutory Authority: Diseased Animals [510 ILCS 30/6, 50 and 65; 225 ILCS 640]

5) A Complete Description of the Subjects and Issues Involved: The USDA interim final regulation on Chronic Wasting Disease in cervidae went into effect in August 2012. This regulation provides requirements for the interstate movement of cervidae. Each state is required to be in compliance with this regulation and each cervid herd owner moving animals interstate must meet federal herd certification requirements. Herd owners originating in states not in compliance with the interim regulation will not be allowed to transport cervids interstate. Illinois currently has provisional status for compliance with the federal regulation but must make certain changes to State rules in order to become fully compliant with this federal regulation.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rulemaking in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

12) Time, place and manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the Notice of Proposed Amendment appears in the *Illinois Register*. Please send written comments on the proposed rulemaking to the attention of:

Susan Baatz

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

Illinois Department of Agriculture
State Fairgrounds, PO Box 19281
Springfield IL 62794-9281

217/524-6905
217/785-4505 (fax)

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: The changes made to the federal Chronic Wasting Disease regulation will not preempt State or local laws and rules that are more restrictive than APHIS' regulations, with the exception that cervids that are eligible to move interstate may transit a state that bans or restricts the entry of these animals en route to another state.

B) Reporting, bookkeeping or other procedures required for compliance: We anticipate that USDA will contact Illinois Department of Agriculture in late spring or early summer for an update on compliance.

C) Types of professional skills necessary for compliance: None

14) Regulatory agenda on which this rulemaking was summarized: January 2014

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 85
DISEASED ANIMALS

Section
85.5 Definitions
85.7 Incorporation by Reference
85.10 Reportable Diseases
85.12 Contagious or Infectious Diseases
85.15 Truck Cleaning and Disinfection
85.20 Disposal of Sick, Diseased, or Crippled Animals at Stockyards, Auction Markets, or Marketing Centers
85.25 Sale of Livestock Quarantined Because of Disease
85.30 Identification Ear Tags for Livestock
85.35 Identification Tags Not to be Removed
85.40 Livestock for Immediate Slaughter Not to be Diverted En Route
85.45 Anthrax
85.50 Goats
85.55 Scrapie in Sheep and Goats
85.60 Bluetongue
85.65 Sheep Foot Rot (Repealed)
85.70 Cattle Scabies
85.75 Cattle Scabies − Additional Requirements on Cattle from Certain Designated Areas
85.80 Sheep and Goats
85.85 Diseased Animals
85.90 Copy of Health Certificate Shall be Furnished
85.95 Requests for Permits
85.100 Consignments to Stockyards, Auction Markets or Recognized Slaughtering Centers
85.105 Obligation of Transportation Company and Truck Operators
85.110 Additional Requirements on Cattle From Designated States
85.115 Salmonella enteritidis serotype enteritidis
85.120 Cervidae
85.125 Ratites

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

85.130 Vesicular Stomatitis
85.135 Requirements for Establishing and Maintaining a Herd Under the Voluntary Paratuberculosis (Johne's Disease) Certification Program
85.140 Requirements for Establishing and Maintaining a Herd Under the Voluntary Paratuberculosis (Johne's Disease) Risk Management Program
85.145 Johne's Disease Positive Animals
85.150 Importation of Animals; Permit Required
85.155 Release from Quarantine

AUTHORITY: Implementing and authorized by the Illinois Diseased Animals Act [510 ILCS 50]; Section 6 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/6]; Livestock Auction Market Law [225 ILCS 640]; and Equine Infectious Anemia Control Act [510 ILCS 65].

SOURCE: Regulations Relating to Diseased Animals, filed January 17, 1972, effective January 27, 1972; filed August 19, 1975, effective August 29, 1975; filed December 29, 1976, effective January 8, 1977; amended at 2 Ill. Reg. 24, p. 12, effective June 15, 1978; amended at 3 Ill. Reg. 33, p. 337, effective August 17, 1979; amended at 5 Ill. Reg. 724, effective January 2, 1981; codified at 5 Ill. Reg. 10456; amended at 7 Ill. Reg. 1746, effective January 28, 1983; amended at 8 Ill. Reg. 5925, effective April 23, 1984; amended at 9 Ill. Reg. 4489, effective March 22, 1985; amended at 9 Ill. Reg. 18411, effective November 19, 1985; amended at 10 Ill. Reg. 20464, effective January 1, 1987; amended at 12 Ill. Reg. 8283, effective May 2, 1988; amended at 13 Ill. Reg. 3642, effective March 13, 1989; amended at 14 Ill. Reg. 1919, effective January 19, 1990; amended at 14 Ill. Reg. 15313, effective September 10, 1990; amended at 16 Ill. Reg. 11756, effective July 8, 1992; emergency amendment at 17 Ill. Reg. 14052, effective August 16, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 1850, effective January 24, 1994; emergency amendment at 19 Ill. Reg. 10734, effective July 10, 1995, for a maximum of 150 days; emergency expired December 17, 1995; amended at 20 Ill. Reg. 276, effective January 1, 1996; emergency amendment at 20 Ill. Reg. 6581, effective April 30, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 13039, effective September 25, 1996; amended at 21 Ill. Reg. 17049, effective January 1, 1998; amended at 23 Ill. Reg. 411, effective January 1, 1999; amended at 23 Ill. Reg. 7862, effective July 1, 1999; amended at 24 Ill. Reg. 997, effective January 10, 2000; amended at 24 Ill. Reg. 16612, effective November 1, 2000; amended at 26 Ill. Reg. 76, effective January 1, 2002; emergency amendment at 26 Ill. Reg. 6846, effective April 19, 2002, for a maximum of 150 days; emergency expired September 15, 2002; amended at 26 Ill. Reg. 18245, effective December 13, 2002; emergency amendment at 27 Ill. Reg. 9638, effective June 10, 2003, for a maximum of 150 days; emergency expired November 6, 2003; amended at 28 Ill. Reg. 2086, effective February 1, 2004; amended at 28 Ill. Reg. 13405, effective October 1, 2004; amended at 30 Ill. Reg. 16582, effective October 9, 2006; amended at

31 Ill. Reg. 82, effective January 1, 2007; amended at 34 Ill. Reg. 19399, effective January 1, 2011; amended at 38 Ill. Reg. _____, effective _____.

Section 85.120 Cervidae

a) Elk entering Illinois shall originate from a certified brucellosis-free herd or be negative to a brucellosis card test, standard plate agglutination (SPT) test, or complement-fixation (CF) test conducted within 60 days prior to entry on all animals 6 months of age and over.

b) Certified brucellosis-free cervid herds shall be established and maintained in accordance with the Brucellosis Uniform Methods and Rules as approved by the United States Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228; September 30, 2003 and not including any later amendments or editions beyond the date specified) and the USDA with the following amendments:

1) For initial certification, all sexually intact cervids in the herd 6 months of age or older must have two consecutive negative tests 9 to 15 months apart.

2) For continuous certification, all test-eligible animals in the herd must have a negative test between 33 and 39 months after the last certification date. If suspects or reactors are found on recertification testing, certification status will be terminated and a herd investigation will be initiated.

c) All cervidae entering Illinois must also be in compliance with the Illinois Wildlife Code [520 ILCS 5].

d) All cervidae entering Illinois must be accompanied by a permit from the Department and Certificate of Veterinary Inspection (CVI) that:

1) has been issued by an accredited veterinarian of the state of origin or a veterinarian in the employ of the United States Department of Agriculture;

2) is approved by the Animal Health Official of the state of origin;

3) shows that the cervidae are free from visible evidence of any contagious, infectious, or communicable disease or exposure thereto, do not originate

from a CWD endemic area (the area contained within a 15 mile radius from any location~~any county and surrounding counties~~ where CWD has been diagnosed in the past 5 years);

4) shows that the cervidae are not originating from a herd under quarantine for any contagious, infectious or communicable disease;

5) shows that the animals originate from a herd that has been monitored for at least 5 years under a state/federally~~state~~ approved CWD herd certification program. If a state/federally~~state~~ approved CWD herd certification program does not exist for the susceptible cervidae species in question, the following criteria must be met:

A) Any additions to the herd are natural additions or have been in the herd for at least one year;

B) Complete herd records, including records of purchases, deaths and causes of deaths are maintained for at least 5 years;

C) The herd has been under veterinary supervision for a minimum of 5 years;

D) The animals have not been exposed to any animal from a herd diagnosed with CWD in the past 5 years;

E) The CVI contains~~Contains~~ a statement by the veterinarian for the herd of origin certifying that the herd has been under veterinary supervision for a minimum of 5 years and has had no exposure to any cervid from a CWD trace-back or trace-forward herd; and

F) Contains a statement signed by the owner certifying that all statements on the certificate of veterinary inspection are correct;

6) lists the cervid's unique individual official identification as defined in 9 CFR 55.25, 81.1 and 81.2 (2013)~~78.1 (2009)~~ (approved ear tag, flank or ear tattoo or electronic implant~~microchip~~). In addition, each animal must be identified with a secondary identifier that is unique for the animal in the herd of origin;

7) shows the permit obtained from the Department:

A) Applicant for permit shall furnish the following information to the Department:

i) Name and post office mailing address of Illinois destination;

ii) Name and post office mailing address of consignor and/or source herds;

iii) Number and unique official and secondary identification of cervidae in shipment;

iv) Anniversary date and herd certification number of the source herds; and

v) Name and telephone number of the herd veterinarian of the source herds.

B) Grounds for refusal to issue permit are:

i) Violation of the Act or this Part;

ii) Presence of a disease that might endanger the Illinois livestock industry;

iii) Refusal to provide required information for the permit.

C) Permits will be issued by telephoning or writing the Department.

e) Chronic wasting disease (CWD)

1) Any CWD susceptible species~~cervid~~ dying or that has been euthanized due to~~from~~ an unknown cause and that has exhibited a neurological disorder is classified as a CWD-Suspect animal and must have its brain and medial retropharyngeal lymph nodes removed for CWD evaluation. Any CWD susceptible species~~cervid~~ exhibiting symptoms of CWD must be kept separate and apart from other members of the herd and will be quarantined

until the animal is either destroyed or determined not to have CWD. Animals quarantined for CWD will be subject to periodic inspection by Department personnel. Herds containing CWD-Suspect animals shall be classified as CWD-Suspect herds and a herd plan will be developed. No cervid may move out of a CWD-Suspect herd other than direct to slaughter until confirmatory testing has been completed on all CWD-Suspect animals and the test results are reported as CWD not detected.

2) If CWD is diagnosed in a herd, the herd shall be classified as CWD-Positive and will be quarantined and a CWD herd plan will be developed. The quarantine will remain in effect until either the herd has been depopulated or there has been no evidence of CWD in the herd for five years from the date of the last case, and all animals that have died, been euthanized or ~~have~~ been slaughtered in the herd during that period were examined for CWD.

3) If a herd received an animal from an affected herd within 60~~36~~ months prior to the death of the affected animal, the trace-forward herd shall be classified as CWD-Exposed and a CWD herd plan will be developed. A CWD-Exposed herd has two options:

A) The animal from the affected herd shall be removed and examined for CWD. If the animal is positive, the herd shall be classified as CWD-Positive and managed as in subsection (e)(2).~~placed under quarantine for at least five years, and a herd plan shall be developed.~~ If CWD is not detected in the animal~~the animal is negative~~, a herd plan shall be developed that~~which~~ includes a five year surveillance of the herd, with ~~the~~ mandatory reporting of the death of all animals and ~~CWD~~ examination of all mortalities for CWD.

B) If the trace-forward animal is not removed, the herd will be quarantined and a herd plan developed. The herd will be under quarantine for five years, if~~unless~~ the herd was participating in the Certified Monitored Chronic Wasting Disease program, and any~~. Any~~ surveillance done after the arrival of the trace animal will be counted as time in quarantine.

4) If an animal dies of CWD within 60~~36~~ months after changing herds, the

herd of origin shall be considered as the trace-back herd and shall be classified as CWD-Exposed. A herd plan will be developed~~, including a herd inventory with individual official animal identification, verified by an accredited, state or federal veterinarian~~. The herd will be quarantined for five years from the last case traced back to the herd with mandatory mortality~~death~~ reporting and CWD testing of all animals.

5) For CWD susceptible species~~cervidae~~ changing ownership or moving within the State, the owner must obtain a permit issued by the Department prior to movement and the cervidae must originate from a herd that is enrolled in the Certified Monitored Chronic Wasting Disease (CWD) Program or the Contained Monitored Chronic Wasting Disease Program. The permit may be obtained no more than 72 hours in advance of the movement of the cervids by providing the following information:

A) Name and complete mailing address of person selling the cervids;

B) Certified Monitored Chronic Wasting Disease or Contained Monitored Chronic Wasting Disease Herd number;

C) Name and complete mailing address of person purchasing the cervids; and

D) Number of animals and unique official and secondary identification of the animals.

6) For CWD susceptible species~~cervidae~~ entering Illinois for immediate slaughter, the owner must:

A) Notify the Department at least seven days prior to shipment providing the Department with the number of animals to be slaughtered and the name and address of the slaughter facility; and

B) Obtain a permit from the Department no more than 72 hours in advance of shipment confirming the name of the slaughter facility, the date the animals will be shipped, and the individual official and secondary identification numbers~~number~~ for each animal.

7) Grounds for refusal to issue permit are:

A) Violation of the Act or this Part;

B) Presence of a disease that might endanger the Illinois livestock industry; and

C) Refusal to provide required information for the permit.

8) Permits may be requested by telephone or writing the Department.

f) Requirements for Establishing and Maintaining Certified Monitored Chronic Wasting Disease (CWD) Herds

1) General requirements

A) Certification for Certified Monitored CWD Herds shall be valid for one year, unless revoked due to disclosure of CWD in the herd, and shall be issued by the Department.

B) Certification shall be extended for a period of one year upon compliance with recertification requirements.

C) A CWD Certified Monitored Herd Management Agreement must be completed, signed and submitted to the Department for approval. ~~All animals shall be individually identified with an approved tag, microchip or tattoo. Elk are required to have two official/approved unique identifiers.~~

D) All animals shall be individually identified as defined in 9 CFR 55.25, 81.1 and 81.2 (2013) (approved ear tag, flank or ear tattoo, or electronic implant). In addition, each animal must be identified with a secondary identifier that is unique for the animal in the herd of origin.

E) Herd premises must have perimeter fencing adequate to prevent ingress and egress of cervidae.

2) To qualify or renew a herd for certified monitored status

A) An annual herd inventory and facility inspection must be completed and verified by an accredited veterinarian, or a state or federal veterinarian, animal health investigator or animal health technician, or an authorized representative of the Illinois Department of Natural Resources, within 9-15 months from the anniversary date of the enrollment of the herd in the program. Herds that have not completed the required inventory and inspection within this period of time will be removed from the program. Reinstatement of herds will be at Monitored Herd level 1 status.The inventory and facility inspection must include:

i) Unique official and secondary identification, age and sex of all animals in the herd;

ii) Disposition of all animals not present;

iii) Source of purchased additions;

iv) Documentation of all interstate movement; ~~and~~

v) Visusal inspection of fencing and cervidae within the enclosure;

vi) Review of herd records for inventory and identification accuracy and to verify the records retention requirement is met; and

vii)~~v)~~ Signature of both the owner and the person verifying the inventory and facility inspection.

B) The owner must:

i) Submit the obex and medial retropharyngeal lymph nodes~~brains~~ of all animals 12~~16~~ months of age or older that have died or been killed or slaughtered for CWD examination at an approved laboratory;

ii) Immediately report to the Department all mortalities of animals within a CWD susceptible species that are 12 months of age and older;

~~ii) Individually identify all animals with a unique official identification; and~~

iii) Individually identify all animals with official identification and secondary identification that is unique to the animal in the herd. All natural additions to the herd must be officially and secondarily identified before they are 12 months of age;

iv) Immediately report to the Department all animals that escape or disappear from the herd and make every reasonable effort to recapture the animals once it is discovered there has been an escape;

v) Submit all CWD susceptible species for a physical inventory (under individual restraint) every 3 years (or as otherwise required) by an accredited veterinarian, or a state or federal veterinarian, an animal health investigator or animal health technician, or an authorized representative of the Illinois Department of Natural Resources;

vi) Maintain herd inventory records for a minimum of 5 years for each animal in the herd;

vii)~~iii)~~ Provide a detailed description of the physical facilities and the specific premises location of the herd either through GPS identification or through a detailed description of the location.

3) Levels of certification

A) The Department will issue certification of herd monitoring upon completion of the annual herd inventory and review by the Department.

B) Herds will be certified as follows:

i) Monitored Herd, followed by number of years of participation; and

ii) Certified Herd, followed by number of years of participation. A herd will be certified at the end of five years of participation.

4) Herd additions are allowed under the following circumstances:

A) Animals may enter the herd from herds of equal or higher status.~~; and~~

B) Animals entering the herd from a herd of lower status will result in the herd's level reverting to the level of the purchased animals.

C) Acquiring animals from Contained Monitored CWD Herds will result in the herd status being reclassified as a Contained Monitored CWD Herd.

g) Requirements for Establishing and Maintaining Contained Monitored Chronic Wasting Disease (CWD) Herds

1) General requirements

A) Certification for Contained Monitored CWD Herds shall be valid for one year, unless revoked due to disclosure of CWD in the herd, and shall be issued by the Department.

B) Certification shall be extended for a period of one year upon compliance with recertification requirements.

C) All animals being purchased or sold shall be individually identified with an approved tag, microchip or tattoo.

D) Animals from Contained Monitored CWD Herds are not eligible for interstate movement except for movement direct to slaughter.

2) To qualify or renew a herd for certified contained monitored status

A) An annual herd inventory must be completed and verified by an accredited veterinarian, or a state or federal veterinarian, animal health investigator or animal health technician, or an authorized representative of the Illinois Department of Natural Resources, within 9-15 months from the anniversary date of the enrollment of the herd in the program. Herds that have not completed the required inventory and inspection within this period of time will be removed from the program. Reinstatement of herds will be at Contained Monitored Herd level 1 status. The inventory must include:

i) Approximate number of animals in herd;

ii) Disposition of all animals not present;

iii) Source of purchased additions;

iv) Documentation of all interstate movement; and

v) Signature of both the owner and the person verifying the inventory.

B) The owner must:

i) Submit the obex and medial retropharyngeal lymph nodes ~~brains~~ of all animals within a CWD susceptible species that are 12~~animals 16~~ months of age or older and that have died or been killed or slaughtered for CWD examination at an approved laboratory;

ii) Individually identify all animals entering or leaving the herd with ~~a unique~~ official identification and secondary identification that is unique to the animal in the herd; and

iii) Provide a detailed description of the physical facilities and the specific premises location of the herd either through GPS identification or through a detailed description of the

location.

3) Levels of certified contained monitored status

A) The Department will issue certified contained monitored status upon completion of the annual herd inventory and review by the Department.

B) Herds will be classified as follows:

i) Monitored Herd, followed by number of years of participation; and

ii) Certified Contained Monitored Herd, followed by number of years of participation. A herd will be certified at the end of five years of participation.

4) Herd additions are allowed under the following circumstances:

A) Animals must be individually ~~officially~~ identified with official identification and secondary identification that is unique to the animal in the herd;

B) Animals may enter the herd from herds of equal or higher status; and

C) Animals entering the herd from a herd of lower status will result in the herd's level reverting to the level of the purchased animals.

h) For cervids entering or moving within Illinois for slaughter purposes, the owner must contact the Department for a permit to move the animals, providing the Department with the individual identification of each animal to be slaughtered, the owner's name and mailing address, and the name and address of the slaughter facility.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Animal Disease Laboratories Act

2) Code Citation: 8 Ill. Adm. Code 110

3)

Section Numbers:	Proposed Action:
110.10	Amend
110.20	Amend
110.30	Amend
110.40	Repeal
110.50	Amend
110.60	Amend
110.70	Amend
110.80	Amend
110.90	Amend
110.100	Repeal
110.105	New
110.110	Repeal
110.120	Amend
110.130	Repeal

4) Statutory Authority: Animal Disease Laboratories Act [510 ILCS 10]

5) A Complete Description of the Subjects and Issues Involved: This rulemaking will remove language specific to the Centralia Animal Disease Laboratory and the Springfield Serology Laboratory, which are no longer operational. Testing that was administered in Centralia and Springfield that is not available at the Galesburg Animal Disease Laboratory will be removed. Additionally, lab tests and the fee schedule for the Galesburg Animal Disease Laboratory have been updated.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rule in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? No

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

11) Statement of Statewide Policy Objectives: This rulemaking may affect units of local government that had been using the Centralia or Springfield laboratories.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the Notice of Proposed Amendment appears in the *Illinois Register*. Please send written comments on the proposed rulemaking to the attention of:

Susan Baatz
Illinois Department of Agriculture
State Fairgrounds, PO Box 19281
Springfield IL 62794-9281

217/524-6905
217/785-4505 (fax)

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Veterinary clinics, municipalities, and landowners/farmers who used the Centralia or Springfield laboratories are now sending their samples to the Galesburg laboratory. If the test is no longer offered by the Department, they may be working with a private laboratory or the University of Illinois Veterinary Diagnostic Laboratory.

B) Reporting, bookkeeping or other procedures required for compliance: No additional procedures are required.

C) Types of professional skills necessary for compliance: None

14) Regulatory agenda on which this rulemaking was summarized: January 2014

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 110
ANIMAL DISEASE LABORATORIES ACT

Section

110.10 Definitions
110.20 Submitting Specimens
110.30 Payment For Laboratory Services
110.40 Tests Not Covered By Fee Schedule (Repealed)
110.50 Minimum Fees
110.60 Euthanasia Fees
110.70 Clinical Pathology/Parasitology Fees
110.80 Histopathology Fees
110.90 Microbiology Fees
110.100 Parasitology Fees (Repealed)
110.105 Serology Fees
110.110 Toxicology Fees (Repealed)
110.120 Miscellaneous Fees
110.130 Meats Chemistry Fees (Repealed)
110.140 Liquor Control Commission Fees (Repealed)

AUTHORITY: Implementing and authorized by the Animal Disease Laboratories Act [510 ILCS 10].

SOURCE: Adopted and codified at 8 Ill. Reg. 9047, effective July 1, 1984; amended at 9 Ill. Reg. 4471, effective March 22, 1985; amended at 9 Ill. Reg. 19638, effective January 1, 1986; amended at 10 Ill. Reg. 9733, effective May 21, 1986; amended at 11 Ill. Reg. 10163, effective May 15, 1987; amended at 12 Ill. Reg. 3379, effective January 25, 1988; amended at 13 Ill. Reg. 3617, effective April 15, 1989; amended at 14 Ill. Reg. 1907, effective January 19, 1990; amended at 14 Ill. Reg. 3416, effective March 1, 1990; amended at 14 Ill. Reg. 15304, effective September 10, 1990; amended at 16 Ill. Reg. 11416, effective July 1, 1992; amended at 18 Ill. Reg. 1825, effective February 1, 1994; amended at 18 Ill. Reg. 17433, effective December 1, 1994; amended at 20 Ill. Reg. 255, effective January 1, 1996; amended at 20 Ill. Reg. 16176, effective January 1, 1997; amended at 21 Ill. Reg. 17034, effective January 1, 1998; amended at 23 Ill. Reg. 386, effective January 1, 1999; amended at 23 Ill. Reg. 9754, effective August 9, 1999; amended at 24 Ill. Reg. 990, effective January 10, 2000; amended at 24 Ill. Reg. 16606,

effective November 1, 2000; amended at 26 Ill. Reg. 105, effective January 1, 2002; amended at 28 Ill. Reg. 2104, effective February 1, 2004; amended at 30 Ill. Reg. 10080, effective May 22, 2006; amended at 34 Ill. Reg. 19439, effective January 1, 2011; amended at 35 Ill. Reg. 19768, effective January 1, 2012; amended at 36 Ill. Reg. 13621, effective September 1, 2012; amended at 38 Ill. Reg. _____, effective _____

Section 110.10 Definitions

"Accession" is one animal or group of animals or samples from the same location, representative of a single disease or disease problem, and received at the laboratory on the same day.

~~"C" indicates the test is performed at the Animal Disease Laboratory – Centralia.~~

"Department" means the Illinois Department of Agriculture.

~~"G" indicates the test is performed at the Animal Disease Laboratory – Galesburg.~~

~~"I" indicates inactive test; call the laboratory prior to submission.~~

~~"Non-agricultural samples" include all samples of municipal and private water submitted for potability testing and/or chemical or bacteriological screening; all samples from companion animals for any type of procedure or testing; all samples submitted for Meats chemistry analysis, other than those submitted by Department personnel; and all environmental samples (soil, water or vegetation) not involved with production of a cash or feed crop.~~

~~"S" indicates the test is performed at the State-Federal Serology Laboratory, Springfield.~~

"Specimen" is any animal or plant tissue or substance to which a test or procedure is applied.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 110.20 Submitting Specimens

Specimens shall be sent or delivered to:

Animal Disease Laboratory

2100 South Lake Storey Road
PO Box 2100X
Galesburg IL 61401

~~the laboratory designated as performing the test. Addresses of the laboratories are as follows:~~

~~a) Animal Disease Laboratory, 9732 Shattuc Road, Centralia, Illinois 62801-5837.~~

~~b) Animal Disease Laboratory, 2100 South Lake Storey Road, P.O. Box 2100X, Galesburg, Illinois 61401.~~

~~c) State-Federal Serology Laboratory, P.O. Box 2819, State Fairgrounds, Springfield, Illinois 62794-9214.~~

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 110.30 Payment For Laboratory Services

The person requesting the services shall be responsible for payment of fees for laboratory services performed by the Illinois Department of Agriculture. Laboratory charges are due and payable when billed each month. Reports of laboratory findings will be withheld for any case submitted by an entity whose account is over 60 days past due.~~Laboratory services will not be performed if the account is more than 60 days overdue from the date of billing.~~

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 110.40 Tests Not Covered By Fee Schedule (Repealed)

~~See 8 Ill. Adm. Code 110.90 for information on specialty testing situations.~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

Section 110.50 Minimum Fees

a) A submission fee of $2 per accession shall be charged on all accessions.

b) ~~The necropsy fee is dependent upon animal size.~~ Fee schedules are available at the laboratories or the Department's website: www.agr.state.il.us. A fee cap of $150 will apply to livestock diagnostic cases with necropsies when multiple tests are required to complete a diagnosis. Mailed-in livestock cases with multiple

tests in which the practitioner has necropsied the animals will be subject to the same $150 fee cap. Companion animals (dogs, cats, equids, comelids, etc.) are not subject to the fee cap. Disposal~~Toxicology tests and disposal~~ charges for ~~the~~ carcasses are not included in the cap and will be billed according to the fee schedule. Likewise, outside laboratory testing is not covered under the fee cap and will be charged according to referral laboratory costs. Upon submission, all carcasses and materials derived from them become the property of the State of Illinois, to be used or disposed of in any manner consistent with Illinois law. No portion of the carcass, except the ashes resulting from cremation of the carcass, will be returned to the previous owner.

c) Necropsy fees will be as listed in this subsection. The necropsy fee is dependent on animal size. "Weight" means the weight of each animal included in an accession. "Number" means the maximum number of animals that can be included in a single accession for the designated necropsy fee. "Additional Animal Fee" is the extra charge for each animal added to an accession beyond the maximum specified in the second column. For example, if 4 pigs, each weighing 20 pounds, are submitted, the fee will be $65 ($45 for the first 3 animals plus $20 for the additional animal).

Weight (lbs.)	Number	Necropsy Fee	Additional Animal Fee
0-34	3	$45	$20
35-149	2	$45	$25
150-499	1	$45	$30
500 or more	1	$60	$35

d) Spinal cord removal fees (per animal, not subject to fee cap):

1) 1-34 pounds…….....$ 45

2) 35-149 pounds……...$ 45

3) 150-499 pounds……...$ 45

4) 500 or more pounds……$ 60

~~d) Toxicologic tests shall be performed only after consultation with, and approval from, the person who requested the laboratory services at the fees set forth in this Part.~~

e) Accessions submitted as rush priority will be charged at least twice the normal rate. If the cost of complying with the rush exceeds twice the normal charges, additional charges will be applied to cover commodity costs. This charge will apply to the submissions of any individual requesting results faster than the normal laboratory turnaround, including, but not limited to, samples placed ahead of already pending samples, samples run outside of normal schedules, and testing requested on weekends, holidays or after normal laboratory working hours.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 110.60 Euthanasia Fees

a) Companion animals (pets, equids, camelids) and feral animals will not be accepted alive at the~~any Department~~ laboratory. These animals must be euthanized prior to submission. Livestock (cattle, swine, sheep, goats and poultry) can be accepted alive and will be euthanized following euthanasia guidelines published by the American Veterinary Medical Association.

b) If chemical euthanasia is required, a minimum charge of $10.00 will apply. Aggregate weights will apply when a submission includes multiple animals.

c) The following fees apply to livestock accepted at a Department laboratory for euthanasia based on the total weight of the livestock:

Weight (in pounds)	With Sedation
0-100	10.00
101-200	15.00
201-300	20.00
301-400	25.00
401-500	30.00
501-600	35.00
601-700	40.00
701-800	45.00
801-900	50.00
Each additional Increment of 100	10.00

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 110.70 Clinical Pathology/Parasitology Fees

The following fees apply to those specimens submitted where a necropsy is not involved, with a minimum total fee of $7.50:

a) Hematology

1) Hematocrit ..... $ 6.00 ~~C,~~ ~~G~~

2) Erythrocyte Parasites~~ – Wright's Giemsa Stain~~ ..... 10.00 ~~G~~

~~b) Urinalysis~~

~~Urinalysis and Microscopic Examination ..... 15.00 C~~

~~c) Enzymology~~

b~~d~~) Chemistry

~~1) Electrolytes (C1, K and Na) ..... 15.00 C~~

~~2)~~ Total Protein (~~chemical or~~ refractometric) ..... 7.50 ~~C,~~ ~~G~~

c~~e~~) Other Tests

~~1) Calculi Analysis, Qualitative ..... 12.50 C~~

1~~2~~) Cytology ..... 20.00 ~~C~~, ~~G~~

2~~3~~) Cytology, multiple sites~~slides~~ ..... 30.00 ~~C~~ ~~G~~

3) Morphologic examination – ecto and endoparasites 10.00

4) Fecal Flotation 12.00

5) Trichomonas foetus (Venereal trichomoniasis) 10.00

6) Giardia/Cryptosporidia ELISA (feces) 20.00

(Source: Amended at 38 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

Section 110.80 Histopathology Fees

The following are the fees for histopathology:

a)	Biopsy (tissue)	$ 30.00	~~C,~~ ~~G~~
	Additional sites each	8.00	~~C,~~ ~~G~~
b)	Necropsy Tissues (per block)	8.00	~~C,~~ ~~G~~
c)	Immunohistochemistry testing (per antigen)	15.00	~~C,~~ ~~G~~
d)	Special histochemical stains	10.00	~~C,~~ ~~G~~
e)	Bovine virus diarrhea (BVD PI) immunohistochemistry (formalin fixed ear notches)	3.50	

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 110.90 Microbiology Fees

The following are the fees for microbiology (per sample or pool unless otherwise specified):

a) Bacteriology, Mycoplasma and Fungi

1)	Aerobic or anaerobic culture without sensitivity testing	$ 15.00	~~C,~~ ~~G~~
2)	Antibiotic sensitivity (per isolate).	10.00	~~C,~~ ~~G~~
3)	Milk ~~samples~~ for mastitis culture~~evaluation per sample~~	4.00	~~C,~~ ~~G~~
4)	Leptospirosis culture per specimen	20.00	~~G~~
5)	Fluorescent Antibody Test (FA), per antigen	15.00	~~C,~~ ~~G~~
6)	Campylobacter (culture)	15.00	~~C,~~ ~~G~~
7)	Salmonella (enrichment media, per site or pool)	15~~10~~.00	~~C,~~ ~~G~~
8)	S enteritidis~~Salmonella~~, poultry-house drag swabs, culture	25~~45~~.00	~~G~~
9)	S~~Salmonella~~ enteritidis, poultry-house drag swabs immunoassay ~~Test, Poultry~~	20.00	~~G~~

10)	S enteritidis, poultry-house drag swabs, PCR	35.00	
~~8)~~	~~Hemophilus (culture)~~	~~8.00~~	~~C~~
~~9)~~	~~Bordetella culture~~	~~10.00~~	~~C, G~~
11~~10~~)	Listeria (cold enrichment)	15~~10~~.00	~~C, G~~
12~~11)~~	Brachyspira (swine dysentery~~Swine Dysentery~~)	12.50	~~C, G~~
13~~12~~)	Johne's bacillus (Mycobact avium paratuberculosis)~~MAP)~~	15.00	~~C, G~~
14~~13~~)	Return culture for bacterin production per organism (plus shipping)	4.00	~~C, G~~
15~~14~~)	Fungal culture~~Mycology Culture~~	15~~10~~.00	~~C, G~~
16~~15~~)	Microscopic examination (brightfield, darkfield, outside normal procedures)	6.00	~~C, G~~
	~~Microscopic examination, acid-fast-stained smears~~	~~7.00~~	~~C, G~~
17~~16~~)	Mycoplasma culture~~Culture~~	12.00	~~C, G~~
18~~17~~)	Trichomonas transport media	actual cost plus shipping	~~C, G~~
19~~18~~)	PCR testing	35.00	~~G~~
20~~19~~)	Clostridium difficile~~difficle~~ toxin ELISA (per sample or pool)	20~~30~~.00	~~C, G~~

b) Food safety microbiology

1)	Food: Confirmation panel, E coli O157:H7	$ 75.00
2)	Food: Confirmation panel, E coli, non-O157-STEC	75.00
3)	Food: Confirmation panel, Listeria monocytogenes	75.00
4)	Food: Confirmation panel, Listeria sp	75.00
5)	Food: Confirmation panel, Salmonella sp	75.00

6)	Food: Culture, bacterial, E coli plate colony count	35.00	
7)	Food: KIS test, antimicrobial drug testing	17.00	
8)	Food: RT-PCR test, E coli O157:H7 screen	100.00	
9)	Food: RT-PCR test, E coli non-O157 STEC	100.00	
10)	Food: RT-PCR test, Listeria monocytogenes	100.00	
11)	Food: RT-PCR test, Listeria sp	100.00	
12)	Food: RT-PCR test, Salmonella sp	100.00	
~~1)~~	~~Culture, antibiotic residue growth inhibition~~	~~28.70~~	~~C~~
~~2)~~	~~Culture, bacterial, aerobic, quantitative~~	~~25.20~~	~~C~~
~~3)~~	~~Culture, bacterial, aerobic, quantitative, E. coli~~	~~25.20~~	~~C~~
~~4)~~	~~Culture, bacterial, anaerobic quantitative~~	~~25.20~~	~~C~~
~~5)~~	~~Culture, bacterial, Escherichia coli O157~~	~~25.20~~	~~C~~
~~6)~~	~~Enzyme-linked FA test, Escherichia coli O157~~	~~60.00~~	~~C~~
~~7)~~	~~Enzyme-linked FA test, Listeria~~	~~42.70~~	~~C~~
~~8)~~	~~Enzyme-linked FA test, Salmonella (HACCP)~~	~~46.05~~	~~C~~
~~9)~~	~~Enzyme-linked FA test, staphylococcus enterotoxins~~	~~49.70~~	~~C~~
~~10)~~	~~Ready To Eat (RTE) products – 325 gm sample~~	~~83.30~~	~~C~~

~~c)~~ ~~Water safety microbiology~~

~~1)~~	~~Water Potability Test – Municipal – Total & Fecal coliform (includes new construction)~~	~~16.00~~	
~~2)~~	~~Water Potability Test – Private – Nitrate, coliform, Enterococcus, Fecal coliform~~	~~16.00~~	~~C~~
~~3)~~	~~Water Bacterial ID Potability – Nitrate, coliform, Enterococcus, Fecal coliform and Bacti ID~~	~~20.00~~	~~C~~

~~4) Culture, aerobic quantitative, Enterococcus..... 7.00 C~~

~~5) Culture, aerobic, quantitative, Total coliforms ..... 7.00 C~~

~~6) Standard Plate Count..... 10.00 C~~

~~7) Culture, bacterial, aerobic, quantitative, E. coli ..... 7.00 C~~

~~8) Culture, bacterial, denitrifying bacteria, quantitative..... 13.00 C~~

~~9) Culture, bacterial, iron-reducing bacteria, quantitative..... 13.00~~

~~10) Culture, bacterial, nitrifying bacteria, quantitative ..... 13.00 C~~

~~11) Culture, bacterial, sulfate-reducing bacteria, quantitative..... 13.00 C~~

~~12) Culture, viable Helminth ova ..... 7.00 C~~

~~13) Free chlorine or total chlorine, colorimetric..... 7.00 C~~

~~14) Microscopic exam ..... 6.00 C~~

~~15) Nitrate, colorimetric ..... 7.00 C~~

~~d) Bacterial serology~~

~~1) Brucella abortus (BAPA, card, std plate)..... 2.50 C, G, S~~

~~2) Brucella abortus (std tube)..... 2.50 C, G~~

~~3) Brucella canis card test ..... 15.00 C, G~~

~~4) Brucella abortus RAP ..... 2.50 G~~

~~5) Brucella abortus rivanol..... 10.00 C, G~~

~~6) Brucella abortus (species other than bovine, porcine and canine)..... 2.50 C, G, S~~

~~7) Leptospirosis (microtiter agglutination, 6 serotypes, per sample) companion animals..... 24.00 C~~

	~~8)~~	~~Leptospirosis (microtiter agglutination, 6 serotypes, per sample) livestock (ruminants, swine)~~	~~12.00~~	~~C~~
	~~9)~~	~~Mycoplasma hypopneumoniae~~	~~4.00~~	~~G~~
	~~10)~~	~~Mycoplasma synoviae, M. gallisepticum, M. meleagridis (not done separately)~~	~~2.00~~	~~G~~
	~~11)~~	~~Salmonella typhumurium~~	~~1.00~~	~~G~~
	~~12)~~	~~Salmonella pullorum~~	~~1.00~~	~~G~~
c~~e~~)	Virology			
	~~1)~~	~~Electron Microscopy – fecal~~	~~20.00~~	~~G~~
	~~2)~~	~~Pseudorabies Serology (AutoLex or ELISA)~~	~~1.00~~	~~C, G~~
		~~Pseudorabies Serology Out-of-State~~	~~3.00~~	~~C, G~~
		~~Pseudorabies Serology end titer~~	~~3.00~~	~~C~~
		~~Pseudorabies Serology (request for screen at dilution of 1:2, SN)~~	~~3.00~~	~~C~~
		~~Pseudorabies (Latex)~~	~~3.00~~	~~C~~
	1~~3~~)	Fluorescent Antibody Test (per antigen)	$ 15.00	~~C, G~~
	2~~4~~)	Rabies (FA test)	25~~15~~.00	~~C, G~~
	~~5)~~	~~Disposal for rabies suspect carcass~~	~~.50 per pound~~	~~C G~~
	3~~6~~)	Virus Isolation (per virus)	25.00	~~C, G~~
	~~7)~~	~~Unlisted Viral Serology (each disease) per sample~~	~~5.00~~	~~C, G~~
	~~8)~~	~~Feline SNAP Triple (Heartworm, FeLV, FIV)~~	~~25.00~~	~~C~~
	~~9)~~	~~Feline Infectious Peritonitis (F.I.P. cELISA)~~	~~22.00~~	~~C~~
	~~10)~~	~~Canine parvovirus SNAP fecal~~	~~12.00~~	~~C~~

	~~11)~~	~~PRRS (1:20, IFA)~~	~~4.00~~	~~C, G~~
		~~PRRS ELISA~~	~~6.00~~	~~C, G~~
		~~PRRS PCR~~	~~35.00~~	~~G~~
		~~PRRS IFA US strain~~	~~8.00~~	~~G~~
		~~PRRS IFA, Lelystad~~	~~8.00~~	~~G~~
		~~Swine influenza virus ELISA (per serotype)~~	~~8.00~~	
	~~12)~~	~~Bovine virus diarrhea (BVD P1) immunohistochemistry (formalin fixed ear notches)~~	~~3.50~~	~~C, G~~
		~~Bovine virus diarrhea (BVD PI) Antigen Capture ELISA (serum or fresh ear notches)~~	~~5.00~~	~~C~~
	~~13)~~	~~TGE/PRCV Differential ELISA (per specimen)~~	~~6.00~~	~~C, G~~
	4~~14~~)	~~RT~~-PCR Testing	35.00	~~G~~
~~f)~~	~~Miscellaneous serology~~			
	~~1)~~	~~EIA-AGID~~	~~8.00~~	~~C, S~~
		~~EIA-ELISA~~	~~10.00~~	~~C, S~~
	~~2)~~	~~Bluetongue (AGID or ELISA)~~	~~3.50~~	~~C~~
	~~3)~~	~~Bovine leukemia virus (BLV-AGID)~~	~~5.00~~	~~C~~
		~~Bovine leukemia virus (BLV-ELISA)~~	~~5.00~~	~~C~~
	~~4)~~	~~Vesicular stomatitis~~	~~5.00~~	~~C~~
	~~5)~~	~~Johne's ELISA~~	~~5.00~~	~~C~~
	~~6)~~	~~Johne's ELISA goats~~	~~6.00~~	~~C~~
	~~7)~~	~~Ovine Progressive Pneumonia (OPP) AGID~~	~~5.00~~	~~C~~
	~~8)~~	~~Caprine Arthritis Encephalitis (CAE AGID)~~	~~5.00~~	~~C~~
		~~Caprine Arthritis Encephalitis (CAE ELISA)~~	~~6.00~~	~~C~~
	~~9)~~	~~Serology Spin Charge (per specimen)~~	~~1.00~~	~~C, G~~

~~10) Anaplasmosis ELISA ..... 7.00 C~~

~~11) Blastomycosis AGID ..... 10.00 C~~

~~12) Neospora ELISA ..... 7.00 C~~

~~13) IgG levels (Bovine, Equine, Camelids) ..... 12.00 C~~

~~14) Enzootic Hemorrhagic Disease of deer (EHD AGID) ..... 3.00 C~~

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 110.100 Parasitology Fees (Repealed)

~~The following are the fees for parasitology:~~

~~a) Morphologic examination – ecto and endoparasites ..... 10.00 C, G~~

~~b) Fecal Flotation ..... 12.00 C, G~~

~~c) Trichomonas foetus (Venereal trichomoniasis in cattle) per sample .. 10.00 C, G~~

~~d) Helminth ova in sludge ..... 12.00 C~~

~~e) Giardia/Cryptosporidia ELISA (feces) ..... 35.00 G~~

~~f) Fecal Occult Blood ..... 5.00 C~~

~~g) Canine Snap 4 (heartworm, Lyme, Ehrlichia, Anaplasma) ..... 20.00 C~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

Section 110.105 Serology Fees

The following are the fees for serology:

a) Anaplasmosis (ELISA) ..... $ 7.00

b) Bluetongue (AGID) 3.50

c) Bluetongue (ELISA) 3.50

d) Bovine leukemia virus (AGID) 5.00

e)	Bovine leukemia virus (ELISA)	5.00
f)	Brucella abortus (BAPA, card, std plate)	2.50
g)	Brucella abortus (species other than bovine, porcine, and canine)	2.50
h)	Brucella abortus (std tube)	2.50
i)	Brucella abortus RAP	2.50
j)	Brucella abortus rivanol	10.00
k)	EIA-AGID	8.00
l)	EIA-ELISA	8.00
m)	Johne's ELISA	5.00
n)	Johne's ELISA, goats	6.00
o)	Leptospirosis (microtiter agglutination, 6 serotypes, per sample) companion animals	24.00
p)	Leptospirosis (microtiter agglutination, 6 serotypes, per sample) livestock (ruminants, swine)	12.00
q)	Mycoplasma hypopneumoniae (ELISA)	4.00
r)	Mycoplasma synoviae, M gallisepticum, M meleagridis (PA test) each	2.00
s)	PRRS ELISA	6.00
t)	PRRS IFA, US strain	8.00
u)	PRRS IFA Lelystad strain	8.00
v)	Pseudorabies (AutoLex or ELISA)	1.00
w)	Salmonella pullorum (MPA)	1.00
x)	Salmonella typhimurium (MPA)	1.00
y)	Serology spin charge (per specimen)	1.00
z)	Swine influenza, ELISA (per serotype)	8.00

aa) TGE ELISA 6.00

bb) PRCV ELISA 6.00

cc) Unlisted Serology (each disease) per sample 5.00

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 110.110 Toxicology Fees (Repealed)

~~a) A maximum charge of $150 shall be assessed Illinois residents for cases involving domestic livestock. There is no maximum charge for out-of-state residents. This is without a diagnostic workup.~~

~~b) Toxicology Work-up: This is with a diagnostic workup. Maximum $70 per animal or $130 per herd (Illinois animals). The number and choice of tests is at the discretion of the attending pathologist.~~

~~c) Metals~~

~~1) Arsenic or Selenium, each ..... 25.00 C~~

~~2) Lead, Copper, Zinc, Magnesium, Iron, Chromium, Cobalt, Nickel, Manganese or Cadmium, each..... 15.00 C~~

~~3) Calcium, Sodium and Potassium, each ..... 18.50 C~~

~~d) Insecticide Screens~~

~~1) Organochlorines, organophosphates, pyrethroids, carbamates~~
~~Qualitative screen, each screen ..... 60.00 C~~
~~Quantitative individual analyte ..... 35.00 C~~
~~Quantitative individual analyte additional/analyte ..... 20.00 C~~

~~2) Individual insecticide~~
~~Qualitative analysis ..... 35.00 C~~
~~Quantitative additional ..... 20.00 C~~

~~3) Ivermectin~~
~~Blood ..... 50.00 C~~
~~Tissue ..... 60.00 C~~

~~e) Herbicides Analysis for Animal Diagnostic cases only~~

~~1) Phenoxy compounds screen (Qualitative only) ..... 60.00 C~~

~~2) Herbicide screen (heterocylic nitrogen derivatives, dinitroanilines, urea, carbamate and anilide compounds) (Qualitative only) ..... 60.00 C~~

~~3) Imidazole compounds (Qualitative only) ..... 60.00 C~~

~~4) Individual analysis of any herbicide qualitative ..... 35.00 C~~

~~5) Quantitation of any herbicide additional ..... 35.00 C~~

~~f) Rodenticides~~

~~1) Anticoagulant screen~~
~~Qualitative ..... 60.00 C~~
~~Quantitation of identified analytes additional/analyte ..... 20.00 C~~

~~2) Individual anticoagulant~~
~~Qualitative ..... 35.00 C~~
~~Quantitation additional ..... 40.00 C~~

~~3) Zinc Phosphide, qualitative ..... 35.00 C~~
~~4) Strychnine and other alkaloids, qualitative ..... 35.00 C~~

~~g) Mycotoxins~~

~~1) Screen (aflatoxins, T-2, DAS, Vomitoxin, Zearalenone)~~
~~Thin Layer chromatograph semi-quantitative ..... 60.00 C~~
~~2) Milk or urine aflatoxin, quantitation ..... 35.00 C~~

~~3) Individual mycotoxin in Grain ELISA or VICAM, quantitative ..... 30.00 C~~

~~4) Individual mycotoxins in Processed Feeds or Forages, 35.00 C~~

		~~quantitative~~		
	~~5)~~	~~Individual mycotoxins in Tissue, quantitative~~	~~40.00~~	~~C~~
	~~6)~~	~~Aflatoxin in Dog Food, quantitative~~	~~40.00~~	~~C~~
	~~7)~~	~~Blacklight for Aspergillus flavus~~	~~5.00~~	~~C~~
~~h)~~	~~Miscellaneous Analysis~~			
	~~1)~~	~~Feed visual exam and/or microscopy~~	~~15.00~~	~~C~~
	~~2)~~	~~Nitrate~~		
		~~Ground Materials~~	~~15.00~~	~~C~~
		~~Forages~~	~~15.00~~	
		~~Vitreous humor~~	~~12.00~~	~~C~~
	~~3)~~	~~Cyanide~~	~~10.00~~	~~C~~
	~~4)~~	~~Ammonia, Carboxyhemoglobin, Methemoglobin, Sulfahemoglobin, Conway Diffusion (call laboratory before sending samples)~~	~~25.00~~	~~C~~
	~~5)~~	~~Creosote, Petroleum Products, qualitative~~	~~60.00~~	~~C~~
	~~6)~~	~~pH~~	~~3.00~~	~~C~~
	~~7)~~	~~Total chlorides, soil~~	~~10.00~~	~~C~~
	~~8)~~	~~Ionophores (monensin, lasalocid, etc.)~~		~~C~~
		~~Qualitative screen~~	~~60.00~~	
		~~Individual ionophores qualitative~~	~~40.00~~	
		~~Quantitative additional~~	~~20.00~~	
	~~9)~~	~~Water tests~~		~~C~~
		~~Alkalinity~~	~~7.50~~	
		~~Ammonia-Nitrogen~~	~~7.50~~	
		~~Free chlorine~~	~~7.50~~	

	~~Hardness~~	~~7.50~~	
	~~Hydrogen Sulfide~~	~~7.50~~	
	~~Nitrate-Nitrogen~~	~~7.50~~	
	~~pH~~	~~7.50~~	
	~~Phosphate~~	~~7.50~~	
	~~Specific gravity~~	~~7.50~~	
	~~Sulfate~~	~~7.50~~	
	~~Total chlorides~~	~~7.50~~	
	~~Total dissolved solids~~	~~7.50~~	
	~~Total suspended solids~~	~~7.50~~	
~~10)~~	~~Protein and analysis, feeds~~	~~10.00~~	~~C~~
~~11)~~	~~Moisture analysis, feeds~~	~~6.00~~	~~C~~
~~12)~~	~~Gas chromatographic/mass spectrophotometric analysis (each sample)~~		~~C~~
	~~Qualitative~~	~~60.00~~	
	~~Quantitation of detected analyte additional~~	~~35.00~~	
~~13)~~	~~Cholinesterase~~		
	~~Blood~~	~~15.00~~	~~C~~
	~~Brain~~	~~20.00~~	~~C~~
~~14)~~	~~Drug screen oxicology lab~~	~~40.00~~	~~C~~
~~15)~~	~~Sulfa residue (each sulfa drug)~~	~~10.00~~	~~C~~
~~16)~~	~~Water quality screen (CH, OP, Carbamates, Herbicides, Lead) animal diagnostic or fish death cases only~~	~~50.00~~	~~C~~
~~17)~~	~~Polychlorinated biphenyls (PCB)~~		~~C~~
	~~Qualitative only~~	~~60.00~~	
	~~Quantitative, additional~~	~~35.00~~	
~~18)~~	~~Ethylene glycol~~		~~C~~
	~~Qualitative only~~	~~35.00~~	
	~~Quantitative, additional~~	~~30.00~~	
~~19)~~	~~Feed particle size~~	~~15.00~~	~~C~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

Section 110.120 Miscellaneous Fees

a)	Return of shipping container	actual shipping cost	~~C,~~ ~~G,~~ ~~S~~
~~b)~~	~~Field trip by Department laboratory personnel to take specimens~~	~~150.00~~	~~C,~~ ~~G~~
b~~c~~)	Cremation		
	up to 75 pounds	$ 75.00	~~C,~~ ~~G~~
	76 pounds and above, each additional pound.....	1.00	~~C,~~ ~~G~~
c~~d~~)	Handling fee for sending specimens to out-of-state laboratories		
	Non-refrigerated .....actual shipping cost plus	2.50	~~C,~~ ~~G,~~ ~~S~~
	Refrigerated .....actual shipping cost plus	2.50	~~C,~~ ~~G,~~ ~~S~~
	Dry ice .....actual shipping cost plus	10.00	~~C,~~ ~~G,~~ ~~S~~
d~~e~~)	Disposal fee for animals that cannot be rendered.....	0.50~~0.30~~ per pound, minimum 15.00	~~C,~~ ~~G~~
e)	Horses – carcass disposal fee	actual cost	~~C,~~ ~~G~~
~~f)~~	~~Pullorum antigen per ml .....~~	~~2.00~~	~~S~~
~~g)~~	~~Fax results – EIA results only .....~~	~~5.00~~	~~S~~
	~~Each additional page .....~~	~~1.00~~	~~S~~
f~~h~~)	Chronic wasting disease (CWD) killed by hunter in State.....	45.00	~~C,~~ ~~G~~
	CWD killed by hunter out of state.....	50.00	~~C,~~ ~~G~~
	CWD captive surveillance ~~and not in a CWD surveillance program .....~~	45.00	~~C,~~ ~~G~~

g~~i~~)	Laboratory supplies, forms or materials.....	actual cost plus shipping	~~C, G, S~~
h~~j~~)	Emergency fee (outside working hours)	~~$~~50.00	~~C, G, S~~
i~~k~~)	CWD sample colllection and head disposal fee~~sampling~~ (out-of-state animals).....	~~$~~5.00	~~C, G~~

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 110.130 Meats Chemistry Fees (Repealed)

~~The Department shall not charge any State agency for any meats chemistry laboratory tests. The following are the fees for meats chemistry laboratory:~~

~~a)~~	~~Protein.....~~	~~$10.00~~	~~C~~
~~b)~~	~~Moisture.....~~	~~6.00~~	~~C~~
~~c)~~	~~Salt.....~~	~~10.00~~	~~C~~
~~d)~~	~~Fat.....~~	~~10.00~~	~~C~~
~~e)~~	~~Nitrite (Quantitative).....~~	~~15.00~~	~~C~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Weights and Measures Act

2) Code Citation: 8 Ill. Adm. Code 600

3)

Section Numbers:	Proposed Action:
600.300	Amend
600.330	Amend

4) Statutory Authority: Weights and Measures Act [225 ILCS 470]

5) A Complete Description of the Subjects and Issues Involved: The purpose of this rulemaking is to add the "shallow-type pit scale" to vehicle scale installations and establish criteria for their installation. The rulemaking will also set up procedures for the condemnation of scales found to be incorrect by the Bureau. The rulemaking will also establish an application requirement prior to the installation of a vehicle scale, and allow a variance from the rules' requirements if there are circumstances beyond the owner's control.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rule in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? Yes: National Institute of Standards and Technology Handbook 44

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the Notice of Proposed Amendment appears in the *Illinois Register*. Please send written comments on the proposed rulemaking to the attention of:

Susan Baatz

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

Illinois Department of Agriculture
State Fairgrounds, PO Box 19281
Springfield IL 62794-9281

217/524-6905
217/785-4505 (fax)

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking will have no effect on municipalities or not-for-profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: Any work performed will not be done by the owner, but by a Service company registered with the Bureau of Weights & Measures.

14) Regulatory agenda on which this rulemaking was summarized: January 2014

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER p: WEIGHTS AND MEASURES

PART 600
WEIGHTS AND MEASURES ACT

SUBPART A: PACKAGING AND LABELING

Section
600.1 National Institute of Standards and Technology Handbook 130
600.10 Definitions (Repealed)
600.20 Application (Repealed)
600.30 Identity (Repealed)
600.40 Declaration of Identity: Nonconsumer Package (Repealed)
600.50 Declaration of Responsibility: Consumer and Nonconsumer Packages (Repealed)
600.60 Declaration of Quantity: Consumer Packages (Repealed)
600.70 Declaration of Quantity: Nonconsumer Packages (Repealed)
600.80 Prominence and Placement: Consumer Packages (Repealed)
600.90 Prominence and Placement: Nonconsumer Package (Repealed)
600.100 Requirements: Specific Consumer Commodities, Packages, Containers (Repealed)
600.110 Exemptions (Repealed)
600.120 Variations to be Allowed (Repealed)
600.130 Standards of Fill (Repealed)
600.140 Wholesale and Retail Exemption
600.150 Revocation of Conflicting Regulations (Repealed)
600.160 Tables: Weights and Measures Standards for Illinois

SUBPART B: ROOFING AND ROOFING MATERIALS

Section
600.250 Roofing and Roofing Materials Shall Be Sold Either by the "Square" or by the "Square Yard." (Repealed)

SUBPART C: WEIGHING AND MEASURING DEVICES:
METERS – SCALES – FEES

Section

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

600.300 Vehicle Scales Regulation
600.310 Fees
600.320 Scales Used for the Enforcement of Highway Weight Laws
600.330 National Institute of Standards and Technology Handbook 44

SUBPART D: MOISTURE METER TESTING

Section
600.350 General (Repealed)
600.360 Testing and Inspection (Repealed)
600.370 Rejected Moisture Testing Devices (Repealed)
600.380 Use of Moisture Measuring Devices (Repealed)

SUBPART E: REGISTRATION OF SERVICE AGENCIES, SERVICEMEN, AND SPECIAL SEALERS FOR COMMERCIAL WEIGHING AND MEASURING DEVICES

Section
600.450 Policy (Repealed)
600.460 Definitions (Repealed)
600.470 Certificate of Registration (Repealed)
600.480 Types of Certificates (Repealed)
600.490 Examinations (Repealed)
600.500 Exemptions (Repealed)
600.510 Registration Fee (Repealed)
600.520 Reports (Repealed)
600.530 Bonds (Repealed)
600.540 Standards and Testing Equipment (Repealed)
600.550 Revocation of Certificate of Registration (Repealed)
600.560 Publication of Lists (Repealed)

SUBPART F: LIQUID PETROLEUM MEASURING DEVICES

Section
600.650 Use of Gasoline Pumps Which Are Not Capable of Computing the Prices Which Exceed 99.9¢ Per Gallon (Repealed)
600.660 Retail Liquid Petroleum Pumps Accurately Marked: Liters or Gallons
600.670 System Used to Sell Petroleum Product
600.680 Unit Price Per Gallon Displayed (Repealed)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

600.690 Price of Gasoline (Repealed)
600.700 Unit Price Indicator: Set at One-Half Total Selling Price (Repealed)
600.710 Decals or Stickers Affixed to the Pump Face (Repealed)
600.720 Information Sign Indicating Half Gallon Pricing of Gasoline (Repealed)
600.730 Conversion Kits or Replacement Pumps: Deadline (Repealed)
600.740 Three-Wheel Computers Prohibited
600.750 One-Half Gallon Pricing Applicable to All Metering Pumps at Facility (Repealed)
600.760 Stop Use Order; Hearing
600.770 Maintenance of Equipment

SUBPART G: ADVERTISEMENT OF THE PRICE OF LIQUID PETROLEUM PRODUCTS

Section
600.800 Price Per Gallon or Liter in Advertisement
600.810 Height and Width of Numbers
600.820 Advertised Price Complete
600.830 Advertising Other Commodities; Misleading Advertising Prohibited
600.840 Product Identity and Type of Service
600.850 Advertisement of Price Not Required Except on Pump
600.860 Stop Use Order; Hearing

600.TABLE A Minimum Height of Numbers and Letters (Repealed)
600.TABLE B Standard Weight Per Bushel for Agricultural Commodities
600.TABLE C Illinois Standard Weights and Measures
600.TABLE D Equivalents: Cubic Inches in U.S. Standard Capacity Measures
600.TABLE E Weights of Coal Per Cubic Foot
600.TABLE F Equivalents to be used by Seller in Transposing Weights
600.TABLE G Measurement of Surfaces and Volumes

AUTHORITY: Implementing and authorized by Section 8 of the Weights and Measures Act [225 ILCS 470/8].

SOURCE: Rules and Regulations Relating to the Weights and Measures Act, filed December 17, 1969, effective January 1, 1970; amended November 5, 1971, effective November 15, 1971; amended August 26, 1975, effective September 4, 1975; amended March 22, 1976, effective April 1, 1976; amended at 3 Ill. Reg. 45, p. 72, effective October 29, 1979; amended at 3 Ill. Reg. 45, p. 81, effective January 1, 1980; codified at 5 Ill. Reg. 10562; amended at 12 Ill. Reg. 8306, effective May 3, 1988; amended at 12 Ill. Reg. 15524, effective September 20, 1988;

emergency amendment at 18 Ill. Reg. 4426, effective March 7, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14692, effective September 13, 1994; amended at 19 Ill. Reg. 8114, effective June 7, 1995; amended at 20 Ill. Reg. 303, effective January 1, 1996; amended at 22 Ill. Reg. 1141, effective January 1, 1998; amended at 23 Ill. Reg. 8813, effective July 26, 1999; amended at 26 Ill. Reg. 8346, effective June 1, 2002; emergency amendment at 27 Ill. Reg. 10434, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18546, effective November 25, 2003; amended at 28 Ill. Reg. 15456, effective November 22, 2004; emergency amendment at 32 Ill. Reg. 10963, effective July 3, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 17674, effective November 1, 2008; amended at 33 Ill. Reg. 12564, effective September 1, 2009; amended at 38 Ill. Reg. _____, effective _____.

SUBPART C: WEIGHING AND MEASURING DEVICES:
METERS – SCALES – FEES

Section 600.300 Vehicle Scales Regulation

a) Except for scales used for the enforcement of highway weight laws, all vehicle scales shall comply with the requirement of the National Institute of Standards and Technology Handbook 44, which is adopted in Section 8 of the Weights and Measures Act [225 ILCS 470/8] and shall, in addition, meet either 1, 2, ~~or~~ 3 or 4 of the following requirements:

1) Pit Vehicle Scales – All pit vehicle scales shall be installed to comply with the following requirements:

A) The pit shall have a minimum depth of 32 inches to be measured from the bottom of the eyebeam to the floor of the pit.

B) Floor of the pit is to be constructed of concrete with drainage.

2) Low Profile Pitless Vehicle Scales – All low profile pitless vehicle scales shall be installed to comply with the following requirements:

A) A concrete pad shall be poured underneath the entire length and width of the scale at or above ground level.

B) The scale shall be installed to insure that surface water will drain away from the scale area.

C) Clearance of at least four inches shall be provided from the bottom of the eyebeam to the top of the concrete pad of the underneath side of the scale.

D) Clearance of at least three feet shall be provided around the sides of the scale to insure for proper cleaning and servicing.

3) Portable Pitless Vehicle Scales

A) Temporary Use of Scale – the scale may be used at the same facility for a period of not more than twelve months from the date of the initial state certification.

B) Limited Use of Scale – the scale shall be used only for the weighing of soil, gravel, sand, cement and other building materials.

C) State Test Required – a state scale test (Sections 10 and 30 of the Weights and Measures Act) is required prior to the use of the scale. This procedure is to be repeated each time the scale is moved.

4) Shallow Pit Vehicle Scales – The scale must be fully electronic. All shallow pit vehicle scales shall be installed to comply with the following requirements:

A) A concrete floor shall be poured the entire length and width of the pit.

B) The scale pit shall be installed to ensure that water will drain at all times away from the entire scale pit area.

C) Clearance of at least four inches shall be provided from the bottom of the eyebeam to the top of the concrete pad on the underneath side of the scale.

D) Concrete walls with a clearance of a minimum of three feet shall be provided around the sides of the scale.

E) The top of the scale and concrete walls shall be level and at or above grade.

F) Grating able to be removed for cleanout and inspections and solid enough to withstand normal scale traffic shall be placed over the three-foot space between the scale and outside concrete walls.

b) Livestock Scales. Livestock scales shall comply with the requirements of National Institute of Standards and Technology Handbook 44 and regulations established by the U.S. Department of Agriculture, Packers and Stockyards Division.

c) National Institute of Standards and Technology Handbook 44 is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

d) Vehicle Scales: Department Approval Prior to Construction or Relocation

1) Department approval is required prior to construction or relocation. A Vehicle Scale Construction/Relocation Approval Application, provided by the Department, must be submitted by the owner/operator or facility manager and approved by the Department in writing before construction or relocation begins.

2) The application shall include, at a minimum, the following:

A) A construction or relocation plan for the vehicle scale.

B) Documentation verifying that the vehicle scale will comply with Section 600.300.

C) Notarized signatures of the owner/operator or facility manager, as well as a representative from the Registered Service Company, certifying that the information and documentation included in the application is complete and accurate.

D) Any other information or documentation required by the Department.

3) The Department shall approve or deny an application in writing within 30 business days after the Department receives a complete application. If, however, the applicant also submits a Variance Request Application, the

Department shall have 30 business days from accepting or denying the variance request.

4) The Department shall deny the application if the applicant begins to install or relocate the vehicle scale without the Department's prior written approval.

5) A Vehicle Scale Construction/Relocation Approval Application may be obtained at: http://www.agr.state.il.us/programs/consumer/w&m/index.html, or by contacting the Illinois Department of Agriculture, Bureau of Weights & Measures, P.O. Box 19281, Springfield IL 62794-9281, Phone (800) 582-0468 or (217) 785-8301.

e) Vehicle Scales: Variances

1) An applicant for the construction or relocation of a vehicle scale may request a variance from a construction requirement under Section 600.300 by submitting a Variance Request Application provided by the Department.

2) The application shall include, at a minimum, the following:

A) A detailed written justification for the variance from the owner/operator or facility manager. The justification shall demonstrate that the proposed variance is necessary due to special or unusual circumstances.

B) Any documentation supporting the justification.

C) Any other information or documentation required by the Department.

D) Notarized signatures of the owner/operator or facility manager, as well as a representative from the Registered Service Company, certifying that the information in the application and any documentation included is accurate and correct.

3) The Department shall approve or deny an application in writing within 30 business days from the date the Department receives a complete application.

4) The Department shall deny a variance application if the applicant begins construction or relocation in violation of any requirement under Section 600.300 before the Department grants a variance from that requirement.

5) A Variance Application may be obtained at: http://www.agr.state.il.us/programs/consumer/w&m/index.html, or by contacting the Illinois Department of Agriculture, Bureau of Weights & Measures, P.O. Box 19281, Springfield IL 62794-9281, Phone (800) 582-0468 or (217) 785-8301.

f) All scales and associated equipment must have a Certificate of Conformance issued by the National Conference on Weights and Measures, National Type Evaluation Program, unless the devices were certified by the Department or the city sealer on or before July 1, 2012. This applies to all such devices, whether repaired or removed from service and installed at a different location in this State.

g) Vehicle Scale Condemnation

1) The Department shall condemn and may seize and have destroyed any vehicle scale and associated equipment found upon inspection not to be in compliance with the specifications, tolerances and regulations required by this Subpart C and not susceptible of satisfactory repair. All expenses related to the seizure and destruction shall be paid for by the owner/operator or facility manager.

2) The Department's decision to condemn a vehicle scale shall proceed as follows:

A) If a vehicle scale fails three successive inspections within the calendar year, the Department shall take the vehicle scale out of service and provide the owner/operator or facility manager of the vehicle scale notice of the Department's decision to seek condemnation. Notice of the Department's decision to seek condemnation shall be made by personal delivery or certified mail, return receipt requested.

B) Upon receipt of the Department's decision to seek condemnation, the owner/operator or facility manager may request in writing, to be received by the Department within 30 business days after receipt of the notice, that the Department schedule an inspection. Upon receipt of a request, the Department shall schedule an inspection, to be conducted within 30 business days after receipt of the request, by a qualified, unbiased person with sufficient knowledge, education and experience of the scale in question and approved by the Department and the scale owner/operator or facility manager. The qualified, unbiased person shall inspect the scale and provide a report explaining whether the scale does or does not meet the requirements of this Subpart C and, if applicable, if it is susceptible of satisfactory repair. All expenses for the requested inspection shall be paid for by the owner/operator or facility manager.

C) If the report from the qualified, unbiased person states that the scale is not in compliance yet is susceptible of satisfactory repair, the report must also explain what repairs must be performed. The owner/operator or facility manager shall have 30 business days to complete the repairs. Upon completion of the repairs and notification in writing by the the owner/operator or facility manager to the Department, the Department shall have the scale inspected within 30 business days and, if it meets all of the requirements of this Subpart C, placed back into service. The Department's decision to seek condemnation shall terminate if the scale is placed back into service by the Department.

D) In the event that the scale fails the inspection after the required repairs are made, or, if the repairs are not made within the allowed time, the scale shall be condemned and the owner/operator or facility manager notified in writing.

E) If the report states that the scale is not susceptible of satisfactory repair, the report must explain the reasons why the repairs cannot be performed. In that case, the scale shall be condemned and the owner/operator or facility manager notified in writing.

F) If no request is received by the Department to schedule an inspection by a qualified and unbiased person within 30 business days after receipt of the notice of condemnation, the scale shall be condemned and the owner/operator or facility manager notified in writing.

G) The Department's decision to condemn a vehicle scale shall be a final administrative decision of the Department subject to judicial review under the Administrative Review Law [735 ILCS 5/Art. III].

H) Copies of all reports generated under subsection (g) shall be provided to both the Department and the owner/operator or facility manager.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 600.330 National Institute of Standards and Technology Handbook 44

Specifications, tolerances, and regulations for commercial weighing and measuring devices recommended by the National Institute of Standards and Technology and published in National Institute of Standards and Technology Handbook 44 and supplements thereto or in any publication revising or superseding Handbook 44 shall be the specifications, tolerances, and regulations for commercial weighing and measuring devices of this State, except insofar as specifically modified, amended, or rejected by a regulation issued by the Director (Section 8 of the Weights and Measures Act [225 ILCS 470/8]). National Institute of Standards and Technology Handbook 44 is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The following section~~sections~~ of the National Institute of Standards and Technology's Handbook 44 shall not be adopted unless a different implementation date is specified: ~~a)UR.2.2. Ticket Printer; Customer Ticket in Sec. 3.31 Vehicle Tank Meters User Requirements. b)~~Sec. 5.56.(a) Grain Moisture Meters. Sec. 5.56.(a) shall be effective January 1, 2000. The applicability date for Section 5.56.(b) Grain Moisture Meters is extended until the implementation of Sec. 5.56.(a).

(Source: Amended at 38 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED RULES

1) Heading of the Part: Compassionate Use of Medical Cannabis Pilot Program

2) Code Citation: 8 Ill. Adm. Code 1000

3)

Section Numbers:	Proposed Action:
1000.10	New
1000.20	New
1000.30	New
1000.40	New
1000.50	New
1000.60	New
1000.70	New
1000.100	New
1000.110	New
1000.120	New
1000.130	New
1000.140	New
1000.150	New
1000.160	New
1000.200	New
1000.210	New
1000.220	New
1000.230	New
1000.240	New
1000.250	New
1000.260	New
1000.270	New
1000.300	New
1000.310	New
1000.320	New
1000.330	New
1000.400	New
1000.405	New
1000.410	New
1000.415	New
1000.420	New
1000.425	New
1000.430	New
1000.435	New
1000.440	New

1000.445	New
1000.450	New
1000.455	New
1000.460	New
1000.465	New
1000.470	New
1000.500	New
1000.510	New
1000.600	New
1000.700	New

4) Statutory Authority: Implementing and authorized by the Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130]

5) A Complete Description of the Subjects and Issues Involved: The Department is charged with registering and regulating the cultivation centers allowed in the Compassionate Use of Medical Cannabis Pilot Program Act. This rulemaking sets forth the requirements and criteria that will apply to registering cultivation centers, including providing oversight of the production of medical cannabis and cannabis infused products and preventing theft and diversion of those products.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking:

Washington State Legislature, administrative rules, Chapter 314-55 WAC (http://apps.leg.wa.gov/wac/default.aspx?cite=314-55)

Nevada State Regulations, Chapter 453A NAC (http://leg.state.nv.us/NAC/NAC-453A.html)

Connecticut Regulations of the Department of Consumer Protection concerning Palliative Use of Marijuana, Title 21a, Section 21a-408 (http://www.ct.gov/dcp/pdf/laws_and_regulations/medical_marijuana)

Colorado administrative rules, 1 CCR 212-1, Series M 100 through M 1400, Medical Marijuana Rules (http://www.colorado.gov/cs/Satellite/Rev-MMJ/CBON/1251592984795)

Cannabis cultivation, Wikipedia (http://en.wikipedia.org/wiki/cannabis_cultivation)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED RULES

7) Will this rulemaking replace any emergency rulemaking in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? Yes. See Section 1000.15 of the proposed rulemaking.

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objective: This rulemaking is in compliance with the mandate of the Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130] and does not necessitate local government to establish, expand or modify its activities other than as required by the Act.

12) Time, place and manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the Notice of Proposed Amendment appears in the *Illinois Register*. Please send written comments on the proposed rulemaking to the attention of:

Susan Baatz
Illinois Department of Agriculture
State Fairgrounds, PO Box 19281
Springfield IL 62794-9281

217/524-6905
217/785-4505 (fax)

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None, other than new businesses that are created through this rulemaking and any municipalities in which those businesses are located. There will only be 22 cultivation centers: 1 in each of the 22 Illinois State Police Districts.

B) Reporting, bookkeeping or other procedures required for compliance: Any applicant granted a license to operate a cultivation center will be required to keep extensive, comprehensive records regarding the production, distribution for sale and destruction of unused cannabis and its waste products.

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: January 2014

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED RULES

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: ILLINOIS DEPARTMENT OF AGRICULTURE
SUBCHAPTER v: LICENSING AND REGULATIONS

PART 1000
COMPASSIONATE USE OF MEDICAL CANNABIS PILOT PROGRAM

SUBPART A: GENERAL PROVISIONS

Section
1000.10 Definitions and Incorporations
1000.20 Referenced Materials
1000.30 Scope and Application
1000.40 Operation of a Cultivation Center
1000.50 Permits − General Provisions
1000.60 Evidence of Financial Responsibility − Terms
1000.70 Variances

SUBPART B: CULTIVATION CENTER PERMITS AND PERMIT SELECTION

1000.100 Permit Application
1000.110 Permits − Selection Criteria
1000.120 Permit Issuance; Transferability
1000.130 Permit Renewal
1000.140 Fees
1000.150 Modifications and Alterations
1000.160 Denial of Cultivation Center Application/Suspension or Revocation of Permit

SUBPART C: CULTIVATION CENTER REQUIREMENTS

1000.200 Financial Disclosure
1000.210 Fingerprint-Based Criminal History Records Check
1000.220 Cultivation Center Facility Plans and Specifications
1000.230 Measuring Distances
1000.240 Failure to Open or Operate
1000.250 Cultivation Center Records
1000.260 Automated Data Processing (ADP) and/or Point-of-Sale (POS) Systems
1000.270 Mandatory Signage

SUBPART D: CULTIVATION CENTER AGENTS/AGENTS-IN-CHARGE

1000.300 Cultivation Center Agents Application; Issuance; Surrender
1000.310 Suspension or Revocation of Agent Identification Card
1000.320 Cultivation Center Agent-in-Charge
1000.330 Denial, Suspension or Revocation of Agent-in-Charge Identification Card

SUBPART E: CULTIVATION CENTER OPERATIONS

1000.400 Production Areas − Plants
1000.405 Production Areas − Infused or Processed Products
1000.410 Cultivation Center Management and Operations
1000.415 Containment Management and Operations
1000.420 Packaging and Labeling of Medical Cannabis and Cannabis-Infused Products
1000.425 Advertising
1000.430 Transportation of Cannabis and Cannabis-Infused Products
1000.435 Inventory
1000.440 Cultivation Center Storage
1000.445 Electronic Security System
1000.450 Alarm System
1000.455 Hours of Operation
1000.460 Waste Disposal
1000.465 Connections to the Potable Water Supply
1000.470 Pesticide Usage

SUBPART F: LABORATORY TESTING

1000.500 Laboratory Approval
1000.510 Laboratory Testing

SUBPART G: CULTIVATION CENTER CLOSURE

1000.600 Closure of a Cultivation Center

SUBPART H: ENFORCEMENT

1000.700 Investigations; Administrative Hearings and Penalties

AUTHORITY: Implementing and authorized by the Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130].

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED RULES

SOURCE: Adopted at 38 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 1000.10 Definitions and Incorporations

Definitions for this Part can be located in Section 10 of the Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130/10]. The following definitions shall also apply to this Part:

"Act" means the Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130].

"Adequate supply" means 2.5 ounces of usable cannabis during a period of 14 days and that is derived solely from an intrastate source. The pre-mixed weight of medical cannabis used in making a cannabis-infused product shall apply toward the limit on the total amount of medical cannabis a registered qualifying patient may possess at any one time. [410 ILCS 130/10(a)]

"Alterations" means permanent changes in activities or processes at a cultivation center, or changes in production, handling or storage of the product mix that do not modify the efficiency of facility structures or systems.

"Applicant" means any corporation, limited liability company, association or partnership, limited liability partnership, or one or more individuals, principal officers, agency, business trust, estate, trust, or any other legal entity that is applying with the Illinois Department of Agriculture for a cultivation center permit under the Act.

"Area zoned for residential use" means an area zoned exclusively for residential use; provided that, in municipalities with a population over 2,000,000 people, "an area zoned for residential use" means an area zoned as a residential district or a residential planned development.

"Batch" means the established segregation of a group of plants at the time of planting for the control of quantity, traceability and/or strain. A batch number will be assigned at the time of planting for a specified number of plants. When plants reach 18 inches in height, a specific number will be assigned for each plant within that batch. The batch number will remain with the segregated plants

through harvest to final packaging. The batch number will be included on the label of the package distributed for the end user.

"Batch number" means a unique numeric or alphanumeric identifier assigned to a batch by a cultivation center when the batch is first planted. The batch number shall contain the facility number and a sequence to allow for inventory and traceability.

"Biosecurity" means a set of preventative measures designed to reduce the risk of transmission of infectious diseases in crops, quarantined pests, invasive alien species, and living modified organisms.

"Cannabis" means *marijuana, hashish and other substances which are identified as including any parts of the plant Cannabis sativa and including any and all derivatives or subspecies, such as Indica, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.* (Section 3 of the Cannabis Control Act)

"Cannabis concentrate" means a product derived from medical cannabis that is produced by extracting cannabinoids from the plant through the use of propylene glycol, glycerin, butter, olive oil or other typical cooking fats; water, ice or dry ice; or butane, propane, CO_2, ethanol or isopropanol. The use of any other solvent is expressly prohibited unless and until it is approved by the Department.

"Cannabis plant monitoring system" means a system that includes, but is not limited to, testing and data collection established and maintained by the registered cultivation center and available to the Department for the purposes of documenting each cannabis plant and for monitoring plant development throughout the life cycle of a cannabis plant cultivated for the intended use by a qualifying patient from seed planting to final packaging. [410 ILCS 130/10(c)]

"Cannabis product" means a product containing medical cannabis either in a physical form or infused with an extracted resin.

"Cannabis waste" means any part of the plant that is not usable cannabis, or cannabis that cannot be processed as provided in Section 1000.510(d)(2).

"Child-resistant" means special packaging that is:

designed or constructed to be significantly difficult for children under five years of age to open and not difficult for normal adults to use properly as defined by 16 CFR 1700.20 (1995) and ASTM classification standard D3475-12, http://www.astm.org/Standards/D3475.htm. This incorporation by reference does not include any later amendments or editions. The Department maintains copies of the applicable federal regulation and ASTM classification standard, that are available to the public;

closable for any product intended for more than a single use or containing multiple servings; and

labeled properly as required by Section 1000.420.

"Clone" means a plant section from a female cannabis plant not yet root-bound, growing in a water solution or other propagation matrix, that is capable of developing into a new plant.

"Crop input" means any substance that is used by a producer for the production of medical cannabis. This may include pesticides as defined by the Illinois Pesticide Act or the American Association of Pesticide Control Officials, fertilizers as defined by the Illinois Commercial Fertilizer Act of 1961 or the American Association of Plant Food Officials, and soil amendments as defined by the Soil Amendment Act;

"Cultivation center" means a facility operated by an organization or business that is registered by the Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis. [410 ILCS 130/10(e)]

"Cultivation center agent" means a principal officer, board member, employee, or agent of a registered cultivation center who is 21 years of age or older and has not been convicted of an excluded offense. [410 ILCS 130/10(f)]

"Cultivation center agent-in-charge" or "agent-in-charge" means the cultivation center agent who has been designated by the cultivation center to have control and management over the day to day operations of the cultivation center. A cultivation center may designate more than one agent-in-charge to cover varying operational work shifts, but may only have one per work shift.

"Cultivation center agent identification card" means a document issued by the Department of Agriculture that identifies a person as a cultivation center agent. [410 ILCS 130/10(g)]

"Cultivation center agent-in-charge identification card" means a document issued by the Department of Agriculture that identifies a cultivation center agent as an agent-in-charge.

"Department" means the Illinois Department of Agriculture.

"DFPR" means the Illinois Department of Financial and Professional Regulation.

"DPH" means the Illinois Department of Public Helath.

"Disqualifying conviction" means conviction of an excluded offense.

"Enclosed, locked facility" means a room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access only by a cultivation center's agents or a dispensing organization's agent working for the registered cultivation center or the registered dispensing organization to cultivate, store, and distribute cannabis for registered qualifying patients. [410 ILCS 130/10(k)]

"Excluded offense" means:

> *a violent crime defined in Section 3 of the Rights of Crime Victims and Witnesses Act or a substantially similar offense that was classified as a felony in the jurisdiction where the person was convicted; or*

a violation of a state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted, except that the Department may waive this restriction if the person demonstrates to the Department's satisfaction that his or her conviction was for the possession, cultivation, transfer, or delivery of a reasonable amount of cannabis intended for medical use.

This exception does not apply if the conviction was under state law and involved a violation of an existing medical cannabis law. [410 ILCS 130/10(l)]

"Facility" shall refer to the permitted physical structures associated with the cultivation center.

"Financial interest" means any actual or future right to ownership, investment or compensation arrangement with another person, either directly or indirectly, through business, investment, spouse, parent or child, in a cultivation center. Financial interest does not include ownership of investment securities in a publicly-held corporation that is traded on a national exchange or over-the-counter market, provided the investment securities held by the person and the person's spouse, parent or child, in the aggregate, do not exceed one percent ownership in the cultivation center.

"Fingerprint-based criminal history records check" means a fingerprint-based criminal history records check conducted by the Department of State Police in accordance with the Uniform Conviction Information Act (UCIA) or 20 Ill. Adm. Code 1265.30 (Electronic Transmission of Fingerprint Requirements).

"Flower" means the gametophytic or reproductive state of cannabis in which the plant is in a light cycle intended to produce flowers, trichromes and cannabinoids characteristic of cannabis.

"Immature plant" means a nonflowering cannabis plant that has an established root structure.

"ISP" means the Illinois Department of State Police.

"Label" means a display of written, printed or graphic matter on the immediate container of any product containing cannabis;

"Laboratory" means an independent laboratory located in Illinois and approved by the Department to have custody and use of controlled substances for scientific and medical purposes and for purposes of instruction, research or analysis.

"Livescan" means an inkless electronic system designed to capture an individual's fingerprint images and demographic data (name, sex, race, date of birth, etc.) in a digitized format that can be transmitted to ISP for processing. The data is forwarded to the ISP Bureau of Identification (BOI) over a virtual private network (VPN) and then processed by ISP's Automated Fingerprint Identification System (AFIS). Once received at the BOI for processing, the inquiry may, as permitted by law, be forwarded to the Federal Bureau of Investigation (FBI) electronically for processing as permitted by law.

"Livescan vendor" means an entity licensed by the Department of Financial and Professional Regulation to provide commercial fingerprinting services under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.

"Manufacturing" or "manufacture" means the process of converting harvested cannabis material into a finished product by manual labor and/or machinery designed to meet a specific need or customer expectation, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis.

"Medical cannabis" means cannabis and its constituent cannabinoids, such as tetrahydrocannabinol (THC) and cannabidiol (CBD), used as an herbal remedy or therapy to treat disease or alleviate symptoms. Medical cannabis can be administered in a variety of ways, including, but not limited to: vaporizing or smoking dried buds; using concentrates; administering tinctures or tonics; applying topicals such as ointments or balms; or consuming medical cannabis infused products.

"Medical cannabis cultivation center registration" means a registration issued by the Department of Agriculture. [410 ILCS 130/10(m)]

"Medical cannabis container" means a sealed, traceable, food compliant, tamper resistant, tamper evident container, or package used for the purpose of containment of medical cannabis from a cultivation center to a dispensing organization. [410 ILCS 130/10(n)]

"Medical cannabis dispensing organization" or "dispensing organization" or "dispensary organization" or "dispensary" *means a facility operated by an organization or business that is registered by the Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients.* [410 ILCS 130/10(o)]

"Medical cannabis dispensing organization agent" or "dispensing organization agent" means a principal officer, board member, employee, or agent of a registered medical cannabis dispensing organization who is 21 years of age or older and has not been convicted of an excluded offense. [410 ILCS 130/10(p)]

"Medical cannabis-infused product" means food, oils, ointments, sodas, teas, capsules *or other products containing usable cannabis that are not smoked.* [410 ILCS 130/10(q)] Only the portion of any cannabis-infused product that is attributable to cannabis shall count toward the possession limits of the dispensary and the patient.

"Medical use" means the acquisition; administration; delivery; possession; transfer; transportation; or use of cannabis to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition. [410 ILCS 130/10(r)]

"Modification" means changes in structures, processes or activities at a cultivation center that will alter the efficiency of production structures, processing systems, and/or changes in capacity within the center.

"Monitoring" means the continuous and uninterrupted video surveillance of cultivation activities and oversight for potential suspicious actions. Monitoring through video surveillance includes the purpose of summoning a law enforcement officer to the premises during alarm conditions. The Department and ISP or law enforcement agencies designated by ISP shall have the ability to access a cultivation center's monitoring system in real-time via a secure web-based portal.

"Motor vehicle" means a self-propelled vehicle as defined in Section 1-146 of the Illinois Vehicle Code.

"Natural processing" or "naturally produced" means the preparation of the harvested cannabis without significantly changing its physical form.

"Operational and Management Practices Plan" means a narrative description of all practices that will be employed at the facility for the production of medical cannabis and medical cannabis-infused products. The plan shall include but is not limited to:

the types and quantities of medical cannabis products that will be produced at the facility;

the methods of planting (seed or clones), harvesting, drying and storage of medical cannabis;

the estimated quantity of waste material to be generated and plans for subsequent disposal;

the quantity and proposed method for disposal for all crop inputs utilized for plant production;

methods for training employees for the specific phases of production;

biosecurity measures to be implemented for plant production and edible infused product production;

planned response to discrepancies in accounting of product inventories;

sampling strategy and quality testing for labeling purposes;

procedures to follow for proper labeling; and

procedures to follow for handling mandatory and voluntary recalls of cannabis or cannabis-infused products.

"Permit" means a registration issued by the Department to a qualified applicant to operate a cultivation center.

"Permittee" means a qualified applicant who is issued a permit by the Department to operate a cultivation center.

"Person" includes, but is not limited to, a natural person, sole proprietorship, partnership, joint venture, limited liability partnership or company, corporation, association, agency, business, not-for-profit organization.

"Physician" means a doctor of medicine or doctor of osteopathy licensed under the Medical Practice Act of 1987 to practice medicine and who has a controlled substances license under Article III of the Illinois Controlled Substances Act. It does not include a licensed practitioner under any other Act, including but not limited to the Illinois Dental Practice Act. [410 ILCS 130/10(s)]

"Principal officer" includes a prospective cultivation center or cultivation center owner, president, vice president, secretary, treasurer, partner, officer, board member, shareholder or person involved in a profit sharing arrangement.

"Producer backer" means any person (including any legal entity) with a direct or indirect financial interest in the applicant.

"Production" or "produce" means the planting, preparation, cultivation, growing, harvesting, propagation, compounding, conversion, natural processing or manufacturing of cannabis, and includes any packaging or repackaging of the substance, or labeling or relabeling of its container.

"Qualified applicant" means an applicant for a cultivation center permit who receives at least the minimum required score in each category required by the application.

"Qualifying patient" means a person who has been diagnosed by a physician as having a debilitating medical condition. [410 ILCS 130/10(t)]

"Registered" means licensed, permitted, or otherwise certified by the Department of Agriculture under the Act. [410 ILCS 130/10(u)]

"Restricted access area" means a building, room or other contiguous area upon the permitted premises where cannabis is grown, cultivated, harvested, stored, weighed, packaged, sold or processed for sale, under control of the permitted facility.

"Sale" means any form of delivery, which includes barter, exchange or gift, or offer therefor, and each such transaction made by any person whether as principal, proprietor, agent, servant or employee.

"Security alarm system" means a device or series of devices intended to summon law enforcement personnel during, or as a result of, an alarm condition. Devices may include hard-wired systems and systems interconnected with a radio frequency method such as cellular or private radio signals that emit or transmit a remote or local audible, visual or electronic signal; motion detectors, pressure switches, duress alarms (a silent system signal generated by the entry of a designated code into the arming station to indicate that the user is disarming under duress); panic alarms (an audible system signal to indicate an emergency situation); and hold-up alarms (a silent system signal to indicate that a robbery is in progress). The Department and law enforcement agencies shall have the ability to access a cultivation center's security alarm system in real-time.

"THC" means tetrahydrocannabinol.

"THCA" means tetrahydrocannabinolic acid.

"Tincture" means a cannabis-infused solution, typically comprised of alcohol, glycerin or vegetable oils, derived either directly from the cannabis plant or from a processed cannabis extract. Tinctures may be added to foods and other liquids, applied directly to the skin, consumed orally by drinking a small quantity, or absorbed sublingually by placing a few drops under the tongue.

"Usable cannabis" means the seeds, leaves, buds, and flowers of the cannabis plant, and any mixture or preparation thereof, including the resin extracted from any part of the plant, *but does not include the stalks, and roots of the plant. It does not include the weight of any non-cannabis ingredients combined with cannabis, such as ingredients added to prepare a topical administration, food, or drink.* [410 ILCS 130/10(w)]

"USEPA" means the United States Environmental Protection Agency.

"Vegetative stage of growth" means that the cannabis plant consists of stems, leaves and roots and does not have any flowers or buds.

"Verification system" means a web-based system established and maintained by the Department of Public Health that is available to the Department of Agriculture, the Department of Financial and Professional Regulation, law enforcement personnel, and registered medical cannabis dispensing organization agents on a 24-hour basis for the verification of registry identification cards, the

tracking of delivery of medical cannabis to medical cannabis dispensing organizations, and the tracking of the date of sale, amount, and price of medical cannabis purchased by a registered qualifying patient. [410 ILCS 130/10(x)]

"Veteran" means a person who served in one of the five active-duty Armed Services or their respective Guard or Reserve units, and who was discharged or released from service under conditions other than dishonorable.

"Violent crime" means any felony in which force or threat of force was used against the victim, or any offense involving sexual exploitation, sexual conduct or sexual penetration, or a violation of Section 11-20.1, 11-20.1B, or 11-20.3 of the Criminal Code of 1961 or the Criminal Code of 2012, domestic battery, violation of an order of protection, stalking, or any misdemeanor which results in death or great bodily harm to the victim or any violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, or Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, if the violation resulted in personal injury or death, and includes any action committed by a juvenile that would be a violent crime if committed by an adult. For the purposes of this definition*, "personal injury" shall include any Type A injury as indicated on the traffic accident report completed by a law enforcement officer that requires immediate professional attention in either a doctor's office or medical facility. A Type A injury shall include severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene,* or a substantially similar offense that was tried and convicted as a felony in the jurisdiction where the cultivation center agent, agent-in-charge, or applicant for a cultivation center agent or agent-in-charge identification card, was convicted. [725 ILCS 120/3(c)]

Section 1000.20 Referenced Materials

a) The following federal statutes and regulations are referenced in this Part:

1) Federal Food, Drug, and Cosmetic Act (21 USC 301 et seq.)

2) Fair Packaging and Labeling Act (15 USC 1451 et seq.)

3) Tolerances and Exemptions for Pesticide Chemical Residues in Food (40 CFR 180)(2013)

4) Poison Prevention Packaging Act of 1970 (15 USC 1471 et seq.)

5) Poison Prevention Packaging (16 CFR 1700)(2014)

6) Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 USC 136)

b) The following Illinois statutes are referenced in this Part:

1) Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130]

2) Administrative Review Law (Article III of the Code of Civil Procedure) [735 ILCS 5/Art. III]

3) Cannabis Control Act [720 ILCS 550]

4) Illinois Controlled Substances Act [720 ILCS 570]

5) Illinois Food, Drug and Cosmetic Act [410 ILCS 620]

6) Food Handling Regulation Enforcement Act [410 ILCS 625]

7) Sanitary Food Preparation Act [410 ILCS 650]

8) Illinois Uniform Conviction Information Act [20 ILCS 2635]

9) Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 [225 ILCS 447]

10) Illinois Vehicle Code [625 ILCS 5]

11) Criminal Code of 2012 [720 ILCS 5]

12) Rights of Crime Victims and Witnesses Act [725 ILCS 120]

13) Code of Civil Procedure [735 ILCS 5]

14) Probate Act of 1975 [755 ILCS 5]

15) Environmental Protection Act [415 ILCS 5] (and associated administrative rules)

16) Illinois Pesticide Act [415 ILCS 60] (and associated administrative rules)

17) Illinois Fertilizer Act of 1961 [505 ILCS 80]

18) Soil Amendment Act [505 ILCS 120]

19) Medical Practice Act of 1987 [225 ILCS 60]

20) Illinois Dental Practice Act [225 ILCS 25]

21) Weights and Measures Act [225 ILCS 470]

c) The following State administrative rules are referenced in this Part:

1) The Illinois Food, Drug and Cosmetic Act (77 Ill. Adm. Code 720)

2) Manufacturing, Processing, Packing or Holding of Food Code (77 Ill. Adm. Code 730)

3) Food Service Sanitation Code (77 Ill. Adm. Code 750)

4) Electronic Transmission of Fingerprint Requirements (20 Ill. Adm. Code 1265.30)

5) Illinois Environmental Protection Agency Technical Policy Statement (35 Ill. Adm. Code 651 (Introduction and Definitions) and 653 (Design, Operation and Maintenance Criteria)

6) Illinois Plumbing Code (77 Ill. Adm. Code 890)

7) Illinois Pesticide Act (8 Ill. Adm. Code 250)

8) Department of Public Health Compassionate Use of Medical Cannabis Patient Registry (77 Ill. Adm. Code 946.Subpart D)

9) Weights and Measures Code (8 Ill. Adm. Code 600)

d) Incorporations by reference in this Part do not include any later amendments or editions beyond the date specified.

Section 1000.30 Scope and Application

a) *It is the duty of the Department to enforce the provisions of the Act relating to the registration and oversight of cultivation centers unless otherwise provided for in the Act.* [410 ILCS 130/15(b)]

b) A cultivation center shall be in compliance with all of this Part prior to the commencement of operational activities and/or storage of medical cannabis.

c) This Part shall apply to applicants for and holders of a cultivation center permit to propagate, cultivate, harvest, prepare, cure, package, store and label medical cannabis, whether in concentrated form or otherwise.

d) Authorized On-Premises Storage. A cultivation center is authorized to store cannabis and cannabis-infused products inventory on the permitted premises. All inventory stored on the permitted premises must be secured in a limited access area and tracked consistently with Section 1000.435.

e) Packaging and Labeling Standards Required. A cultivation center is prohibited from selling cannabis that is not packaged and labeled in accordance with Section 1000.420.

f) Sale to Consumer Prohibited. A cultivation center is prohibited from selling cannabis or any cannabis-infused product directly to a consumer.

g) Consumption Prohibited. A cultivation center shall not permit the consumption of cannabis or cannabis-infused products on its permitted premises.

h) *The Department shall enter into intergovernmental agreements, as necessary, to carry out the provisions of the Act including, but not limited to, the provisions relating to the permitting and oversight of cultivation centers, dispensing organizations, and qualifying patients and caregivers.* (Section 15 of the Act)

Section 1000.40 Operation of a Cultivation Center

a) Only a cultivation center that has been issued a permit by the Department under the provisions of the Act and this Part shall own and operate a cultivation center facility.

b) A cultivation center, including each principal officer, board member, agent and employee shall not:

1) produce or manufacture cannabis in any place except in those areas designated in the permit;

2) sell, deliver, transport or distribute cannabis from any place except its permitted cultivation facility;

3) produce or manufacture cannabis for use outside of Illinois;

4) sell, deliver, transport or distribute cannabis to any person or entity other than a dispensary organization registered with the DFPR, or a testing laboratory approved by the Department;

5) enter into an exclusive agreement with any dispensary facility;

6) refuse to conduct business with any dispensary facility that has the financial ability to pay for the medical cannabis and is licensed with the DFPR on the same terms and conditions as other dispensary facilities with whom the cultivation center is dealing;

7) either directly or indirectly discriminate in price among different dispensary organizations that are purchasing a like grade, strain, brand and quality of cannabis or cannabis-infused product. Nothing in this subsection (b)(7) prevents pricing medical cannabis differently based on differences in the cost of production, the quantities sold, such as volume discounts, the way the products are delivered, or delivery costs relative to distance travelled;

8) accept, solicit or offer any form of remuneration from or to a physician;

9) allow a physician to conduct a personal physical examination of a patient for purposes of diagnosing a debilitating medical condition at the permitted location;

10) allow a physician to hold a direct or indirect economic interest in the cultivation center if the physician recommends the use of medical cannabis to qualified patients or is in a partnership or other fee or

profitsharing relationship with a physician who recommends medical cannabis;

11) allow a physician to serve on the board of directors or as an employee of the cultivation center;

12) accept referral of patients from a physician;

13) allow a physician to advertise at the cultivation center; or

14) accept any returned product unless it is as a result of a Department approved product recall.

c) A cultivation center permit shall allow the permittee to operate at a single cultivation center location.

d) A single entity shall not be granted more than three cultivation center permits. If a qualified applicant has been selected for more than three permits, the applicant shall notify the Department within 48 hours after notification, on forms provided by the Department, in which three Districts it chooses to receive permits and operate cultivation centers. No person shall be an owner, partner, officer, director, shareholder, or member of more than three permitted cultivation centers. No corporation, partnership, limited liability partnership, limited liability company, or other entity or subsidiary thereof shall be an owner, principal officer, partner, shareholder, or member of more than three permitted cultivation centers. In the event that an entity is awarded a permit in a District and that entity forfeits that permit, the permit shall be awarded to the next highest scoring qualified applicant.

e) A permitted *cultivation center may not be located within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or an area zoned for residential use*. (Section 105 of the Act)

f) A permitted *cultivation center is not subject to prosecution; search or inspection, except by the Department, Department of Public Health, or State or local law enforcement under Section 130 of the Act; seizure; or penalty in any manner, or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by a business licensing board or entity, for acting under the*

Act or this Part *to: acquire, possess, cultivate, manufacture, deliver, transfer, transport, supply, or sell cannabis to registered dispensing organizations*. (Section 25 of the Act)

g) A cultivation center shall provide evidence of financial responsibility, which shall be payable to the Department in the event the cultivation center fails to comply as follows: complete construction and begin production within six months after the permit has been issued; maintain production for any reason for more than 90 consecutive days after it has completed construction of the facility; or continue to operate the cultivation center in a manner that provides an uninterrupted supply of medical cannabis to licensed dispensaries during the term of the permit, sufficient enough to allow the licensed dispensaries to supply their registered qualifying patients with an adequate supply of medical cannabis.

1) Evidence of financial responsibility shall be provided by one of the following:

A) Establishing and maintaining an escrow account in a chartered financial institution in Illinois in the amount of $2,000,000, except as otherwise provided in Section 1000.60, with escrow terms, approved by the Department, that it shall be payable to the Department in the event of circumstances outlined in this subsection (g). A financial institution may not return money in an escrow or surety account to the cultivation center that established the account or a representative of the cultivation center unless the cultivation center or representative presents a statement issued by the Department indicating that the account may be released; or

B) Providing a surety bond naming the cultivation center as principal of the bond, upon terms approved by the Department, in the amount of $2,000,000, except as otherwise provided in Section 1000.60, with terms approved by the Department that the bond defaults to the Department in the event of circumstances outlined in this subsection (g). Bond terms include:

i) The bond must be written by a surety company authorized to do business in Illinois.

ii) The business name and registration number on the bond must correspond exactly with the business name and registration number in the Department's records.

iii) The bond must be written on a form approved by the Illinois Department of Insurance.

iv) A copy of the bond must be received by the Department within 90 days after the effective date.

2) A cultivation center will not be held in default should the failure to comply be the direct result of an event or effect that cannot be reasonably anticipated or controlled, such as an act of God or nature and not the result of a lack of good faith effort.

h) The cultivation center shall provide documentation that it meets all federal, State and local building, zoning and fire codes and that all local ordinances are met.

i) The use of pesticides as part of the growing process by a cultivation center must be in compliance with the provisions of Section 1000.470.

j) Improper use of pesticides in the cultivation of a batch (Section 1000.470) may result in the destruction of the batch and denial, suspension or revocation of the cultivation center's permit.

Section 1000.50 Permits − General Provisions

a) A cultivation center permit issued under this Part is the property of the State of Illinois and shall be surrendered upon demand of the Department.

b) As part of the permit process, all applicants for a cultivation center permit shall sign a written statement certifying under penalty of perjury that:

1) All of the information provided on the application is true and accurate to the best of the applicant's knowledge and that the applicant must notify the Department of any significant changes to any of the information provided to the Department during the application process, such as but not limited to ownership, financial interest, operational structure and criminal history.

2) The applicant understands that the medical cannabis laws and enforcement of the laws by the State of Illinois and the federal government are subject to change at any time.

3) The applicant understands that the cultivation center permit is not transferable, except as provided in Section 1000.120, and that the permit is the property of the State of Illinois and shall be surrendered upon demand of the Department.

4) The applicant specifically acknowledges receipt and advisement of the notices contained in the application and agrees to and accepts the limitations of liability and the requirement to indemnify, hold harmless and defend the State of Illinois, including:

A) Limitation of Liability − the State of Illinois shall not be liable to the permitted cultivation center, the cultivation center's agents, family members or guests for any damage, injury, accident, loss, compensation or claim, based on, arising out of, or resulting from the permitted cultivation center's participation in the Compassionate Use of Medical Cannabis Pilot Program, including, but not limited to, the following: arrest, seizure of persons and/or property, prosecution pursuant to State or federal laws by State or federal prosecutors, any fire, robbery, theft, mysterious disappearance or any other casualty; or the actions of any other permittees, registrants or persons. This Limitation of Liability provision shall survive expiration or the early termination of the permit.

B) Hold Harmless/Indemnification − the permitted cultivation center, its principal officers, board members, producer backers, agents, employees, family members or guests shall hold harmless and/or indemnify the State of Illinois, its officers and employees against any civil action commenced against the State and/or its officers or employees based upon illness and/or death as a result of the possession, cultivation, transportation or other use of medical cannabis ingested in any way authorized under the provisions of this Part and the Act.

C) Federal Prosecution − the United States Congress has determined that cannabis is a controlled substance. Illinois has placed

cannabis in Schedule I of the Illinois Controlled Substances Act. Growing, distributing, transporting and possessing cannabis in any capacity, other than as part of a federally authorized research program, is a violation of federal laws. The State of Illinois' Compassionate Use of Medical Cannabis Pilot Program Act does not authorize any permittee to violate federal or state laws.

5) The applicant understands that medical cannabis shall be transported only in a medical cannabis container as defined in Section 1000.10.

6) The applicant understands that unused medical cannabis shall not be transferred, shared, given or delivered to any other person regardless of whether that person is participating in the Compassionate Use of Medical Cannabis Pilot Program.

7) The applicant understands that qualifying patients and caregivers shall not grow or cultivate medical cannabis other than as a cultivation center agent.

8) The applicant understands that the Department may deny an application if the documentation is incomplete, or if the Department determines, after an inquiry or investigation, that the information provided was false, misleading, forged or altered.

9) The applicant understands that, upon issuance of a permit, the cultivation center is subject to random inspections by the Department, ISP and DPH.

Section 1000.60 Evidence of Financial Responsibility − Terms

a) In addition to the other terms and conditions permitted by the Act and this Part, upon request by the cultivation center for consideration of the following, the Department shall, by written or electronic notification, permit the cultivation center's $2,000,000 escrow account, letter of credit or surety bond to be reduced by $500,000 upon the successful achievement of each of the following milestones, resulting in a potential elimination in the escrow account, letter of credit or surety bond:

1) A determination by the Department that the cultivation center is fully operational and able to commence production of cannabis as provided for in the permit application of the cultivation center;

2) A determination by the Department that the cultivation center remained operational without substantial interruption, was able to provide an uninterrupted supply of medical cannabis to licensed dispensaries, as required by Sections 1000.40(g) and 1000.240, and operated without any violation of the Act or this Part for a one year period;

3) A determination by the Department that the cultivation center remained operational without substantial interruption, was able to provide an uninterrupted supply of medical cannabis to licensed dispensaries, as required by Sections 1000.40(g) and 1000.240, and operated without any violation of the Act or this Part for two consecutive years; and

4) A determination by the Department that the cultivation center remained operational without substantial interruption, was able to provide an uninterrupted supply of medical cannabis to licensed dispensaries as required by Sections 1000.40(g) and 1000.240, and operated without any violation of the Act or this Part for three consecutive years.

b) If a cultivation center voluntarily chooses not to renew its permit, provides notice of this decision in accordance with Section 1000.600 of this Part and is not in violation of the Act or this Part, the Department shall terminate the obligations under the escrow account, letter of credit or surety bond at the end of the permit term.

c) Should the sunset provision of the Act, found in Section 220 of the Act, take effect and no successor medical cannabis program be in place allowing for the continuation of cultivation centers as provided for in this pilot program and this Part, provided the cultivation center is not in violation of the Act or this Part, any remaining amount left in escrow, under a letter of credit or a surety bond shall be released to the cultivation center.

Section 1000.70 Variances

a) The Department may grant variances from this Part in individual cases when it finds that:

1) The applicable provision is not statutorily mandated;

2) No party will be injured by the granting of the variance;

3) The provision from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome; and

4) The variance requested is from the requirements of:

A) Section 1000.210(a)(1) to allow a cultivation center to be located within 1000 feet of a dispensary; or

B) Section 1000.40(b)(4) to allow the exchange or sale of seedlings, clones or cuttings of strains of cannabis between cultivation centers in the event of a shortage due to a catastrophic event or to promote the development and production of strains that are beneficial to patients.

b) Any request for a variance shall be in writing (an original and 2 copies) and shall include the following:

1) Identification of the specific requirement in question;

2) A description of the variance;

3) The rationale for the variance and why the provision or requirement is unreasonable or unnecessarily burdensome in the particular case;

4) An explanation as to why no party will be injured if the variance is granted; and

5) The fee required by Section 1000.140.

c) Upon receipt of a request for a variance, the Director will appoint an unbiased panel of no more than three members to review the request.

1) The panel may request additional information or documentation from the applicant.

2) The panel shall either approve or deny the request within 30 calendar days after the date of receipt of the request, or the date of receipt of any additional information thereafter, and notify the applicant in writing.

SUBPART B: CULTIVATION CENTER PERMITS AND PERMIT SELECTION

Section 1000.100 Permit Application

a) A cultivation center permit shall be obtained for each facility prior to commencement of any production activities. The permit shall, along with any other certificate, business license or other authorization required to conduct production activities, be posted in a conspicuous place within the facility.

b) The Department shall accept applications for cultivation center permits for 30 calendar days after the date indicated on the Department's website as the commencement date for accepting applications.

1) Submissions shall be considered as submitted on the date on which they are postmarked or, if delivered in person during regular business hours, on the date on which they are so delivered.

2) Submissions received after the 30 day period or any way other than required in this subsection (b) shall be returned to the applicant.

c) The permit application shall be submitted on forms and in accordance with the Act, this Part and the instructions provided by the Department on the application. If all materials, documentations, fees and information required by the Act, this Part, and the application are not submitted, the application shall be returned to the applicant. The applicant shall then have seven calendar days to resubmit the application in its entirety. Once submitted, the required fee will not be returned.

d) An applicant applying for a cultivation center permit shall submit, in duplicate, the following:

1) *The proposed legal name of the cultivation center*;

2) *The proposed physical address of the cultivation center and description of the enclosed, locked facility as it applies to cultivation centers where medical cannabis will be grown, harvested, manufactured, packaged, or otherwise prepared for distribution to a dispensing organization*;

3) *The name, address, and date of birth of each principal officer and board member of the cultivation center, provided that all those individuals shall be at least 21 years of age*;

4) *Any instance in which a business that any of the prospective board members of the cultivation center had managed or served on the board of the business and was convicted, fined, censured, or had a registration or license suspended or revoked in any administrative or judicial proceeding*;

5) *Cultivation, inventory, and packaging plans*;

6) *Proposed operating by-laws* (Operation and Management Practices Plan) *that include procedures for the oversight of the cultivation center, development and implementation of a plant monitoring system, medical cannabis container tracking system, accurate record keeping, staffing plan, and security plan reviewed* by *the Illinois State Police that are in accordance with the rules issued by the Department of Agriculture under the Act. A physical inventory shall be performed of all plants and medical cannabis containers on a weekly basis*. ISP may utilize the services of a private security contractor licensed by DFPR to assist with performing a security plan review;

7) *Experience with agricultural cultivation techniques and industry standards*, including experience with the cultivation of agricultural or horticultural products, operating an agriculturally related business, or operating a horticultural business;

8) *Any academic degrees, certifications, or relevant experience with related businesses*;

9) *The identity of every person, association, trust,* producer backer, partnership, other entity *or corporation having any direct or indirect pecuniary interest in the cultivation center operation with respect to which the registration is sought. If the disclosed entity is a trust, the application shall disclose the names and addresses of the beneficiaries;* (Section 85 of the Act)

10) If a sole proprietorship, the name, residence and date of birth of the owner;

11) *If a partnership, the names and addresses of all partners, both general and limited* (Section 85 of the Act) and any partnership or joint venture documents.

A) For a domestic limited partnership, a copy of the Certificate of Limited Partnership and a Certificate of Good Standing from the Illinois Secretary of State dated within the last 60 days.

B) For a foreign limited partnership, a certificate of Good Standing from the state of formation, a copy of the Certificate of Authority from the Illinois Secretary of State and a Certificate of Good Standing from the Illinois Secretary of State dated within the last 60 days;

12) If a limited liability partnership, the names and addresses of all partners, and any partnership or joint venture documents.

A) For a domestic limited liability partnership, a copy of the Certificate of Limited Liability Partnership and a Certificate of Good Standing from the Illinois Secretary of State dated within the last 60 days.

B) For a foreign limited liability partnership, a certificate of Good Standing from the state of formation, a copy of the Certificate of Authority from the Illinois Secretary of State and a Certificate of Good Standing from the Illinois Secretary of State dated within the last 60 days;

13) If a corporation based in Illinois, a copy of the Articles of Incorporation and a copy of the Certificate of Good Standing issued by the Illinois Secretary of State or obtained from the Secretary of State's website within the last 60 days. If the corporation is a foreign corporation, a copy of the Articles of Incorporation, a copy of the Certificate of Good Standing from the state or country in which the corporation is domiciled, a copy of the Certificate of Authority from the Illinois Secretary of State and a Certificate of Good Standing from the Illinois Secretary of State dated within the last 60 days. If using an assumed name (d/b/a), a copy of the assumed name registration issued by the Secretary of State. Additionally, applicants shall include *the names and addresses of all stockholders and directors of the corporation* (Section 85 of the Act);

14) If a limited liability company:

A) For a domestic limited liability company, a copy of the Articles of Organization, a copy of the Certificate of Good Standing issued by the Illinois Secretary of State or obtained from the Secretary of State's website within the last 60 days, and a listing of the members of the limited liability company and his, her, or its contact information.

B) For a foreign limited liability company, a copy of the Articles of Organization and a Certificate of Good Standing from the state of organization, a copy of the Application for Admission to Transact Business in Illinois, along with a Certificate of Good Standing issued by the Illinois Secretary of State, all dated within the last 60 days;

15) If another type of business entity, the same or similar information, as applicable, to that listed in this subsection (d);

16) *Verification from the Illinois State Police that all background checks of the principal officer, board members, and registered agents have been conducted and those individuals have not been convicted of an excluded offense* (Section 85 of the Act).

17) A *copy of the current local zoning ordinance to the Department and* verification from the local zoning authority that the *proposed cultivation center is in compliance with the local zoning rules issued in accordance with Section 140* of the Act (Section 85 of the Act).

A) If the property is not owned but is currently leased by the applicant, the applicant shall provide: a copy of the lease; confirmation of land ownership; identification of any mortgagors and/or lienholders; a written statement from the property owner and/or landlord, certifying consent that the applicant may operate a cultivation center on the premises at least through December 31, 2017; and, if applicable, verification of notification by the property owner to any and all mortgagors and/or lienholders that the property is to be used as a cultivation center at least through December 31, 2017, and consent thereto by any mortgagors and/or lienholders.

B) If the property is not owned or currently leased by the applicant, the applicant shall provide: a written statement from the property owner and/or landlord certifying consent that the applicant will lease or purchase the property for the purpose of operating a cultivation center until at least December 31, 2017; and, if applicable, verification of notification by the property owner to any and all mortgagors and/or lienholders that the property is to be used as a cultivation center at least through December 31, 2017, and consent thereto by any mortgagors and/or lienholders.

C) If the property is owned by the applicant, the applicant shall provide: confirmation of land ownership; identification of any and all mortgagors and/or lienholders; and, if applicable, verification of notification to any and all mortgagors and/or lienholders that the property is to be used as a cultivation center at least through December 31, 2017, and consent thereto by any mortgagors and/or lienholders;

18) A non-refundable application fee as set forth in Section 1000.140 for each application. Each application for a particular District shall be a separate application requiring a separate fee;

19) A location area map of the area surrounding the proposed cultivation center. The map must clearly demonstrate that the proposed cultivation center is *not located within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or an area zoned for residential use* (Section 105 of the Act);

20) A plot plan of the cultivation center drawn to a reasonable scale. If the cultivation center building is in existence at the time of the application, the applicant shall submit plans and specifications drawn to scale for the interior of the building. If the building is not in existence at the time of application, the applicant shall submit a plot plan and a detailed drawing to scale of the interior and the architect's drawing of the building to be constructed;

21) Documentation acceptable to the Department that the individual or entity filing the application has at least $500,000 in liquid assets. Documentation acceptable to the Department includes a signed statement

from an Illinois Licensed CPA attesting to proof of the required amount of liquid assets under the control of an owner or the entity applying. The statement must be dated within 30 calendar days before the date the application was submitted;

22) Documentation acceptable to the Department that the individual or entity filing the application will be able to obtain insurance sufficient to indemnify and hold harmless the State and its officers and employees as required in Section 1000.50(b)(4)(B);

23) All relevant financial information as set forth in Section 1000.200;

24) The name of any agent-in-charge for each work shift;

25) If currently or previously licensed or authorized in another state or jurisdiction to produce or otherwise deal in the distribution of cannabis in any form, the following:

A) A copy of each such licensing/authorizing document verifying licensure in that state or jurisdiction;

B) A statement granting permission to contact the regulatory agency that granted the license to confirm the information contained in the application; and

C) If the license/authorization or application was ever denied, suspended, revoked or otherwise sanctioned, a copy of documentation so indicating, or a statement that the applicant was so licensed and was never sanctioned.

e) The applicant shall sign a notarized statement certifying that:

1) No prospective principal officer or board member has been convicted of an excluded offense in any state or country;

2) The cultivation center will register with the Illinois Department of Revenue should the applicant be granted a permit;

3) The application is complete and accurate; and

4) The applicant has actual notice that, notwithstanding any state law:

A) Cannabis is a prohibited Schedule I controlled substance under federal law;

B) Participation in the program is permitted only to the extent provided by the strict requirements of the Act and this Part;

C) Any activity not sanctioned by the Act or this Part may be a violation of State law;

D) Growing, distributing or possessing cannabis in any capacity, except through a federally-approved research program, is a violation of federal law;

E) Use of medical cannabis may affect an individual's ability to receive federal or State licensure in other areas;

F) Use of medical cannabis, in tandem with other conduct, may be a violation of State or federal law;

G) Participation in the program does not authorize any person to violate federal law or State law and, other than as set out in Section 25 of the Act, does not provide any immunity from or affirmative defense to arrest or prosecution under federal law or State law; and

H) Applicants shall indemnify, hold harmless, and defend the State of Illinois for any and all civil or criminal penalties resulting from participation in the program.

5) The Department has authority to include additional certifications in the application that would be sufficient to ensure compliance with the program and all other applicable laws.

Section 1000.110 Permits − Selection Criteria

a) Each application shall address all criteria and measures as set forth in this Part. The failure by an applicant to address all of the required criteria and measures will result in the application being denied.

b) The required criteria and measures shall include the following:

1) Suitability of the Proposed Facility:

A) Measure 1: The applicant demonstrates that the proposed facility is suitable for effective and safe cultivation of medical cannabis, sufficient in size, power allocation, air exchange and air flow, interior layout, lighting, and sufficient both in the interior and exterior to handle the bulk agricultural production of medical cannabis, cannabis-infused products, product handling, storage, trimming, packaging, loading and shipping. The loading/unloading of medical cannabis in the transport motor vehicle for shipping shall be in an enclosed, secure area out of public sight.

B) Measure 2: The applicant demonstrates the ability to continue to meet qualifying patient demand by expanding the cultivation facility in a quick and efficient manner with minimal impact on the environment and the surrounding community.

C) Measure 3: The applicant provides an employee handbook that will provide employees with a working guide to the understanding of the day-to-day administration of personnel policies and practices.

2) Proposed Staffing Plan and Knowledge of Illinois Law and Rules Relating to Medical Cannabis:

A) Measure 1: The applicant fully describes a staffing plan that will provide and ensure adequate staffing and experience for all accessible business hours, safe production, sanitation, adequate security and theft prevention; and

B) Measure 2: The applicant provides an Operations and Management Practices Plan that demonstrates compliance with this Part and the Act.

3) Security Plan:

A) Measure 1: The applicant's security plan demonstrates its ability to prevent the theft or diversion of medical cannabis and how the plan

will assist with ISP, Department, and local law enforcement. Specifically, it shall evidence compliance with all items in Sections 1000.440, 1000.445 and 1000.450.

B) Measure 2: The applicant demonstrates that its plan for record keeping, tracking and monitoring inventory, quality control and security and other policies and procedures will discourage unlawful activity. It also describes the applicant's plan to coordinate with and dispose of unused or surplus medical cannabis through ISP and the Department.

C) Measure 3: The applicant's security plan shall describe the enclosed, locked facility that will be used to secure or store medical cannabis, its security measures, including when the location is closed for business, and the steps taken to ensure that medical cannabis is not visible to the public.

D) Measure 4: The applicant describes its transportation plan regarding procedures for safely and securely delivering medical cannabis to registered dispensaries.

4) Cultivation Plan:

A) Measure 1: The applicant shall describe its plan to provide a steady, uninterrupted supply of medical cannabis to registered dispensaries.

B) Measure 2: The applicant demonstrates knowledge of cultivation methods to be used in the cultivation of cannabis. The applicant shall describe the various strains to be cultivated and its experience, if applicable, with growing those strains or comparable agricultural products.

C) Measure 3: The applicant demonstrates the steps that will be taken to ensure the quality, including the purity and consistency, of the medical cannabis to be provided to dispensaries.

5) Product Safety and Labeling Plan:

A) Measure 1: The applicant shall describe its plan for providing safe and accurate packaging and labeling of medical cannabis.

B) Measure 2: The applicant shall describe its plan for testing medical cannabis and ensuring that all medical cannabis is free of contaminants, including but not limited to pesticides, microbiological, and residual solvent. If applicable, the applicant shall provide quality history records showing specific testing results from laboratory testing conducted on the applicant's cannabis products.

C) Measure 3: The applicant shall describe its plan for establishing a recall of the applicant's products in the event that they are shown by testing or other means to be, or potentially to be, defective or have a reasonable probability that their use or exposure to will cause serious adverse health consequences. At a minimum, the plan should include the method of: identification of the products involved; notification to the dispensary organization or others to whom the product was sold or otherwise distributed; and how the products will be disposed of if returned to or retrieved by the applicant.

6) Applicant's Business Plan and Services to be Offered:

A) Measure 1: The applicant shall provide a business plan that describes how the cultivation center plans to operate on a long-term basis. This shall include the applicant providing a detailed description about the amount and source of the equity and debt commitment for the proposed cultivation center that demonstrates the immediate and long-term financial feasibility of the proposed financing plan, the relative availability of funds for capital and operating needs, and the financial capability to undertake the project.

B) Measure 2: The applicant or its officers, board members, or incorporators demonstrates experience in business management and/or having medical industry, agricultural or horticultural experience and the extent of their involvement in or ability to influence the day-to-day operations of the facility.

C) Measure 3: The business plan demonstrates a start-up timetable that provides an estimated time from permit approval of the cultivation center to full operation, and the assumptions used for the basis of those estimates.

c) The Department shall award bonus points for preferred but not required initiatives based on the applicant's ability to meet or exceed minimum requirements in the following categories:

1) Labor and Employment Practices: The applicant may describe any plans it has to:

A) Provide a safe, healthy and economically beneficial working environment for its employees, including, but not limited to, its plans regarding workplace safety and environmental standards, codes of conduct, healthcare benefits, educational benefits, retirement benefits, and wage standards.

B) Recruit and/or hire minorities, women, veterans, disabled persons and Illinois residents.

2) Research Plan: The applicant may provide the Department with a detailed proposal to conduct, or facilitate, a scientific study or studies related to the medicinal use of cannabis. To the extent it has been determined, the applicant may include in its proposal, a detailed description of:

A) The methodology of the study;

B) The issues to be studied;

C) The methods that will be used to identify and select study participants;

D) The identity of all persons or organizations that will be worked with in connection with the study, including the role of each;

E) The duration of the study; and

F) The intended use of the study results.

3) Community Benefits Plan: The applicant may provide the Department with a detailed description of any plans the applicant has to give back to the local community if awarded a cultivation center permit.

4) Substance Abuse Prevention Plan: The applicant may provide a detailed description of any plans it will undertake, if awarded a cultivation center permit, to combat substance abuse in Illinois, including the extent to which the applicant will partner, or otherwise work with existing substance abuse programs.

5) Local Community/Neighborhood Report: The applicant may provide comments, concerns or support regarding the potential impact of the proposed location to the local community and neighborhood. This may include the local community's concerns or support regarding the proposed location's proximity to substance abuse treatment centers, day care centers, schools and halfway houses.

6) Environmental Plan: The applicant may demonstrate an environmental plan of action to minimize the carbon footprint, environmental impact, and resource needs for the production of medical cannabis. The applicant may describe any plans for the use of alternative energy, the treatment of waste water and runoff, and scrubbing or treatment of exchanged air.

7) Verification of Minority Owned, Woman Owned, Veteran Owned, or Disabled Person Owned Business: The Minority, Woman, Veteran, or Disabled Person applicant must own at least 51 percent of the entity applying for registration. The percentage totals may include any combination of these types of businesses. The Minority, Woman, Veteran, or Disabled Person applicant must also share in control of management and day-to-day operations of the permitted facility. Documentation must be submitted at the time of application that demonstrates the respective status of the applicant.

8) Verification that the applicant's principal place of business is headquartered in Illinois. The names, addresses and verification of the applicant's proposed agents that reside in Illinois. The applicant may also provide a plan for generating Illinois-based jobs and economic development.

d) Should the applicant be awarded a permit, the information and plan that an applicant provided in its application becomes a mandatory condition of the permit. If a permittee fails to comply with standard and special conditions of the permit, the Department may assess a penalty or seek suspension or revocation of the permit pursuant to Section 1000.700.

e) The Department may issue a cultivation center permit with conditions addressing weaker areas of the cultivation center's application that shall be addressed and corrected in the manner and timeframe set forth in the permit.

f) There shall not be more than one permit issued per each of the 22 ISP District boundaries as specified on January 1, 2013.

1) A permit shall be issued to the qualified applicant receiving at least the minimum required score in each category and the highest total score overall as compared to the otherapplicants within the applicable district.

2) ISP District Chicago (District C) incorporates ISP Districts 3 and 4. Therefore, the Department shall issue two separate permits for ISP District C.

g) In the event that two or more qualified applicants for a cultivation center permit receive the same total score, the Department shall select the applicant that received the highest score in the cultivation plan category. In the event that the same two applicants received the same score in the cultivation plan category, the Department shall select the applicant that received the highest score in the security plan category.

1) If a tie score still remains, the tied applicants will be interviewed by an unbiased panel selected by the Department.

2) The panel will judge the overall applications and suitability, sustainability and likelihood of success of the applicants and award the permit accordingly.

h) In the event that there are no qualified applicants in a particular District, the applicant with the highest total score will meet with an unbiased panel selected by the Department to determine whether the applicant may be able to cure any deficiencies in the application to become qualified. If the applicant is unable to cure the deficiencies, the panel will meet with the applicant with the next highest

score to determine whether it may be able to cure any deficiencies in its application to become qualified. If that applicant is unable to cure the deficiencies, and there are no qualified applicants in that particular District, the application process will be reopened. All applicants will be required to submit a new fee and application for that District.

i) If no qualified applicants are found during the process described in subsections (g) and (h), or if an applicant that is issued a conditional permit fails to fulfill the conditions of the conditional permit, or if no permit is issued or active in a particular District for any other reason, the Department shall announce another period to submit an application for that District. The application period shall be for 30 calendar days from the date specified in the announcement.

Section 1000.120 Permit Issuance; Transferability

a) A cultivation center permit shall be issued for the specific location identified on the application, and is valid only for the owner, premises and name designated on the permit and the location for which it is issued.

1) A cultivation center permit is not transferable to a new location without Department approval.

2) In the event that the Department approves the new location as meeting all requirements of the Act and this Part, the cultivation center shall have a brief transition period of no more than 90 days, approved by the Department, to transfer its inventory and begin operations at the new location.

A) The transition period shall not begin until the new location is ready to begin production.

B) No product may be transferred to or cultivated at the new location prior to the beginning date of this approved transition period.

C) Any product remaining at the original location past the transition period shall be destroyed in accordance with the provisions of Section 1000.460.

D) The cultivation center shall notify the Department in writing or by electronic transmission once the transfer of inventory is complete and production has begun at the new location.

3) Upon inspection and verification by the Department that the new location is in compliance with the Act and this Part, the Department shall issue a permit modification reflecting the new location. The modified permit shall have the same expiration date as the previously issued permit.

b) A cultivation center permit shall be issued for the specific applicant identified in the application and shall not be transferable in whole or in part, with the following exceptions:

1) A cultivation center permit may be transferred, without charge, to the surviving spouse or domestic partner of a deceased permittee if the permit was issued in the names of both of the parties. For the purpose of considering the qualifications of the surviving party to receive a cultivation center permit, the Department shall require a criminal background check.

2) A cultivation center permit may be transferred, without charge, to an heir of a deceased permittee other than as provided in subsection (b)(1), as determined by the Probate Act of 1975. For the purpose of considering the qualifications of the heir to receive a cultivation center permit, the Department shall require a criminal background check and the heir will be subject to all other requirements of the Act and this Part.

c) The proposed sale of any outstanding or issued stock of a corporation permitted under the Act, or any proposed change in the officers or board members of the corporation, must be reported to the Department, and Department approval must be obtained before the changes are made. A fee (see Section 1000.140) will be charged for the processing of the change of stock ownership or corporate officers or board members.

d) The proposed change of any person or principal officer of any permittee must be reported to the Department and Department approval must be obtained before the changes are made. A fee (see Section 1000.140) will be charged for the processing of any such change.

e) A cultivation center permit shall not be leased or subcontracted, in whole or in part.

Section 1000.130 Permit Renewal

a) Every cultivation center permit, agent and agent-in-charge identification card issued by the Department under the Act and this Part shall expire annually on the date it was issued.

b) Every renewal application for a permit, agent or agent-in-charge identification card issued pursuant to this Part and accompanied by the proper fees (see Section 1000.140) shall be filed annually with the Department at least 45 calendar days prior to the date the existing permit or registration expires.

c) The Department shall send written notification of expiration to each permitted cultivation center at least 90 days prior to expiration. However, failure to receive a renewal form from the Department shall not excuse the cultivation center from paying the renewal fee or renewing the permit prior to its expiration. Cultivating medical cannabis on an expired permit is not permitted and is grounds for imposition of discipline.

d) *The Department shall grant a renewal application within 45 days* after *its submission if the following conditions are satisfied:*

1) *the registered cultivation center submits a renewal application and the required renewal fee; and*

2) *the Department of Agriculture has not suspended the registration of the cultivation center or suspended or revoked the registration for violation of the Act or* this Part. (Section 90 of the Act)

e) Failure to renew prior to the expiration date of the applicable permit or agent or agent-in-charge identification card shall result in the permit or identification card expiring and being null and void until such time that the renewal application and all applicable fees are submitted and approved by the Department.

f) If a renewal application and all applicable fees are not submitted to the Department at least 30 calendar days after the expiration of the permit or identification card, the permit or identification card shall not be eligible for renewal, and the applicant shall cease and desist from all production activities.

1) If a permit renewal application and all applicable fees are not submitted to the Department at least 30 calendar days after the expiration of the permit, the Department shall accept applications for cultivation center permits in the applicable State Police District in accordance with Sections 1000.100 and 1000.110.

2) The cultivation center shall dispose of all medical cannabis in its possession in accordance with Section 1000.460.

g) Upon request for renewal, the Department shall consider the permittee's history of compliance with requirements of the Act and this Part, the number and severity of any violations and the correction of those violations, as well as penalties or fines imposed or any other enforcement actions.

h) The Department may deny a renewal after consideration of the permittee's history of compliance.

Section 1000.140 Fees

a) An applicant shall submit the following non-refundable fees with each permit and registration application submitted, in the form of a certified check or money order payable to the "Illinois Department of Agriculture", or by such other means as approved by the Department.

1) The application fee for a cultivation center permit shall be $25,000 for each application submitted. In addition, if an application for a cultivation center permit is approved, the applicant shall pay a fee of $200,000 for each permit prior to receiving the permit.

2) The fee for each annual renewal of a cultivation center permit shall be $100,000.

3) The fee for a cultivation center agent or agent-in-charge identification card and for each renewal shall be $100.

4) The fee for the issuance of a replacement cultivation center agent or agent-in-charge identification card shall be $50.

5) The fee for an application to change a cultivation center name or the change of stock ownership or principal officers shall be $1,000.

6) The fee for an application to make modifications to a cultivation center shall be $5,000. In addition, upon approval of the application, the applicant shall pay an additional fee of $3,000.

7) The fee for an application to make a physical, non-cosmetic alteration of a cultivation center, other than an expansion, shall be $1,000.

8) The fee for a cultivation center to register a cannabis product with the Department shall be $100 per product name;

9) The fee to request a variance shall be $200.

b) *All monies collected under the Act shall be deposited in the Compassionate Use of Medical Cannabis Fund in the State treasury.* (Section 20 of the Act)

c) The Department may, through the administrative rulemaking process, propose changes to the fees set forth in this Section if the Department deems that change is necessary to cover costs for implementation, administration and enforcement of the Act and this Part.

Section 1000.150 Modifications and Alterations

a) A permit shall be amended before the commencement of any modification to the facility. This includes any change that modifies the approved permit design capability of production or process areas, including change of capacity, efficiency or processes.

b) Before making any modification to a permitted facility, the cultivation center must complete an Application for Permit and Construction Approval and submit the application with the appropriate schedules to the Department.

c) An amendment to the permit shall not be required for alterations at the facility.

Section 1000.160 Denial of Cultivation Center Application/Suspension or Revocation of Permit

a) *An application for a cultivation center permit must be denied if any of the following conditions are met:*

1) *the applicant failed to submit the materials required by this* Part;

2) *the applicant would not be in compliance with local zoning rules issued in accordance with Section 140* of the Act;

3) *one or more of the prospective principal officers or board members has been convicted of an excluded offense;*

4) *one or more of the prospective principal officers or board members has served as a principal officer or board member for a registered dispensing organization or cultivation center that has had its registration revoked* or suspended;

5) *one or more of the principal officers or board members is under 21 years of age;*

6) *a principal officer or board member of the cultivation center has been convicted of a felony under the laws of this State, any other state, or the United States;*

7) *a principal officer or board member of the cultivation center has been convicted of any violation of Article 28 of the Criminal Code of 2012, or substantially similar laws of any other jurisdiction; or*

8) *the person has submitted an application for a* permit *under* the *Act* and/or this Part *which contains false information.* (Section 85 of the Act)

b) The Department may suspend or revoke a registration for violations of the Act and/or this Part.

SUBPART C: CULTIVATION CENTER REQUIREMENTS

Section 1000.200 Financial Disclosure

a) When applying for a cultivation center permit, the applicant shall disclose all relevant financial information to the Department. The applicant shall have a continuing duty to disclose promptly any material changes in the financial

information provided to the Department. If an applicant is issued a permit, this duty of ongoing disclosure shall continue throughout the permitted period. These disclosures shall include:

1) The ownership structure of the cultivation center;

2) A current organizational chart that includes position descriptions and the names and resumes of persons holding each position to the extent those positions have been filled. To the extent not revealed by the resume, include additional pages with each resume setting out the employee's particular skills, education, experience or significant accomplishments that are relevant to owning or operating a cultivation center;

3) Documents such as the articles of incorporation, articles of association, charter, by-laws, partnership agreement, agreements between any two or more members of the applicant that relate in any manner to the assets, property or profit of the applicant, or any other comparable documents that set forth the legal structure of the applicant or relate to the organization, management or control of the applicant;

4) A copy of all compensation agreements with producer backers, directors, owners, officers, growers, other high-level employees or any other persons required to complete these agreements;

5) A compensation agreement that includes any agreement that provides, or will provide, a benefit to the recipient, whether in the form of salary, wages, commissions, fees, stock options, dividends, interest, bonuses or otherwise;

6) The nature, type, terms, covenants and priorities of all outstanding bonds, loans, mortgages, trust deeds, pledges, lines of credit, notes, debentures or other forms of indebtedness issued or executed, or to be issued or executed, in connection with opening or operating the proposed cultivation center;

7) Audited financial statements for the previous fiscal year, which shall include, but are not limited to, an income statement, balance sheet, statement of retained earnings or owners' equity, statement of cash flows, and all notes to these statements and related financial schedules, prepared in accordance with generally accepted accounting principles, along with

the accompanying independent auditor's report. If the applicant was formed within the year preceding the application for permit, provide certified financial statements for the period of time the applicant has been in existence and any pro forma financials used for business planning purposes;

8) Complete copies of all federal, state and foreign (with translation) tax returns filed by the applicant for the last three years, or for the period the applicant has filed returns if less than three years;

9) Complete copies of the most recently filed federal, state and/or foreign (with translation) tax returns filed by each producer backer and by each backer member identified in the applicant's application.

b) The applicant shall disclose all sources of funding used to acquire or develop the business for which the permit is sought, and shall provide independent documentation concerning the source of the funds and copies of closing documents in connection with the purchase of a registered business.

c) The applicant shall disclose the estimated expenditures to be incurred before the cultivation center is operational.

d) The applicant shall disclose the estimated full facility cost and projected annual revenue of the cultivation center under operation.

e) The applicant shall disclose whether any principal officer and/or board member has ever:

1) Filed for bankruptcy;

2) Defaulted on a student loan;

3) Defaulted on alimony or child support payment;

4) Been disciplined or sanctioned by a State or federal agency; or

5) Been convicted of an excluded offense.

f) The applicant shall disclose whether there are currently or have ever been any state or federal tax liens against the property of the applicant, as well as the property of any principal officer and/or board member.

Section 1000.210 Fingerprint-Based Criminal History Records Check

a) *No person who has been convicted of an excluded offense may be a cultivation center agent.* (Section 105 of the Act)

b) ISP shall act as the Department's agent for purposes of receiving electronic fingerprints and conducting background checks of each cultivation center agent applying for a cultivation center agent identification card.

1) ISP will conduct background checks for conviction information contained within ISP and FBI criminal history databases to the extent allowed by law.

2) For verification of any statutorily imposed duty to conduct background checks pursuant to the Act, ISP will transmit the results of the background check to the Department and that transmittal shall conclude the verification process.

3) The electronic background checks shall be submitted as outlined in either the Illinois Uniform Conviction Information Act or 20 Ill. Adm. Code 1265.30 (Electronic Transmission of Fingerprint Requirements).

A) Manual fingerprints will not be accepted and shall not be scanned and converted into an electronic format.

B) Fingerprint images of the individual being fingerprinted, and related alphanumeric identification data submitted to ISP for the purpose of this fingerprint-based background check, shall be submitted electronically.

C) Electronic transmission of fingerprint data to ISP shall be accomplished utilizing livescan procedures or other comparable technology approved for use by ISP.

D) If the fingerprints are rejected by ISP, the cultivation center agent shall have his or her fingerprints collected electronically by a livescan fingerprint vendor a second time.

E) In the event of equipment malfunction or other special circumstance that make electronic transmission of fingerprint data impractical, ISP may allow limited use of paper fingerprint records.

c) Each cultivation center agent applying for a cultivation center agent identification card shall have his or her fingerprints collected electronically by a livescan fingerprint vendor licensed by DFPR and transmitted to ISP for processing no more than 30 days prior to the date of application or renewal for a cultivation center agent identification card.

1) The cultivation center agent shall submit to the Department, with the cultivation agent identification card application or renewal, a copy of the livescan request form and the receipt provided by the livescan fingerprint vendor containing the Transaction Control Number (TCN) as proof that his or her fingerprints have been collected.

2) Cultivation center identification card applications submitted without a copy of the livescan request form and receipt will be deemed incomplete and will not be processed until fingerprinting is completed. The fingerprinting process is not completed until the Department receives the results from ISP.

3) Any fees associated with the livescan fingerprint-based criminal history records check shall be the responsibility of the individual seeking a cultivation center agent identification card and shall be collected by the livescan vendor at the time of fingerprinting and transmitted to ISP for deposit in the State Police Services Fund. A convenience fee may be charged by the livescan vendor as provided in Section 31-5 of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.

d) The Department shall obtain from ISP a state and federal criminal records check, to the extent allowed by law, containing conviction information for each cultivation center agent applying for a cultivation center agent identification card.

e) The Department will maintain the results of the criminal history records check for the time period associated with the cultivation center agent identification card.

f) The Department may deny an application or renewal for a cultivation center agent who has been convicted of an excluded offense.

g) If the cultivation center agent has been convicted of any excluded offenses, the Department may approve a cultivation center agent identification card *if the person demonstrates that his or her conviction was for the possession, cultivation, transfer, or delivery of a reasonable amount of cannabis intended for medical use.* (Section 10 of the Act) In determining whether to waive a conviction for excluded offenses, the Department shall determine whether the offense consisted of conduct for which, had it occurred on or after January 1, 2014, would likely have been protected by the Act and would likely not have resulted in a conviction.

h) Convictions for violations of the medical cannabis laws of Illinois or any other state or jurisdiction shall not be waived by the Department.

i) Should the Department not be able to obtain from ISP the required state and/or federal criminal records check required by the Act and this Section, the Department shall contract as appropriate with a private detective/investigating agency licensed under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 and in good standing with DFPR, for the purpose of conducting those records checks.

Section 1000.220 Cultivation Center Facility Plans and Specifications

a) Cultivation centers shall:

1) Not be located closer than 1,000 feet to another cultivation center or a medical cannabis dispensary.

2) Not be located closer *than 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or an area zoned for residential use.* [Section 105 of the Act]

3) Not be in violation of any other local zoning requirements.

b) When applying for a permit, the applicant shall provide engineering plans and specifications of the entire cultivation center. The plans and specifications shall include:

1) A detailed plan and elevation drawings of all operational areas involved with the production of cannabis plants. This should include dimensions and elevation referenced to a single facility benchmark;

2) Cross-sections that show the construction details and their dimensions to provide verification of construction materials, enhancement for security measures and bio-security measures;

3) Identification of all employee areas that are non-production areas;

4) The location of all storage areas, ventilation systems, and equipment used for the production of cannabis;

5) The location of all entrances and exits to the cultivation center;

6) The location of any windows, skylights and roof hatches;

7) The location of all cameras and their field of view;

8) The location of all alarm inputs (door contacts, motion detectors, duress/hold up devices) and alarm sirens;

9) The location of the digital video recorder and alarm control panel;

10) The location of all restricted and public areas;

11) The location where all plant inputs and application equipment are stored;

12) If applicable, the location of areas designated specifically for the production of cannabis-infused products; and

13) The location of the enclosed, secure area or loading/unloading dock out of public sight for the loading/unloading of medical cannabis in the transport motor vehicle.

Section 1000.230 Measuring Distances

a) In establishing the distance between one or more places (such as the actual distance of a cultivation center from a school or day care center, as defined in the Act), the distance shall be measured linearly and shall be the shortest distance between the closest point of the property lines of the places.

b) If a boundary line measured by the Department touches upon any portion of a parcel or lot, the parcel or lot shall be within the area being identified by the Department.

Section 1000.240 Failure to Open or Operate

a) A cultivation center permit shall be surrendered to the Department upon written notice and demand if the cultivation center fails to begin production within six months after the permit has been issued. The cultivation center may submit a written request to the Department for an extension of time setting forth its justification for being unable to begin production within six months after the permit was issued. The Department may grant an extension, at its discretion, for good cause shown. Good cause may include unforeseen events, acts of nature and other events that prevent a good faith effort. Good cause shall not include cost overruns, insufficient financing and other factors evidencing a lack of good faith effort.

b) A cultivation center that fails to maintain production for any reason for more than 90 consecutive days after it has begun production shall be notified in writing and given 30 days from the date of notification from the Department to submit a written explanation why it so failed and, if it plans on continuing to operate as a cultivation center, a description of how it will correct the problem and prevent it from occurring again.

1) If no response is received from the cultivation center or if a response is received after the 30 day period, the permit shall be revoked and surrendered to the Department.

2) If a response is received within the 30 day period, the Department shall review the response and either approve it and require the cultivation center to come into compliance or reject it and revoke the permit requiring the cultivation center to surrender its permit to the Department. If the Department allows the cultivation center to come into compliance, the

Department may, after a hearing, levy a fine for failure to provide an uninterrupted supply to patients.

c) Upon surrender of its cultivation center permit, the cultivation center shall forfeit the balance of its escrow account or surety bond required by Section 1000.40(g).

d) A cultivation center that has failed to continue to operate the cultivation center in a manner that provides an uninterrupted supply of medical cannabis to licensed dispensaries as provided for in Section 1000.40(g) shall be notified in writing and given 30 days from the date of notification from the Department to submit a written explanation why it was unable to provide the supply and how it will correct the situation in the future.

1) If no response is received from the cultivation center or if a response is received after the 30 day period, the permit shall be revoked and surrendered and the escrow account or surety bond required by Section 1000.40(g) shall be forfeited to the Department.

2) If a response is received within the 30 day period, the Department shall review the response and either accept it and require the cultivation center to come into compliance or reject and revoke it requiring the cultivation center to surrender its permit to the Department and forfeit its escrow account or surety bond. If the Department allows the cultivation center to come into compliance, the Department may, after a hearing, levy a fine for failure to provide an uninterrupted supply to patients.

Section 1000.250 Cultivation Center Records

a) Each cultivation center shall keep and maintain upon the permitted premises for a five-year period true, complete, legible and current books and records, including the following:

1) The date of each sale or distribution to a dispensary;

2) The name, address and registration number of the dispensary;

3) The item number, product name (description), and quantity of cannabis and cannabis-infused products registered by the Department and sold or otherwise distributed to the dispensary;

4) The price charged and the amount received for the cannabis and cannabis-infused products from the dispensary;

5) If the distribution was for a purpose other than sale, the reason for the distribution;

6) The quantity and form of medical cannabis maintained at the cultivation center on a daily basis; and

7) The amount of plants being grown at the cultivation center on a daily basis.

b) Each cultivation center is responsible for keeping and maintaining records that clearly reflect all financial transactions and the financial condition of the business. The following records must be kept and maintained on the permitted premises for a five-year period and must be made available for inspection if requested by the Department, and, when applicable, the Illinois Department of Revenue:

1) Purchase invoices, bills of lading, manifests, sales records, copies of bills of sale and any supporting documents, including the items and/or services purchased, from whom the items were purchased, and the date of purchase;

2) If applicable, bank statements and canceled checks for all accounts relating to the cultivation center;

3) Accounting and tax records related to the cultivation center and each producer backer;

4) Records of all financial transactions related to the cultivation center, including contracts and/or agreements for services performed or received that relate to the cultivation center;

5) All employee records, including training, education, discipline, etc.;

6) Soil amendment, fertilizers, pesticides as required by Section 1000.470, or other crop production aids applied to the growing medium or plants or used in the process of growing cannabis;

7) Production records, including:

A) planting, harvest and curing, weighing, destruction of cannabis, creating batches of cannabis-infused products, and packaging and labeling; and

B) disposal of cannabis, cannabis-infused products and waste materials associated with production.

8) Records of each batch of extracts or cannabis-infused products made, including, at a minimum, the usable cannabis or trim, leaves, and other plant matter used (including the total weight of the base product used), any solvents or other compounds utilized, and the product type and the total weight of the end product produced, such as hash oil, shatter, tincture, infused dairy butter, etc.;

9) Transportation records as described in Section 1000.430;

10) Inventory records as described in Section 1000.435;

11) Records of all samples sent to an independent testing lab and/or the Department's lab and the quality assurance test results;

12) All samples provided to anyone or any entity for any purpose; and

13) Records of any theft, loss or other unaccountability of any cannabis seedlings, clones, plants, trim or other plant material, extracts, cannabis-infused products, or other items containing cannabis.

Section 1000.260 Automated Data Processing (ADP) and/or Point-of-Sale (POS) Systems

a) The cultivation center shall keep records within an automated data processing (ADP) and/or point-of-sale (POS) system. The system must include a method for producing legible records that will provide the same information required of that type of record by Section 1000.65. The system must be compatible with the State's system in place at the time.

b) The ADP/POS system is acceptable if it complies with the following guidelines:

1) Provides an audit trail so that details (invoices and vouchers) underlying the summary accounting data may be identified and made available upon request.

2) Provides the opportunity to trace any transaction back to the original source or forward to a final total. If printouts of transactions are not made when they are processed, the system must have the ability to reconstruct these transactions.

3) Has available a full description of the ADP/POS portion of the accounting system. This should show the applications being performed, the procedures employed in each application, and the controls used to ensure accurate and reliable processing.

c) The provisions contained in this Section do not eliminate the requirement to maintain source documents.

Section 1000.270 Mandatory Signage

a) Each permitted cultivation center must post a sign in a conspicuous location at each entrance of the facility that reads: "PERSONS UNDER 21 YEARS OF AGE NOT PERMITTED ON THESE PREMISES".

b) Each permitted cultivation center must post a sign in a conspicuous location at each entrance of the facility that reads: "THESE PREMISES ARE UNDER CONSTANT VIDEO SURVEILLANCE".

c) A cultivation center agent must keep his or her identification card visible at all times when on the property of a cultivation center and during the transportation of medical cannabis to a registered dispensary organization. During these times, the cultivation center agent must also provide the identification card upon request of any law enforcement officer engaged in his or her official duties.

d) Any visitor must keep his or her visitor pass visible at all times when on the property of a cultivation center.

SUBPART D: CULTIVATION CENTER AGENTS/AGENTS-IN-CHARGE

Section 1000.300 Cultivation Center Agents Application; Issuance; Surrender

a) The cultivation center agent application shall be submitted on forms and in accordance with the Act, the rules and instructions provided by the Department on the application. If all materials, documentations and information required by the Act, the rules and the application are not submitted, the application will be denied.

b) Each principal officer, board member, employee or agent of a registered cultivation center must apply to the Department for a cultivation center agent identification card. Along with the application, the applicant shall submit:

1) A copy of the applicant's social security card;

2) A copy of the applicant's valid driver's license or state issued identification card;

3) A document verifying the applicant's place of residency, such as a bank statement, cancelled check, insurance policy, etc. The document must contain the applicant's full residence address;

4) A sworn statement that the applicant has not been convicted of an excluded offense in any jurisdiction;

5) Verification from ISP that the applicant's background check has been conducted and that the applicant has not been convicted of an excluded offense;

6) The application fee; and

7) Any additional information requested by the Department.

c) Upon receipt and verification of the information specified in subsection (b), the Department shall:

1) approve or deny the application within 30 days after receipt;

2) issue each cultivation center agent an identification card, within 15 business days after approval, that shall expire one year after the date of issuance; and

3) Enter the registry identification number of the cultivation center where the agent works.

d) No person shall begin working at a cultivation center prior to receiving his or her cultivation center agent identification card.

e) The cultivation center identification card shall contain the following:

1) The name of the cardholder;

2) The date of issuance and expiration;

3) A random 10 digit alphanumeric identification number with at least 4 numbers and 4 letters that are unique to the holder; and

4) A photograph of the cardholder.

f) *A registered cultivation center agent is not subject to prosecution, search, or penalty in any manner,* and will not *be denied any right or privilege, including but not limited to civil penalty or disciplinary action by a business licensing board or entity, for working or volunteering for a registered cannabis cultivation center, to perform the actions listed under* Section 1000.40. (Section 25 of the Act)

g) *A cultivation center agent must keep his or her identification card visible at all times when on the property of a cultivation center and during the transportation of medical cannabis to a registered dispensary organization.* (Section 100 of the Act)

h) Upon termination of employment, the cultivation center agent identification cards shall be immediately returned to the cultivation center. The cultivation center shall promptly return the identification cards to the Department.

i) Any cultivation center agent identification card that is lost, destroyed or stolen shall be reported to ISP and the Department immediately upon discovery of the loss, destruction or theft.

j) Upon conviction of an excluded offense, the principal officer, board member or registered agent shall immediately notify the Department and shall surrender his or her identification card to the Department.

Section 1000.310 Suspension or Revocation of Agent Identification Card

a) The Department may suspend or revoke a cultivation center agent identification card for any of the following reasons:

1) Submission of misleading, incorrect, false or fraudulent information in the application or renewal application;

2) Violation or violations of the requirements of the Act and this Part;

3) Fraudulent use of the identification card;

4) Selling, distributing, transferring in any manner, or giving medical cannabis to any unauthorized person;

5) Tampering with, falsifying, altering, modifying or duplicating an identification card;

6) Failure to notify the Department within 10 business days after becoming aware that the identification card has been lost, stolen or destroyed;

7) Failure to notify the Department within 10 business days after a change in the information provided in the application for an identification card; or

8) Conviction of an excluded offense following the issuance of an identification card.

b) In addition, each of the following shall be grounds for the revocation of a cultivation center identification card:

1) The cultivation center agent is convicted of a felony drug offense in Illinois or of a like violation of the laws of another state, the United States or a military, territorial or Indian tribal authority, or another country; or

2) The cultivation center agent is deceased.

Section 1000.320 Cultivation Center Agent-in-Charge

a) Every cultivation center shall designate, at a minimum, one agent-in-charge. Except as provided in subsection (h), maintaining an agent-in-charge is a continuing requirement for a valid cultivation center permit.

b) Every cultivation center agent-in-charge shall have a valid current cultivation center agent identification card issued by the Department, as set forth in Section 1000.300, designating that individual as an agent-in-charge. The application for the identification card with the agent-in-charge designation shall include authorization from a principal officer or board member of the cultivation center granting the designation.

c) The agent-in-charge shall be a full-time officer or employee of the cultivation center and shall participate in cultivation center affairs. Participation in cultivation center affairs includes, but is not limited to, responsibility for the overall operation of the cultivation center. Participation in cultivation center affairs also includes the responsibility of the agent-in-charge for maintaining all files subject to audit or inspection by the Department. These files shall be located within Illinois.

d) The agent-in-charge is responsible for notifying the Department, on forms provided by the Department, of any change of information required to be reported in any application for registration within 10 work days after the change.

e) The agent-in-charge is responsible for maintaining the good standing of the permittee organization with the Secretary of State, if applicable, and for maintaining its authorization to conduct business in Illinois, if applicable.

f) In determining whether an agent-in-charge participates in cultivation center affairs, the Department may consider the responsibilities identified in this Section, the number of employees under the direct supervision of the agent-in-charge, and the employment relationship between the agent-in-charge and the cultivation center, including the existence of a contract for employment and any other relevant fact or circumstance.

g) The agent-in-charge is responsible for notifying the Department, on forms provided by the Department, of a change in the employment status of all cultivation center agents, and the nature and reason for the status change, within 10 work days after the change.

h) Upon written request by an officer or board member of the cultivation center, within 10 days after the loss of an agent-in-charge due to the death or incapacity of that individual or termination of the employment of that individual, the Department shall issue a temporary certificate of authority allowing the continuing operation of the cultivation center. No temporary certificate of

authority shall be valid for more than 90 days. An extension of an additional 90 days may be granted upon written request by the representative of the cultivation center. Not more than 2 extensions may be granted to any cultivation center. No temporary permit shall be issued for loss of the agent-in-charge because of disciplinary action by the Department related to his or her conduct on behalf of the cultivation center.

i) The cultivation center agent-in-charge identification card shall expire annually on the date it was issued. The cultivation center shall renew the agent-in-charge identification card annually. The Department shall review the cultivation center's compliance history when determining whether to grant the request to renew.

j) A cultivation center shall submit a full set of fingerprints, in the electronic format outlined in the Act and this Part, with the agent-in-charge's annual identification card renewal.

Section 1000.330 Denial, Suspension or Revocation of Agent-in-Charge Identification Card

The Department may deny, suspend or revoke a cultivation center agent-in-charge identification card, for any of the reasons for which it can deny, suspend or revoke a cultivation center agent identification card, or for the failure to comply with any additional duty or responsibility imposed upon an agent-in-charge, as set forth in the Act or this Part.

SUBPART E: CULTIVATION CENTER OPERATIONS

Section 1000.400 Production Areas − Plants

a) Each facility shall develop and maintain an Operations and Management Practices Plan for each production area.

b) Each production area shall maintain an open aisle on all sides of each plant group to allow for unobstructed travel observation and inventory of each plant group.

c) Each production area shall be maintained free of debris.

d) Biosecurity measures shall be implemented and maintained at all times.

e) A record of all crop inputs shall be maintained for at least five years at the facility. The record shall include the following (see Section 1000.470(g) for additional requirements for the use of pesticides):

1) The date of application;

2) The name of the individual making the application;

3) The product that was applied;

4) The section, including the square footage, that received the application (by group number);

5) The amount of product that was applied; and

6) A copy of the label of the product applied.

f) At the time of planting, all plants shall be accounted for as a batch with a unique batch number that shall remain with the batch through final packaging.

g) When a plant reaches 18 inches in height, it shall be assigned a specific number and so tagged with an individual tag that will be recorded electronically (RFID) or kept in an electronic file until harvest or destruction. All plants, regardless of accounting strategy, shall be physically inventoried on a weekly basis and records of the inventory shall be kept at the facility for at least 5 years.

h) Any removal of plants from the batch shall be recorded on a permanent record and maintained on site.

i) The batch number shall be displayed on the approved label of the product designated for distribution to a dispensing organization.

j) All persons working in direct contact with medical cannabis shall conform to hygienic practices while on duty, including but not limited to the following:

1) Litter and waste shall be properly removed and the operating systems for waste disposal shall be maintained in an adequate manner so that they do not constitute a source of contamination in areas where cannabis plants are exposed;

2) Floors, walls and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair;

3) There shall be adequate lighting in all areas where medical cannabis is stored and where equipment or utensils are cleaned;

4) There shall be adequate screening or other protection against the entry of pests. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for the waste becoming an attractant, harborage or breeding place for pests;

5) Any buildings, fixtures and other facilities shall be maintained in a sanitary condition;

6) Toxic cleaning compounds, sanitizing agents, solvents used in the production of medical cannabis concentrates, and pesticide chemicals shall be identified, held and stored in a manner that protects against contamination of cannabis, and in a manner that is in accordance with any applicable local, State or federal law, rule, regulation or ordinance;

7) Only sanitizing agents registered with the Department pursuant to the Illinois Pesticide Act shall be used in cultivation centers, and they shall be used in accordance with labeled instructions;

8) The water supply shall be sufficient for the operations intended and shall be derived from a source that is a regulated water system. Private water supplies shall be derived from a water source that is capable of providing a safe, potable and adequate supply of water to meet the facility's needs (see Section 1000.465);

9) Plumbing shall be of adequate size and design and adequately installed and maintained to carry sufficient quantities of water to required locations throughout the cultivation center, and it shall properly convey sewage and liquid disposable waste from the facility. There shall be no cross-connections between the potable and waste water lines, pursuant to the Illinois Plumbing Code;

10) All operations in the receiving, inspecting, transporting, segregating, preparing, production, packaging and storing of cannabis or cannabis-infused product shall be conducted in accordance with adequate sanitation principles; and

11) Medical cannabis that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.

Section 1000.405 Production Areas − Infused or Processed Products

a) Any area within the cultivation center where cannabis will be manufactured into an edible form shall comply with the Illinois Food, Drug and Cosmetic Act, Sanitary Food Preparation Act, and Food Handling Regulation Enforcement Act.

1) *No cannabis-infused products requiring refrigeration or hot-holding* or considered potentially hazardous food (Section 4 of the Food Handling Regulation Enforcement Act) *shall be manufactured at a cultivation center for sale or distribution at a dispensing organization due to the potential for food-borne illness.*

2) *Cannabis-infused products for sale or distribution at a dispensing organization must be prepared by an approved staff member of a permitted cultivation center.*

b) The Department of Public Health *may at all times enter every building, room, basement, enclosure, or premises occupied or used or suspected of being occupied or used for the production, preparation, manufacture for sale, storage, sale, distribution or transportation of medical cannabis-infused products, to inspect the premises and all utensils, fixtures, furniture, and machinery used for the preparation of these products.*

c) *If a local health department has a reasonable belief that a cultivation center's cannabis-infused product poses a public health hazard, it may refer the cultivation center to the Department of Public Health* for inspection. (Section 80 of the Act)

d) General Sanitary Requirements. All areas permitted in the cultivation center for the production of cannabis-infused products shall take all reasonable measures and precautions to ensure that:

1) Any person who, by medical examination or supervisory observation, is shown to have, or appears to have, an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination for whom there is a reasonable possibility of contact with

cannabis shall be excluded from any operations that may be expected to result in microbial contamination until the condition is corrected.

2) Hand-washing facilities are adequate and convenient and are furnished with running water at a suitable temperature. Hand-washing facilities shall be located in the permitted premises and where good sanitary practices require employees to wash and/or sanitize their hands, and provide effective hand-cleaning and sanitizing preparations and sanitary towel service or suitable drying devices.

3) All persons working in direct contact with cannabis shall conform to hygienic practices while on duty, including but not limited to:

A) Maintaining adequate personal cleanliness;

B) Washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when the hands may have become soiled or contaminated;

C) Refraining from having direct contact with cannabis if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.

4) Litter and waste are properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where cannabis is exposed.

5) Floors, walls and ceilings are constructed in such a manner that they may be adequately cleaned and kept clean and in good repair.

6) There is adequate lighting in all areas where cannabis is stored and where equipment or utensils are cleaned.

7) There is adequate screening or other protection against the entry of pests. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for the waste becoming an attractant, harborage or breeding place for pests.

8) Any buildings, fixtures and other facilities are maintained in a sanitary condition.

9) Toxic cleaning compounds, sanitizing agents, and solvents used in the production of cannabis concentrates shall be identified, held and stored in a manner that protects against contamination of cannabis, and in a manner that is in accordance with any applicable local, State or federal law, rule, regulation or ordinance.

10) All contact surfaces, including utensils and equipment used for the preparation of cannabis or cannabis-infused product, shall be cleaned and sanitized as frequently as necessary to protect against contamination. Equipment and utensils shall be designed and shall be of such material and workmanship as to be adequately cleanable, and shall be properly maintained. Only sanitizing agents registered with the Department pursuant to the Illinois Pesticide Act shall be used in cultivation centers; they shall be used in accordance with labeled instructions.

11) The water supply shall be sufficient for the operations intended and shall be derived from a source that is a regulated water system. Private water supplies shall be derived from a water source that is capable of providing a safe, potable and adequate supply of water to meet the facility's needs.

12) Plumbing shall be of adequate size and design, and adequately installed and maintained, to carry sufficient quantities of water to the required locations throughout the facility. Plumbing shall properly convey sewage and liquid disposable waste from the facility. There shall be no cross-connections between the potable and waste water lines.

13) All operations in the receiving, inspecting, transporting, segregating, preparing, producing, packaging and storing of cannabis and cannabis-infused products shall be conducted in accordance with adequate sanitation principles.

14) Each cultivation center shall provide its employees with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair.

15) Cannabis that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.

e) The permittee must request DPH to conduct a pre-operational inspection at all registered cultivation centers to determine whether the facilities, methods, practices and controls used in the manufacture or holding of cannabis-infused products conform to or are operated or administered in conformity with good manufacturing practices to ensure that food products for human consumption are safe and have been prepared, packed and held under sanitary conditions.

f) Permitted cultivation centers shall immediately allow DPH to inspect the premises and all utensils, fixtures, furniture, machinery and devices used for preparing manufactured cannabis-infused products.

g) DPH will conduct inspections of registered cultivation centers with regard to the manufacture and preparation of cannabis-infused products under the authority of the Illinois Food, Drug and Cosmetic Act, the Food Handling Regulation Enforcement Act and the Food Service Sanitation Code and in accordance with DPH's Cannabis-Infused Products rules (77 Ill. Adm. Code 946.Subpart D).

h) *A cultivation center that prepares cannabis-infused products for sale or distribution at a dispensing organization shall be under the operational supervision of a certified food service sanitation manager.* (Section 80 of the Act) Management responsibilities and supervision shall be in accordance with 77 Ill. Adm. Code 730.8000 and 730.8040 (Manufacturing, Processing, Packing or Holding of Food Code).

Section 1000.410 Cultivation Center Management and Operations

a) A cultivation center shall:

1) Have storage areas that provide adequate lighting, ventilation, temperature, sanitation, humidity, space, equipment and security conditions for the production and manufacture of cannabis;

2) Separate for storage, in a quarantined area, cannabis that is outdated, damaged, deteriorated, misbranded or adulterated, or whose containers or packaging have been opened or breached, until that cannabis is destroyed pursuant to Section 1000.150;

3) Be maintained in a clean and orderly condition;

4) Be free from infestation by insects, rodents, birds or vermin of any kind; and

5) Produce no products other than useable cannabis and cannabis-infused products intended for human consumption.

b) All areas in the cultivation center shall be compartmentalized based on function, and access shall be restricted between compartments. The facility shall establish, maintain and comply with written policies and procedures provided in the Operational and Management Practice Plan approved by the Department regarding best practices for secure and proper production of cannabis. These shall include, but not be limited to, policies and procedures that:

1) Restrict movement between production compartments;

2) Ensure that only personnel necessary for a production function have access to that compartment of the cultivation center; and

3) Document the chain of custody of all cannabis and cannabis-infused products.

c) Cultivation centers shall establish, maintain and comply with the policies and procedures contained in the Operations and Management Practices Plan, approved by the Department, for the production, security, storage, inventory and distribution of cannabis products. The policies and procedures shall include methods for identifying, recording and reporting diversion, theft and loss, and for correcting all errors and inaccuracies in inventories. Cultivation centers shall include in their written policies and procedures a process for the following:

1) Handling mandatory and voluntary recalls of cannabis or cannabis-infused products. The procedure shall be adequate to deal with:

A) recalls due to any action initiated at the request of the Department and any voluntary action by the cultivation center to remove from the market defective or potentially defective cannabis or cannabis-infused products, or any product that has failed laboratory testing as required by this Part or has been found to have a reasonable

probability that its use or exposure will cause serious adverse health consequences; and

B) any action undertaken to promote public health and safety by replacing existing cannabis or cannabis-infused products with improved products or packaging.

2) Preparing for, protecting against, and handling any crises that affect the security or operation of any facility in the event of strike, fire, flood or other natural disaster, or other situations of local, State or national emergency.

3) Ensuring that any outdated, damaged, deteriorated, misbranded or adulterated cannabis is segregated from other cannabis and destroyed. This procedure shall provide for written documentation of the cannabis disposition.

4) Ensuring the oldest stock of a specific desired strain of a cannabis product is distributed first. The procedure may permit deviation from this requirement if the deviation is temporary and appropriate.

Section 1000.415 Containment Management and Operations

a) All cannabis in the process of production, distribution, transfer or analysis shall be stored in such a manner as to prevent diversion, theft or loss, shall be accessible only to the minimum number of specifically authorized personnel essential for efficient operation, and shall be returned to its secure location immediately after completion of the process or at the end of the scheduled business day. If a production process cannot be completed at the end of a working day, the processing area or tanks, vessels, bins or bulk containers containing cannabis shall be securely locked inside an area that affords adequate security.

b) No person, except cultivation center personnel, local law enforcement, the Department or the Department's authorized representative, DPH inspectors, or other federal, State or local government officials when necessary to perform their governmental duties, shall be allowed on the premises of a cultivation center, except that:

1) Laboratory staff may enter a cultivation center for the sole purpose of identifying and collecting cannabis samples for purposes of conducting laboratory tests;

2) Emergency personnel may enter a cultivation center when necessary to perform their duties;

3) Upon written notice to the Department, a cultivation center may allow contractors to enter a cultivation center when they are working on a job unrelated to medical cannabis, such as installing or maintaining security devices or performing electrical wiring; and

4) Upon prior written request, the Department or the Department's authorized representative may permit other persons to enter a cultivation center.

c) All persons who are not cultivation center personnel, but who are permitted on the premises of a cultivation center pursuant to subsection (b), shall obtain a visitor identification badge from cultivation center personnel prior to entering the cultivation center, and shall be escorted and monitored at all times by cultivation center personnel. The visitor identification badge shall be visibly displayed at all times while the visitor is in the cultivation center. All visitors, after presenting valid government issued identification with a picture shall be logged in and out, and that log shall include the date, time and purpose of the visit and shall be maintained and made available to the Department, at any time, for a period of five years. All visitor identification badges shall be returned to the cultivation center personnel upon the visitor exiting the cultivation center.

d) Except as otherwise provided by this Part (e.g., see Section 1000.445), the use and/or possession of cell phones, cameras and any other audio or video recording device by any cultivation center agent, visitor or other individual shall be prohibited inside the production area of a cultivation center, except when used for legitimate business purposes of the cultivation center, such as, but not limited to, communication with employees and the identification of plant disease with off-site experts.

Section 1000.420 Packaging and Labeling of Medical Cannabis and Cannabis-Infused Products

a) Each cannabis product produced for sale shall be registered with the Department on forms provided by the Department. Each product registration shall include a

label and the required registration fee (Section 1000.140). The registration fee is for the name of the product offered for sale and one fee shall be sufficient for all package sizes.

b) All harvested cannabis intended for distribution to a dispensing organization must be packaged in a sealed, labeled, medical cannabis container.

c) Packaging of any product containing cannabis shall be child-resistant and light-resistant consistent with current standards, including the Consumer Product Safety Commission standards referenced by the Poison Prevention Act.

d) Each cannabis product shall be labeled by the cultivation center prior to sale to a dispensary and each label shall be securely affixed to the package and shall state in legible English:

1) The name and P.O. Box of the registered cultivation center where the item was manufactured;

2) The common or usual name of the item and the registered name of the cannabis product that was registered with the Department pursuant to subsection (a);

3) A unique serial number that will match the product with a producer batch and lot number to facilitate any warnings or recalls the Department or producer deems appropriate;

4) The date of final testing and packaging, if sampled, and the identification of the independent testing laboratory;

5) The date of manufacture;

6) The quantity (in ounces or grams) of cannabis contained in the product;

7) A pass/fail rating based on the laboratory's microbiological, mycotoxins, and pesticide and solvent residue analyses, if sampled;

8) Content List

A) A list of the following, including the minimum and maximum percentage content by weight for subsections (d)(8)(A)(i) through (iv):

i) delta-9-tetrahydrocannabinol (THC);

ii) tetrahydrocannabinolic acid (THCA);

iii) cannabidiol (CBD);

iv) cannabidiolic acid (CBDA); and

v) any other ingredients besides cannabis.

B) The acceptable tolerances for the minimum percentage printed on the label for any of subsections (d)(8)(A)(i) through (iv) shall not be below 85% or above 115% of the labeled amount;

9) A statement that the product is for medical use and not for resale or transfer to another person.

e) Medical Cannabis-Infused Products. All items shall be individually wrapped at the original point of preparation. The packaging of the medical cannabis-infused product shall conform to the labeling requirements of the Illinois Food, Drug and Cosmetic Act and, in addition to the other requirements set forth in this Section, shall include the following information on each product offered for sale or distribution:

1) All ingredients of the item, including any colors, artificial flavors and preservatives, listed in descending order by predominance of weight shown with common or usual names;

2) The following phrase: "This product was produced in a medical cannabis cultivation center not subject to public health inspection that may also process common food allergens.";

3) Allergen labeling as specified in the Federal Food, Drug and Cosmetics Act, Federal Fair Packaging and Labeling Act, and the Illinois Food, Drug and Cosmetic Act;

4) The pre-mixed total weight (in ounces or grams) of usable cannabis in the package (the pre-mixed weight of medical cannabis used in making a cannabis-infused product shall apply toward the limit on the total amount of medical cannabis a registered qualifying patient may possess at any one time);

5) A warning that the item is a medical cannabis-infused product and not a food must be distinctly and clearly legible on the front of the package;

6) A clearly legible warning emphasizing that the product contains medical cannabis and is intended for consumption by registered qualifying patients only;

7) Ingredients List

A) A list of the following ingredients, including the minimum and maximum percentage content by weight for subsections (e)(7)(A)(i) through (iv):

i) delta-9-tetrahydrocannabinol (THC);

ii) tetrahydrocannabinolic acid (THCA);

iii) cannabidiol (CBD);

iv) cannabidiolic acid (CBDA); and

v) any other ingredients besides cannabis.

B) The acceptable tolerances for the minimum percentage printed on the label for any of subsections (e)(7)(A)(i) through (iv) shall not be below 85% or above 115% of the labeled amount.

f) THC and CBD Container Content and Restriction
Each individually packaged medical cannabis-infused product, even if comprised of multiple servings, shall include the total milligram content of THC and CBD and may not include more than a total of 100 milligrams of active THC.

g) The label shall not contain any of the following information:

1) Any false or misleading statement or design;

2) Any seal, flag, crest, coat of arms or other insignia likely to mislead the qualified patient to believe that the product has been endorsed, made or used by the State of Illinois or any of its representatives; or

3) Depictions of the product, cartoons or images other than the cultivation center's logo. Medical cannabis-infused products shall not bear a reasonable resemblance to any product available for consumption as a commercially available candy.

h) It is a violation for anyone other than the end user to alter, obliterate or destroy any label attached to a medical cannabis container to administer the product.

i) For each commercial weighing and measuring equipment device used at a facility, the cultivation center must:

1) Ensure that the commercial device is licensed pursuant to the Weights and Measures Act and the associated administrative rules (8 Ill. Adm Code 600);

2) Maintain documentation of the licensure of the commercial device; and

3) Provide a copy of the license of the commercial device to the Department for review upon request.

Section 1000.425 Advertising

Cultivation centers may not advertise through any public medium, including but not limited to newspapers, television, radio or any means designed to market its products to the public. Cultivation centers may market their products directly to registered dispensaries or physicians through direct mail, brochures or other means directed solely to the dispensaries and not available to the public.

Section 1000.430 Transportation of Cannabis and Cannabis-Infused Products

a) Prior to transporting any cannabis or cannabis-infused product, a cultivation center shall:

1) Complete a shipping manifest using a form prescribed by the Department; and

2) Securely transmit a copy of the manifest to the dispensary facility that will receive the products and to the Department before the close of business the day prior to transport. The manifest shall be made available to the ISP upon request.

b) The cultivation center shall maintain all shipping manifests and make them available at the request of the Department.

c) Cannabis products that are being transported shall:

1) Only be transported in a locked, safe and secure storage compartment that is part of the motor vehicle transporting the cannabis, or in a locked storage container that has a separate key or combination pad; and

2) Not be visible from outside the motor vehicle.

d) Any motor vehicle transporting cannabis shall travel directly from the cultivation center to the dispensary facility, or a testing laboratory, and shall not make any stops in between except to other dispensary facilities or laboratories, for refueling or, in case of an emergency. In case of emergency, the agents will report the emergency immediately to law enforcement through the 911 emergency system and the cultivation center, which will immediately notify the Department.

e) A cultivation center shall ensure that all delivery times and routes are randomized.

f) A cultivation center shall staff all transport motor vehicles with a minimum of two employees. At least one delivery team member shall remain with the motor vehicle at all times that the motor vehicle contains cannabis.

g) Each delivery team member shall have access to a secure form of communication with personnel at the cultivation center and the ability to contact law enforcement through the 911 emergency system at all times that the motor vehicle contains cannabis.

h) Each delivery team member shall possess his or her department issued identification card at all times when transporting or delivering cannabis and shall

produce it for the Department or Department's authorized representative or law enforcement official upon request.

Section 1000.435 Inventory

a) Each cultivation center, prior to commencing business, shall:

1) Conduct an initial comprehensive inventory of all cannabis at the facility. If a cultivation center commences business with no cannabis on hand, the cultivation center shall record this fact as the initial inventory; and

2) Establish ongoing inventory controls and procedures for the conduct of inventory reviews and comprehensive inventories of cannabis, which shall enable the cultivation center to detect any diversion, theft or loss in a timely manner.

b) Upon commencing business, each cultivation center shall conduct a weekly inventory of cannabis stock, which shall include, at a minimum:

1) the date of the inventory;

2) a summary of the inventory findings;

3) the name, signature and title of the individuals who conducted the inventory and the agent-in-charge who oversaw the inventory; and

4) the product name and quantity of cannabis plants or cannabis-infused products at the facility.

c) The record of all medical cannabis sold or otherwise disposed of shall show:

1) the date of sale;

2) the name of the dispensary facility to which the medical cannabis was sold;

3) the batch number, product name and quantity of cannabis sold; and

4) if applicable, the date, quantity, manner in which and reason why any cannabis was destroyed.

d) A complete and accurate record of all plant stock or products of cannabis on hand shall be prepared annually on the anniversary of the initial inventory, or other date that the cultivation center agent-in-charge may choose, so long as it is not more than one year following the prior year's inventory.

e) All inventories, procedures and other documents required by this Section shall be maintained on the premises and made available to the Department at all times.

f) Whenever any sample or record is removed by a person authorized to enforce this Part, that person shall tender a receipt in lieu of the sample or record. The receipt shall be kept for five years.

Section 1000.440 Cultivation Center Storage

a) A cultivation center shall:

1) Not produce or maintain cannabis in excess of the quantity required for normal, efficient operation;

2) Store all cannabis and cannabis-infused products in a safe, vault or secured room and in such a manner as to prevent diversion, theft or loss;

3) Maintain all cannabis that is not part of a finished product in a secure area or location within the cultivation center accessible only to specifically authorized personnel, which shall include only the minimum number of employees essential for efficient operation;

4) Keep all approved safes, vaults, or other equipment or areas used for the production or storage of cannabis securely locked or protected from entry, except for the actual time required to remove or replace cannabis;

5) Keep all locks and security equipment in good working order;

6) Not allow keys to be left in the locks and not store or place keys in a location accessible to persons other than specifically authorized personnel;

7) Not allow other security measures, such as combination numbers, passwords or electronic or biometric security systems, to be accessible to persons other than specifically authorized personnel; and

8) Keep the cultivation center securely locked and protected from unauthorized entry at all times.

b) If a cultivation center presents special security issues, such as extremely large stock of cannabis, exposed handling or unusual vulnerability to diversion, theft or loss, the Department may require additional safeguards, such as supervised watchman service.

c) If a loss, theft or diversion of cannabis has occurred from a cultivation center, the cultivation center shall notify the Department and the nearest ISP District immediately. The Department and ISP shall determine the appropriate storage and security requirements for all cannabis in the cultivation center, and may require additional safeguards to ensure the security of the cannabis. If a reduction in the amount of medical cannabis in the cultivation center's inventory is due to suspected criminal activity, the cultivation center shall immediately report the reduction to the Department and ISP, which may then notify local law enforcement.

d) Any cultivation center whose permit is revoked or not renewed shall dispose of its entire stock of cannabis under conditions approved by the Department.

e) Any area of a cultivation center containing cannabis, including a room with an approved safe or approved vault, shall have a sign posted at all entryways, which shall be a minimum of 12 inches in height and 12 inches in length and shall state: "Do Not Enter − Limited Access Area – Access Limited to Authorized Personnel Only" in lettering no smaller than one inch in height.

f) Notwithstanding the requirements of this Section, nothing shall prohibit members of the Department, local law enforcement or other federal, State or local government officials from entering any area of a cultivation center if necessary to perform their governmental duties, or persons authorized by the Department (see Section 1000.415(b)).

g) Cultivation centers shall provide current copies of cultivation center floor plans to ISP and local law enforcement that have jurisdiction in the area where the cultivation center is located.

Section 1000.445 Electronic Security System

a) A cultivation center shall be required to operate and maintain in good working order a 24 hour, seven days a week, closed-circuit television (CCTV) surveillance system on the premises that complies with the following minimum standards:

1) Visually records and monitors all building entrances and exits, all parking lot areas, and rear alley areas immediately adjacent to the building, and covers the entire inside of the facility, including all limited access areas and all areas where cannabis is produced, stored, shipped or destroyed, but does not include restrooms nor the executive office. Fixed cameras shall be installed to provide a consistent recorded image of these areas. The cultivation center shall instruct the company or individuals installing the surveillance cameras to maximize the quality of facial and body images and to avoid backlighting and physical obstructions.

2) Cameras installed outdoors and in low-light interior areas shall be day/night cameras with a minimum resolution of 600 lines per inch (analog) or D1 (IP) and a minimum light factor requirement of 0.7 LUX. The installation of additional lighting may be required to increase picture clarity and brightness. Cameras shall be calibrated and focused to maximize the quality of the recorded image.

3) The recording device shall be a digital video recorder (DVR) that meets the following minimum standards:

A) Displays a date and time stamp on all recorded video.

B) Can produce a video disc (CD/DVD) directly from the DVR unit using an installed media recording drive. The video on the disc shall be viewable on any Windows PC, and shall include any required player software on the disc.

C) The ability to remain operational during a power outage.

D) Allow for the exporting of still images in an industry standard image format, including .jpg, .bmp and .gif. Exported video shall have the ability to be archived in a proprietary format that ensures authentication of the video and guarantees that no alteration of the recorded image has taken place. Exported video shall also have the ability to be saved in an industry standard file format that can

be played on a standard computer operating system. All recordings shall be erased or destroyed prior to disposal.

4) A display monitor with a minimum screen size of 12 inches shall be connected to the electronic recording security system at all times.

5) Electronic recording security systems are required to be maintained in good working order at all times. The owner of a cultivation center shall instruct each manager, employee or agent overseeing the functioning of the video recording security system to immediately report to the agent-in-charge any malfunctioning or technical problems with the system.

6) Security recordings shall meet the following minimum requirements:

A) The recorded image resolution shall be at least D1; and

B) The recorded image frame rate shall be at least three frames per second during alarm or motion based recording.

7) Security recordings shall be retained by the cultivation center for a minimum of 90 days at the permitted premises and an additional 90 days off site (i.e., cloud storage). The recording system for the security cameras must be located in a locked, tamper-proof compartment. A cultivation center shall be prohibited from taping over existing security video from the last 60 days.

8) Have available a video printer capable of immediately producing a clear still photo from any video camera image.

9) Upon request, the recording or any photo shall be turned over to ISP or the Department.

b) Access to surveillance areas shall be limited to persons who are essential to surveillance operations, law enforcement agencies, security system service personnel, the Department, and others when approved by the Department. A current list of authorized employees and service personnel that have access to the surveillance room must be available to the Department upon request. Surveillance rooms shall remain locked.

c) The electronic security system shall be available 24 hours per day, 7 days per week, to the Department and law enforcement agencies via a secure web-based portal.

Section 1000.450 Alarm System

a) A cultivation center shall install, maintain and use a professionally monitored robbery and burglary alarm system meets the following requirements:

1) At a minimum, the system shall provide coverage of all facility entrances and exits, rooms with exterior windows, rooms with exterior walls, roof hatches, skylights and storage rooms that contain safes.

2) Duress alarm, which means a silent security alarm system signal generated by the entry of a designated code into an arming station in order to signal that the alarm user is being forced to turn off the system.

3) Panic alarm, which means an audible security alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.

4) Holdup alarm, which means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

5) Automatic voice dialer, which means any electrical, electronic, mechanical or other device capable of being programmed to send a prerecorded voice message requesting dispatch, when activated, over a telephone line, radio or other communication system to a law enforcement, public safety or emergency services agency.

6) A failure notification system that provides an audible, text or visual notification of any failure in the surveillance system. The failure notification system shall provide an alert to the cultivation center, within five minutes after the failure, by telephone, email or text message.

7) The ability to remain operational during a power outage and ensure all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during power outage.

b) The system shall be inspected and all devices tested annually by a qualified alarm vendor.

Section 1000.455 Hours of Operation

a) A cultivation center shall not be open to the public.

b) A cultivation center may operate its business 24 hours a day.

c) A cultivation center may deliver to licensed medical cannabis dispensaries on any day and at any time except between the hours of 9:00 p.m. and 7:00 a.m.

d) A cultivation center shall only allow a registered director, officer, member, incorporator, agent, manager, employee, or government or law enforcement official on the permitted premises, unless special circumstances warrant entry pursuant to Section 1000.415(b).

e) The Department may further limit the hours of operation for a cultivation center on a case-by-case basis as the result of the cultivation center's failure to comply with the Act or this Part or for any other reason that the Department deems the limit to be necessary.

Section 1000.460 Waste Disposal

a) Cannabis Waste. Cannabis waste must be stored, secured, locked and managed in accordance with State regulations and as submitted and approved in the cultivation center's Operations and Management Practices Plan.

b) Liquid Waste. Liquid waste from a cultivation center shall be disposed of in compliance with the Illinois Environmental Protection Act and associated administrative rules.

c) Hazardous Waste. Disposal of hazardous and chemical waste must be conducted in a manner consistent with federal, State and local laws.

d) Cannabis waste must be rendered unusable following the methods set forth in this Section prior to leaving a cultivation center. Disposal of the cannabis waste rendered unusable must follow the methods in this Section.

e) A cultivation center must provide the Department and ISP, through the traceability system (see Section 1000.400), a minimum of seven days' notice prior to rendering the product unusable and disposing of the product.

f) The allowable method to render cannabis plant waste unusable is by grinding and incorporating the cannabis plant waste with other ground materials so the resulting mixture is at least 50% non-cannabis waste by volume. Other methods to render cannabis waste unusable must be approved by the Department before implementation. Material used to grind with the cannabis falls into two categories: compostable waste and noncompostable waste.

1) Compostable Mixed Waste: Cannabis waste to be disposed of as compost feedstock or in another organic waste method (for example, anaerobic digester) may be mixed with the following types of waste materials:

A) Food waste;

B) Yard waste;

C) Vegetable based grease or oils; or

D) Other wastes approved by the Department.

2) Noncompostable Mixed Waste: Cannabis waste to be disposed of in a landfill or another disposal method (for example, incinerator) may be mixed with the following types of waste materials:

A) Paper waste;

B) Cardboard waste;

C) Plastic waste;

D) Soil; or

E) Other wastes approved by the Department.

g) Cannabis waste rendered unusable following the methods described in this Section may be disposed of in the manner provided in this subsection (g). Disposal of the cannabis waste rendered unusable may be delivered to a permitted

solid waste facility for final disposition. Examples of acceptable permitted solid waste facilities include:

1) Compostable Mixed Waste: Compost, anaerobic digester, or other facility with approval of the jurisdictional health department.

2) Noncompostable Mixed Waste: Landfill, incinerator, or other facility with approval of the jurisdictional health department.

h) All waste and unusable product shall be weighed, recorded and entered into the inventory system prior to mixing and disposal. Verification of this event shall be performed by a supervisor and conducted in an area with video surveillance.

i) Any nutrient enriched grow media shall be disposed of as required by the Illinois Environmental Protection Act and the associated rules, or land applied at agronomic rates.

Section 1000.465 Connections to the Potable Water Supply

a) General: Potable water supply lines shall not be connected to process water lines, chemical lines or equipment, unless proper backflow protection is installed.

b) Water service lines that connect a cultivation center to a community public water supply shall include either a reduced pressure principle backflow preventer or a fixed proper air gap, in accordance with 35 Ill. Adm. Code 653.803(c)(4).

c) Water service lines that connect a cultivation center to a potable water supply other than a community public water supply shall include either a reduced pressure principle backflow preventer or a fixed proper air gap, in accordance with the Illinois Plumbing Code.

d) Installation, maintenance and inspection of backflow prevention devices shall be carried out in accordance with 35 Ill. Adm. Code 651 and 653 or the Illinois Plumbing Code, whichever is applicable.

Section 1000.470 Pesticide Usage

a) All pesticides applied at a cultivation center shall be from the Department's approved list, which will be included as a schedule in the application and posted

on the Department's website. Updates to the approved list will be posted on the Department's website and permittees will be notified electronically.

b) All pesticide products shall be registered with the Department, including those products classified as 25(b) pursuant to the Federal Insecticide Fungicide and Rodenticide Act administered by the USEPA.

c) Any individual who applies pesticide on the premises shall obtain the appropriate license from the Department. (See 8 Ill. Adm. Code 250). (This would include successful completion of the Vegetable Category Examinations.)

d) No application of pesticides shall be made after the vegetative stage of growth of the cannabis plant.

e) All individuals applying pesticides shall adhere to the agricultural use requirements of the label and shall employ all personal protective equipment prescribed by the label.

f) The cultivation center shall comply with all posting requirements of the worker protection standard for the restricted entry interval (REI) stated on the label.

g) A record of all pesticide applications shall be maintained at the cultivation center for at least five years and shall be made available to the Department, DPH or the ISP upon request. The application record shall include the following information:

1) Date and time of application;

2) Date of start of vegetative stage of growth;

3) USEPA Registration Number;

4) Product name;

5) Application site (the site shall be identified by the location legend maintained by the facility);

6) Amount applied;

7) Size of the application area;

8) Name of individual making the application;

9) Section for comments or special conditions related to the application.

h) Disposal of all unused pesticide product shall be performed in compliance with all State and federal laws and regulations including compliance with all directions on the product label.

SUBPART F: LABORATORY TESTING

Section 1000.500 Laboratory Approval

a) No laboratory shall handle, test or analyze cannabis unless approved by the Department in accordance with this Section. A list of approved laboratories will be made available by the Department on its website.

b) No laboratory shall be approved to handle, test or analyze cannabis unless the laboratory:

1) Is accredited by a private laboratory accrediting organization;

2) Is independent from all other persons involved in the cannabis industry in Illinois, which shall mean that no person with a direct or indirect interest in the laboratory shall have a direct or indirect financial, management or other interest in a dispensary, dispensary facility, cultivation center, certifying physician or any other entity that may benefit from the production, manufacture, dispensing, sale, purchase or use of cannabis; and

3) Has employed at least one person to oversee and be responsible for the laboratory testing who has earned, from a college or university accredited by a national or regional certifying authority, at least:

A) a master's level degree in chemical or biological sciences and a minimum of two years post-degree laboratory experience; or

B) a bachelor's degree in biological sciences and a minimum of four years post-degree laboratory experience.

c) Each independent testing laboratory that claims to be accredited must provide the Department with a copy of the most recent annual inspection report granting accreditation and every annual report thereafter.

Section 1000.510 Laboratory Testing

a) Immediately prior to manufacturing or natural processing of any cannabis or cannabis-infused product or packaging cannabis for sale to a dispensary, each batch shall be made available at the cultivation center for a laboratory employee to select a random sample, which shall be tested by the laboratory for:

1) microbiological contaminants;

2) mycotoxins;

3) pesticide active ingredients;

4) residual solvent; and

5) purposes of conducting an active ingredient analysis.

b) The Department may select a random sample that shall, for the purposes of conducting an active ingredient analysis, be tested by the Department for verification of label information.

c) A laboratory shall immediately return or dispose of any cannabis upon the completion of any testing, use or research. If cannabis is disposed of, it shall be done in compliance with Section 1000.460.

d) If a sample of cannabis does not pass the microbiological, mycotoxin, pesticide chemical residue or solvent residue test, based on the standards set forth in this Section, the following shall apply:

1) If the sample failed the pesticide chemical residue test, the entire batch from which the sample was taken shall, if applicable, be recalled as provided for in Section 1000.410(c)(1) and disposed of in accordance with Section 1000.460.

2) If the sample failed any other test, the batch may be used to make a CO_2 or solvent based extract. After processing, the CO_2 or solvent based extract must still pass all required tests

e) Microbiological Test: For purposes of the microbiological test, a cannabis sample shall be deemed to have passed if it satisfies the recommended microbial and fungal limits for cannabis products (CFU/g) set out in the AHP Monograph Table as follows:

	Total viable aerobic bacteria	**Total yeast and mold**	**Total coliforms**	**Bile-tolerant gram-negative bacteria**	**E. coli (pathogenic strains) and Salmonella spp.**
CO_2 and solvent based extracts	10^4	10^3	10^2	10^2	Not detected in 1 g

Unprocessed materials include minimally processed crude cannabis preparations such as inflorescences, accumulated resin glands (kief), and compressed resin glands (hashish). Processed materials include various solid or liquid infused edible preparations, oils, topical preparations, and water-processed resin glands (bubble hash).

f) Mycotoxin Test: For purposes of the mycotoxin test, a cannabis sample shall be deemed to have passed if it meets the following standards:

Test	**Specification**
Aflatoxin B1	<20 µg/kg of substance
Aflatoxin B2	<20 µg/kg of substance
Aflatoxin G1	<20 µg/kg of substance
Aflatoxin G2	<20 µg/kg of substance
Ochratoxin A	<20 µg//kg of substance

g) Pesticide Chemical Residue Test: For purposes of the pesticide chemical residue test, a cannabis sample shall be deemed to have passed if it satisfies the most stringent acceptable standard for a pesticide chemical residue in any food item as set forth in subpart C of USEPA's regulations for Tolerances and Exemptions for Pesticide Chemical Residues in Food (40 CFR 180).

h) Residue Solvent Test: For purposes of the residue solvent test, a cannabis sample shall be below 10 ppm.

i) The laboratory shall file with the Department an electronic copy of each laboratory test result for any batch that does not pass the microbiological, mycotoxin, or pesticide chemical residue test, at the same time that it transmits those results to the cultivation center. In addition, the laboratory shall maintain the laboratory test results for at least five years and make them available at the Department's request.

j) A cultivation center shall provide to a dispensary organization the laboratory test results for each batch of cannabis product purchased by the dispensary organization, if sampled. Each dispensary organization shall have that laboratory results available upon request to qualifying patients, designated caregivers and a physician who has certified a qualifying patient.

SUBPART G: CULTIVATION CENTER CLOSURE

Section 1000.600 Closure of a Cultivation Center

The cultivation center shall notify the Department and ISP if the cultivation center will be closing or if the cultivation center does not intend to renew its permit. This notification shall occur immediately after the closure decision has been made, prior to any product destruction or removal, and, in no event, less than six months prior to the effective date of the closure.

SUBPART H: ENFORCEMENT

Section 1000.700 Investigations; Administrative Hearings and Penalties

a) Any hearing conducted by the Department pursuant to the Act shall be conducted in accordance with the Department's rules applicable to formal administrative proceedings (8 Ill. Adm. Code 1.Subparts A and B). All such hearings shall be

held in Springfield, Illinois or such other location as mutually agreed to by the Department and the other party.

b) The Department or its designee may conduct an investigation for the purpose of investigating an applicant or application, a cultivation center, cultivation center agent, agent-in-charge or any other party for an alleged violation of the Act or this Part or to determine qualifications to be granted a permit or registration by the Department.

c) The Department may require an applicant, cultivation center, or cultivation center agent or agent-in-charge to produce relevant documents, records or any other material pertinent to the investigation of alleged violations of the Act or this Part. Failure to provide that material shall be grounds for disciplinary action.

d) Notwithstanding any other criminal penalties related to the unlawful possession of cannabis, the Department may revoke, suspend, place on probation, reprimand, issue cease and desist orders, refuse to issue or renew a registration, or take any other disciplinary or non-disciplinary action as the Department may deem proper with regard to a permitted cultivation center or cultivation center agent or agent-in-charge.

e) The Department may impose fines not to exceed $50,000 for each violation, for any violations of the Act or this Part.

f) Violation of any provision of the Act or this Part, or failure to comply with any standard or special conditions of the issued permit, may result in a notice of intent to suspend or revoke a cultivation center permit or the registration of a cultivation center agent or agent-in-charge.

g) The Department shall, before refusing to issue or renew a permit or agent registration or seeking to discipline a permittee or cultivation center agent or agent-in-charge, at least 30 days before the date set for the hearing, notify in writing the applicant, cultivation center, or cultivation center agent or agent-in-charge of the charges made and the time and place for the hearing on the charges. The written notice may be served by delivery personally to the accused, or by mailing the notice by registered or certified mail to the cultivation center's physical address.

h) At any point in any investigation or disciplinary proceeding provided for in the Act and this Section, both parties may agree to a negotiated consent order. The consent order shall be final upon signature of both parties.

i) The Department may temporarily suspend a permittee or cultivation center agent or agent-in-charge without a hearing, simultaneously with the institution of proceedings for a hearing, if the Department finds that the public interest, safety or welfare requires emergency action. In the event that the Department temporarily suspends a permittee or agent without a hearing, a hearing shall be held within 30 days after the suspension has occurred. The suspended party may seek a continuance of the hearing, during which the suspension shall remain in effect. The proceeding shall be concluded without appreciable delay. If the Department does not hold a hearing within 30 days after the date of the suspension, and the permittee or agent has not requested a continuance, the permit shall be automatically reinstated.

j) In appropriate cases, the Department may resolve a complaint against a permittee or agent through the issuance of a Consent to Administrative Supervision order. A permittee or agent subject to a Consent to Administrative Supervision order shall be considered by the Department as an active permittee or agent in good standing. This order shall not be reported or considered by the Department to be a discipline of the permittee or agent. The records regarding an investigation and a Consent to Administrative Supervision order shall be considered confidential and shall not be released by the Department except as mandated by law. A complainant shall be notified if his or her complaint has been resolved by a Consent to Administrative Supervision order.

k) The respondent in any contested case may request reconsideration of any part or all of the decision of the administrative law judge on any petition or may request the Director to stay the effective date of any administrative action for a specific period or for an indefinite period. A petition for reconsideration or stay of action shall be submitted within 30 days after the date of the administrative law judge's decision on the case. A petition for reconsideration or stay of action submitted later than 30 days after the date of the decision involved shall be denied as untimely.

l) All final administrative decisions of the Department are subject to judicial review under the Administrative Review Law and its rules. The term "administrative decision" is defined in Section 3-101 of the Code of Civil Procedure.

m) Immediately upon the suspension, revocation or reinstatement of a permit, the Department shall make written notification to the ISP, DFPR and Department of Revenue of the status of the permit. If the suspension or revocation involves suspected criminal activity, the Department shall make available to ISP all documents or electronic communications involving the suspected criminal activity. If suspected criminal activity is confirmed or independently discovered by ISP, notification will be made to the Department.

n) If any final Department action is appealed in Circuit Court pursuant to this Section, the record on review shall include the following:

1) The application or petition submitted;

2) Any written documentation considered by the Department in making its final decision with respect to the application or petition;

3) Any written correspondence between the Department and the person or entity submitting the application or petition, provided that the correspondence either played a material role in the final decision rendered by the Department; made a material argument to the Department with respect to the application or petition; or would be helpful to the Circuit Court in reviewing the matter because the correspondence provides helpful procedural background.

4) The transcript of any administrative hearing and any documents or other evidence submitted at the hearing.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

1) Heading of the Part: Rules for Administration of the Compassionate Use of Medical Cannabis Pilot Program

2) Code Citation: 68 Ill. Adm. Code 1290

3)

Section Numbers:	Proposed Action:
1290.10	New
1290.20	New
1290.30	New
1290.40	New
1290.50	New
1290.60	New
1290.70	New
1290.80	New
1290.100	New
1290.110	New
1290.120	New
1290.130	New
1290.140	New
1290.150	New
1290.200	New
1290.210	New
1290.220	New
1290.230	New
1290.300	New
1290.400	New
1290.405	New
1290.410	New
1290.415	New
1290.420	New
1290.425	New
1290.430	New
1290.435	New
1290.440	New
1290.445	New
1290.450	New
1290.455	New
1290.460	New
1290.465	New

1290.500	New
1290.510	New
1290.520	New
1290.530	New
1290.540	New
1290.550	New
1290.560	New
1290.570	New
1290.575	New
1290.580	New
1290.590	New
1290.600	New
1290.610	New
1290.620	New

4) Statutory Authority: Implementing and authorized by the Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130]

5) A Complete Description of the Subjects and Issues Involved: This rulemaking sets forth the requirements for implementation of the Compassionate Use of Medical Cannabis Pilot Program Act signed into law on August 1, 2013 and taking effect on January 1, 2014. The Act is designed to decriminalize medical cannabis at the State level to provide access to qualifying patients with verified debilitating medical conditions. The Department is charged with developing a system for approving, renewing, regulating and disciplining the registrations of dispensing organizations and dispensing organization agents. This rulemaking sets forth the requirements and criteria that will apply to dispensing organizations and dispensaries, including providing oversight for the dispensing of medical cannabis and cannabis infused products, policies and procedures, interaction with law enforcement, patient education, recordkeeping, security, inventory, and prevention of theft or diversion of cannabis.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rule currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

Phone: 217/785-0813
Fax: 217/557-4451
FPR.MedicalCannabis@Illinois.gov

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None, other than new businesses that will be created as a result of this rulemaking and municipalities that may coordinate with the businesses on local zoning rules. There will be up to 60 dispensaries in Illinois.

B) Reporting, bookkeeping or other procedures required for compliance: This rulemaking describes the procedure necessary for compliance.

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas.

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1290
RULES FOR ADMINISTRATION OF THE COMPASSIONATE
USE OF MEDICAL CANNABIS PILOT PROGRAM

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1290.10 Definitions

SUBPART B: DISPENSING ORGANIZATION DISTRICTS

Section
1290.20 Dispensing Organization Districts

SUBPART C: APPLICATION REQUIREMENTS FOR A
MEDICAL CANNABIS DISPENSARY REGISTRATION AUTHORIZATION

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1290.30 Dispensing Organization Principal Officers
1290.40 Dispensing Organization Authorization Process
1290.50 Dispensing Organization − Application Requirements for Authorization
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1290.80 Fees

SUBPART D: DISPENSARY REGISTRATION

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1290.100 Dispensing Organization − Registration Process
1290.110 Dispensing Organization − Registration Requirements
1290.120 Dispensing Organization − Registration Bond
1290.130 Changes to a Dispensing Organization Registration
1290.140 Request to Relocate a Dispensary
1290.150 Dispensing Organization Renewals

SUBPART E: REGISTRATION OF DISPENSING ORGANIZATION AGENTS

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

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1290.200 Dispensing Organization Agent-in-Charge
1290.210 Dispensing Organization Agents
1290.220 Persons with Significant Influence or Control; Disassociation
1290.230 State and Federal Criminal History Records Check

SUBPART F: DISPENSARY OPERATION

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1290.300 Operational Requirements

SUBPART G: SECURITY AND RECORDKEEPING

Section
1290.400 Inventory Control System
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1290.410 Security Requirements
1290.415 Recordkeeping
1290.420 Cleaning and Sanitation
1290.425 Administration
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1290.445 Report of Loss or Theft of Cannabis
1290.450 Destruction and Disposal
1290.455 Dispensary Advertisements
1290.460 Closure of a Dispensary
1290.465 Zoning Rules Related to Dispensary

SUBPART H: DISCIPLINE

Section
1290.500 Investigations
1290.510 Grounds for Discipline
1290.520 Temporary Suspension
1290.530 Consent to Administrative Supervision Order
1290.540 Subpoenas; Oaths; Attendance of Witnesses
1290.550 Request for Hearing
1290.560 Findings and Recommendations

1290.570 Restoration of Registration from Discipline
1290.575 Appointment of a Hearing Officer
1290.580 Transcript; Record of Proceedings
1290.590 Certification of Record; Receipt

SUBPART I: GENERAL

Section
1290.600 Intergovernmental Cooperation
1290.610 Variances
1290.620 Administrative Decisions

AUTHORITY: Implementing and authorized by the Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130].

SOURCE: Adopted at 38 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 1290.10 Definitions

Definitions for this Part can be located in Section 10 of the Compassionate Use of Medical Cannabis Pilot Program Act. The following definitions shall also apply to this Part:

"Act" means the Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130].

"ADA" means the Americans With Disabilities Act of 1990 (42 USC 12101).

"Address of record" means the address recorded by the Division in the applicant's or registrant's application file or the registration file maintained by the Division.

"Administratively complete" means that a dispensary registration application meets all requirements of the Act and this Part.

"DOA" means the Illinois Department of Agriculture.

"Applicant" means any person who is applying with the Department for authorization to register a dispensary under the Act.

"Area zoned for residential use" means an area zoned exclusively for residential use; provided that, in municipalities with a population over 2,000,000, "an area zoned for residential use" means an area zoned as a residential district or a residential planned development.

"Application date" is the date the application for authorization or registration was delivered to and received by the Division, and the applicant received a receipt noting that date.

"Authorization notice" means the notice sent by the Division to the applicant that has been granted an authorization. The authorization notice will include a registry identification number to be used on all future communication with the Division.

"Batch" means a specific harvest of cannabis or cannabis-infused products that are identifiable by a batch number, every portion or package of which is uniform within recognized tolerances for the factors that were subject to a laboratory test and that appear in the labeling.

"Batch number" means a unique numeric or alphanumeric identifier assigned to a batch by a cultivation center when the batch is first planted.

"Cannabis Control Act" means 720 ILCS 550.

"Cannabis" means *marihuana, hashish and other substances which are identified as including any parts of the plant Cannabis sativa and including derivatives or subspecies, such as Indica, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.* (Section 3 of the Cannabis Control Act)

"CPA" means certified public accountant.

"Damaged" shall have its common meaning and include medical cannabis that is unusable, unused, expired, spoiled, contaminated, deteriorated, mislabeled, undesired, excess, adulterated, misbranded, deteriorated or in containers or packaging that was tampered with or opened.

"Department" means the Illinois Department of Financial and Professional Regulation.

"Director" means the Director of the Illinois Department of Financial and Professional Regulation-Division of Professional Regulation or his or her designee.

"Dispensing organization" or "dispensary organization" means a medical cannabis dispensing organization as defined in the Act.

"Dispensary" means the physical premises where medical cannabis is dispensed by a dispensing organization.

"Dispensing rganization agent" or "dispensary agent" means a medical cannabis dispensing organization agent as defined in the Act.

"Dispensing organization agent-in-charge" or "dispensary agent-in-charge" means the person who has day to day control and management over the dispensary.

"Dispensing organization backer" means any person or entity with a direct or indirect financial interest in the dispensing organization, but does not include a person or entity holding an interest not exceeding one percent of the total ownership or interest rights and the person does not participate directly or indirectly in the control, management or operation of the dispensing organization.

"Dispensing Organization District" or "District" means one of the 43 geographically dispersed areas identified in the Act and this Part where one or more dispensing organizations may be located.

"Dispensing organization registration authorization" or "Authorization" is the permission given by the Division to an applicant for a dispensing organization allowing it to file documents to obtain a dispensary registration.

"Dispensing organization registration" or "Registration" authorizes the applicant to open and operate a dispensing organization within the District designated by the Division.

"Division" means the Department of Financial and Professional Regulation-Division of Professional Regulation with the authority delegated by the Secretary.

"DPH" means the Illinois Department of Public Health.

"Excluded offense" means:

a violent crime defined in Section 3 of the Rights of Crime Victims and Witnesses Act or a substantially similar offense that was classified as a felony in the jurisdiction where the person was convicted; or

a violation of a state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted, except that the Department may waive this restriction if the person demonstrates to the Department's satisfaction that his or her conviction was for the possession, cultivation, transfer, or delivery of a reasonable amount of cannabis intended for medical use.

This exception does not apply if the conviction was under state law and involved a violation of an existing medical cannabis law. (Section 10 of the Act)

"Financial interest" means any actual or future right to ownership, investment or compensation arrangement, either directly or indirectly, through business, investment, spouse, parent or child, in the dispensing organization. Financial interest does not include ownership of investment securities in a publicly-held corporation that is traded on a national exchange or over-the-counter market, provided the investment securities held by the person and the person's spouse, parent or child, in the aggregate, do not exceed one percent ownership in the dispensing organization.

"Fingerprint-based criminal history records check" means a fingerprint-based criminal history records check conducted by the ISP in accordance with the Act, 20 Ill. Adm. Code 1265.30 (Electronic Transmission of Fingerprint Requirements) or the Uniform Conviction Information Act (UCIA) [20 ILCS 2635].

"Good standing" means the dispensing organization's registration is not under investigation, is not on probation and is not subject to disciplinary or other restrictions by the Division as defined in the Act or this Part.

"HIPAA" means the Health Insurance Portability and Accountability Act (45 CFR 164).

"ISP" means Illinois Department of State Police.

"Limited access area" means a building, room or other area under the control of the dispensing organization and upon the registered premises with access limited to qualifying patients, designated caregivers, dispensary owners and other dispensary agents or service professionals conducting business with the dispensing organization.

"Livescan" means an inkless electronic system designed to capture an individual's fingerprint images and demographic data in a digitized format that can be transmitted to ISP, for processing. The data is forwarded to the ISP Bureau of Identification (BOI) over a virtual private network (VPN) and then processed by ISP's Automated Fingerprint Identification System (AFIS). Once received at the BOI for processing, the inquiry may then be forwarded to the Federal Bureau of Investigation (FBI) electronically for processing.

"Livescan vendor" means an entity licensed by the Department to provide commercial fingerprinting services under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 [225 ILCS 447].

"Medical cannabis" means cannabis and its constituent cannabinoids, such as tetrahydrocannabinol (THC) and cannabidiol (CBD), used as an herbal remedy or therapy to treat disease or alleviate symptoms. Medical cannabis can be administered in a variety of ways, including, but not limited to: vaporizing or smoking dried buds; using concentrates; ingesting tinctures or tonics; applying

topicals such as ointments, balms; or consuming medical cannabis-infused food products, soda or teas; or taking capsules.

"Medical cannabis container" means a sealed, traceable, food compliant, tamper resistant, tamper evident container or package used for the purpose of containment of medical cannabis from a cultivation center to a dispensing organization. (Section 10(n) of the Act)

"Medical cannabis-infused products" means food, oils, ointments, sodas or teas, capsules *or other products containing cannabis that are not smoked* as defined in the Act. (Section 10(q) of the Act)

"Monitoring" means continuous and uninterrupted video surveillance of dispensary activities and oversight for potential suspicious actions. Monitoring through video surveillance includes the purpose of summoning a law enforcement officer to the premises during alarm conditions. The Division and law enforcement agencies shall have the ability to access a dispensing organization's monitoring system in real-time via a secure web-based portal.

"Notify" means to send via regular United States mail and United States certified mail.

"Ownership structure" means a showing of a person with an ownership or financial interest in the dispensing organization.

"Person" includes, but is not limited to, a natural person, sole proprietorship, partnership, joint venture, limited liability company, corporation, association, agency, business entity, not-for-profit or organization.

"Principal Officer" includes a prospective dispensing organization or dispensing organization board member, owner, president, vice president, secretary, treasurer, partner, officer, member, shareholder or person with a profit sharing arrangement and is further defined in this Part.

"Promptly" means as soon as reasonably practicable, but not later than five days.

"Registered" or "Registration" means a dispensing organization licensed by the Division to operate a medical cannabis dispensary as defined in the Act.

"Restricted access area" means a building, room or other contiguous area under control of the dispensing organization and upon the registered premises with access limited to dispensary agents only, where cannabis is stored, packaged, sold or processed for sale.

"Registration packet" is the information and documents submitted by a dispensing organization authorized by the Division to register a dispensing organization.

"Secretary" means the Secretary of the Department.

"Third party vendor" means an entity providing industry related goods or services, but does not include common utilities, for example, electric, water, phone or gas.

"Trust" means a fiduciary relationship in which one party, known as a trustor, gives another party, the trustee, the right to hold title to property or assets for the benefit of a third party, the beneficiary.

"Veteran" means person who served in one of the five active-duty Armed Services or their respective Guard or Reserve units, and who was discharged or released from service under conditions other than dishonorable.

SUBPART B: DISPENSING ORGANIZATION DISTRICTS

Section 1290.20 Dispensing Organization Districts

a) To geographically disperse 60 dispensing organizations throughout the State, the following Dispensing Organization Districts are created with the accompanying allocation of registrations.

1) That part of the State, outside of the Chicago metropolitan area, shall be allocated 22 registrations as follows:

A) Illinois State Police Districts 1, 6, 7, 12, 13, 14, 17, 18, 19, 20, 21 and 22 shall each be a Dispensing Organization District and shall be allocated one registration each.

B) Illinois State Police Districts 8, 9, 10, 11 and 16 shall each be a Dispensing Organization District and shall be allocated two registrations each.

2) That part of the State within the Chicago metropolitan area but outside of Cook County shall be allocated 14 registrations as follows:

A) DeKalb County shall be a Dispensing Organization District and shall be allocated one registration.

B) DuPage County shall be a Dispensing Organization District and shall be allocated three registrations.

C) Grundy and Kendall Counties combined shall be a Dispensing Organization District and shall be allocated one registration.

D) Kane County shall be a Dispensing Organization District and shall be allocated two registrations.

E) Lake County shall be a Dispensing Organization District and shall be allocated three registrations.

F) McHenry County shall be a Dispensing Organization District and shall be allocated one registration.

G) Will County shall be a Dispensing Organization District and shall be allocated three registrations.

3) That part of Cook County outside of the City of Chicago shall be allocated 11 registrations as follows:

A) Barrington, Hanover and Palatine Townships combined shall be a Dispensing Organization District and shall be allocated one registration.

B) Elk Grove and Schaumburg Townships combined shall be a Dispensing Organization District and shall be allocated one registration.

C) Maine and Wheeling Townships combined shall be a Dispensing Organization District and shall be allocated one registration.

D) New Trier and Northfield Townships combined shall be a Dispensing Organization District and shall be allocated one registration.

E) Evanston and Niles Townships combined shall be a Dispensing Organization District and shall be allocated one registration.

F) Leyden, Norwood Park and Proviso Townships combined shall be a Dispensing Organization District and shall be allocated one registration.

G) Berwyn, Cicero, Oak Park, River Forest and Riverside Townships combined shall be a Dispensing Organization District and shall be allocated one registration.

H) Lemont, Lyons and Palos Townships combined shall be a Dispensing Organization District and shall be allocated one registration.

I) Calumet, Stickney and Worth Townships combined shall be a Dispensing Organization District and shall be allocated one registration.

J) Bremen, Orland and Rich Townships combined shall be a Dispensing Organization District and shall be allocated one Registration.

K) Bloom and Thornton Townships combined shall be a Dispensing Organization District and shall be allocated one registration.

4) The City of Chicago shall be allocated 13 registrations as follows:

A) Jefferson Township shall be a Dispensing Organization District and shall be allocated two registrations.

B) Hyde Park Township shall be a Dispensing Organization District and shall be allocated two registrations.

C) Lake Township shall be a Dispensing Organization District and shall be allocated two registrations.

D) Lakeview Township shall be a Dispensing Organization District and shall be allocated two registrations.

E) North Township shall be a Dispensing Organization District and shall be allocated one registration.

F) Rogers Park Township shall be a Dispensing Organization District and shall be allocated one registration.

G) South Township shall be a Dispensing Organization District and shall be allocated one registration.

H) West Township shall be a Dispensing Organization District and shall be allocated two registrations.

b) The Division has the authority to reallocate registrations by rule based on patient populations, geography, zoning, location or other reasonable criteria.

SUBPART C: APPLICATION REQUIREMENTS FOR A
MEDICAL CANNABIS DISPENSARY REGISTRATION AUTHORIZATION

Section 1290.30 Dispensing Organization Principal Officers

a) In addition to the individuals identified in the dispensing organization's by-laws as principal officers, the following individuals are considered principal officers:

1) If a corporation, the officers of the corporation;

2) If a partnership, the partners;

3) If a limited liability company, the members of the limited liability company;

4) If an association or cooperative, the members of the association or cooperative;

5) If a joint venture, the individuals who signed the joint venture agreement; and

6) If a business organization other than the types listed in subsections (a)(1) through (5), the members of the business organization.

b) A dispensing organization may not be established as a trust. A trust may not have an ownership interest in a registered dispensing organization.

Section 1290.40 Dispensing Organization Authorization Process

a) The Division shall review applications and issue authorizations according to the requirements of the Act and this Part.

1) An applicant shall file an application with the Division for authorization to register a dispensing organization.

2) Applications for authorizations shall be made on forms furnished by the Division. The application shall be signed by all principal officers certifying under penalties of perjury that all information contained in the application is true and accurate.

3) An applicant is limited to one application for authorization per District per application period.

4) An applicant may submit separate applications for authorization in up to five Districts.

5) Each application requires one application fee (see Section 1290.80).

6) If submitting an application in more than one District, the applicant shall identify the Districts it has applied in or Districts where it is registered.

7) Each applicant must submit to and qualify through a fingerprint-based criminal history records check as set forth in Section 1290.230.

8) The Division shall review each application to determine whether it meets the minimum criteria and shall determine qualified applicants.

9) The Division may consider the location of a proposed dispensary relevant to other proposed or existing dispensaries, in the same or adjacent Districts, to ensure that dispensaries are geographically dispersed.

10) If the Division determines that the number of qualified applicants exceeds the number of authorizations available, the Division will select the most qualified applicant in that District using the selection process established in Section 1290.60.

11) Qualified applicants chosen through the selection process will receive an authorization issued by the Division.

12) If the Division determines that a District has no qualified applicants or fewer qualified applicants than authorized registrations, the Division shall post a notification on the Division's website detailing the dates of the next open application period.

13) No person or entity shall hold more than five registrations. If a qualified applicant has been granted more than five authorizations or registrations by the Division, the applicant shall promptly notify the Division. No person shall be a principal officer in more than five registered dispensing organizations.

14) If a dispensing organization's registration is void or invalid for any reason, including but not limited to revocation, suspension or nonrenewal, the Division will post a notification on the Division's website detailing the dates of the next open application period.

b) Upon receipt of the authorization notice, the applicant may submit for registration approval.

Section 1290.50 Dispensing Organization − Application Requirements for Authorization

a) Applications must be submitted on Division-provided forms and include the following information:

1) The legal name of the proposed dispensing organization.

2) The name, address, telephone number, date of birth, social security number and e-mail address of the proposed dispensing organization's principal officers. A post office box may not be used.

3) The name of the proposed dispensary.

4) If the entity applying is a sole proprietorship, a copy of creation documents.

5) If the entity applying is a business organization other than a sole proprietorship, the following information for the entity applying:

A) The type of business organization.

B) If a partnership, a copy of any partnership or joint venture documents, and if there is no written agreement, a statement signed by all principal officers affirming there is no agreement.

C) If a limited liability company, a copy of the Articles of Organization, operating agreement, and certificate of good standing issued by the Secretary of State or obtained from the Secretary of State's website dated within seven days prior to the date the application is filed with the Division. Limited liability company applicants shall include a listing of all affiliated persons or business entities holding an ownership interest in the company.

D) If a corporation, the name of the registered agent, a copy of the Articles of Incorporation, Corporate Resolutions if any, and a certificate of good standing issued by the Secretary of State or obtained from the Secretary of State's website within seven days prior to the date the application is filed with the Division. If using an assumed name, a copy of the assumed name registration issued by the Secretary of State. Corporate applicants shall include a listing of all persons or businesses holding an ownership interest in the corporation.

E) If an unincorporated association, organization or not-for-profit organization, documents or agreements relevant to its creation, ownership, profit sharing and liability. If there are no documents as

detailed in this subsection (a)(5)(E), a statement signed by all principal officers stating so.

6) From each principal officer, a statement indicating whether that person:

A) Has held an ownership interest in a dispensing organization or its equivalent in another state or territory of the United States that had the dispensary registration or license suspended, revoked, placed on probationary status or subjected to other disciplinary action.

B) Is a physician that will be on the dispensing organization's board of directors or an employee, pursuant to Section 35(b)(5) of the Act.

C) Is a registered qualified patient or a designated caregiver.

7) Disclosure of whether any principal officer has ever:

A) Filed for bankruptcy;

B) Defaulted on a student loan; or

C) Defaulted on alimony or child support obligation.

8) A resume for each principal officer, including whether that person has an academic degree, certification or relevant experience with a medical cannabis business or in a related industry.

9) A patient education plan detailing the benefits or drawbacks of cannabis strains or products in connection with the debilitating conditions identified in the Act, and initiatives to keep product costs reasonable.

10) A description of the training and education that will be provided to dispensary agents.

11) A copy of the proposed operating by-laws.

12) A copy of the proposed business plan that complies with the requirements in this Part, including, at a minimum, the following:

A) A description of products intended to be offered;

B) A description of services to be offered; and

C) A description of the process of dispensing cannabis from a restricted access area to a limited access area.

13) A copy of the proposed security plan that complies with the requirements in this Part, including:

A) A description of the delivery process by which cannabis will be received from a cultivation center, including receipt of manifests and protocols that will be used to avoid diversion, theft or loss at the dispensary acceptance point;

B) The process or controls that will be implemented to monitor the dispensary, secure the premises, agents, patients and currency, and prevent the diversion, theft or loss of cannabis; and

C) The process to ensure that access to the limited access areas is restricted to qualifying patients, designated caregivers, registered agents, service professionals and security personnel.

14) A proposed inventory control plan that complies with this Part.

15) A proposed qualifying patient recordkeeping plan and verification system that complies with this Part.

16) A copy of the local zoning ordinance sections relevant to dispensary operations. Documentation, if any, of the approval, conditional approval or the status of a request for zoning approval from the local zoning office for the proposed dispensary location.

17) For the building or land to be used as the proposed dispensary:

A) If the property is not owned by the applicant, a written statement from the property owner and landlord, if any, certifying consent that the applicant may operate a dispensary on the premises; or

B) If the property is owned by the applicant, confirmation of ownership.

18) A copy of any proposed marketing or advertising plan or materials.

19) A map of the area surrounding the proposed dispensary, extending a minimum of 1,000 feet from the property line in all directions. The map must clearly demonstrate that the property line of the proposed dispensary is not located within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home or part day child care facility. The map must clearly demonstrate that the dispensary is not in an area zoned for residential use and identify the existing adjacent businesses.

20) A plot plan of the dispensary drawn to scale. The applicant shall submit general specifications of the building exterior and interior layout.

21) A statement that the dispensing organization agrees to respond to the Division's supplemental requests for information.

b) Financial Disclosure
The applicant shall provide a statement disclosing relevant business transactions and financial information connected with the application. Financial disclosures include:

1) The ownership structure of the dispensing organization, including percentage ownership of each person or entity.

2) A current organization chart that includes position descriptions and the names and resumes of each person holding each position. The resumes shall establish specific skills, education, experience or significant accomplishments that are relevant to owning or operating a dispensing organization.

3) Depending on business type as applicable, agreements between any two or more principal officers that relate to the assets, liabilities, property, profit or future profit of the dispensing organization or comparable documents that establish the legal structure of the applicant, operations, management and control.

4) A copy of compensation agreements among any persons having a financial interest in the dispensing organization.

5) The nature, type, terms, covenants and priorities of all outstanding debts, including but are not limited to bonds, loans, mortgages, trust deeds, lines of credit, notes issued or executed, or to be issued or executed, in connection with the proposed dispensary.

6) Audited financial statements for the previous fiscal year, which shall include, but are not limited to, an income statement, balance sheet, statement of retained earnings or owners' equity, statement of cash flows, and all notes to those statements and related financial schedules, prepared in accordance with generally accepted accounting principles, with the accompanying independent auditor's report. The audit must be compiled by and certified by a licensed auditor or CPA. If the applicant was formed within the year preceding the application, provide certified financial statements for the period of time the applicant has been in existence.

7) Complete copies of all federal, state and foreign (with translation) tax returns filed by the principal officers of the proposed dispensing organization for the last three years, or for the period each principal officer has filed tax returns if less than three years.

8) Complete copies of the most recently filed federal, state and foreign (with translation) tax returns filed by each dispensing organization backer.

9) Disclosure of all funding sources used for the proposed dispensing organization, including documentation verifying the source of the funds and copies of closing documents in connection with the purchase of a registered business.

10) Projected total expenditures expected before the dispensary is operational.

11) Projected annual revenue.

12) Projected annual budget.

13) The applicant has a continuing duty to promptly disclose material changes in the financial information provided to the Division. If an applicant is issued a Registration, this duty of ongoing disclosure shall continue throughout the registered period.

c) Documentation acceptable to the Division that the applicant has at least $400,000 in liquid assets under its control for each application. Documentation acceptable to the Division includes:

1) A signed statement from an Illinois Licensed CPA or financial institution attesting to proof of $400,000 in liquid assets under the control of a principal officer or the entity applying.

2) Two copies of the signed statement are required, one must be dated at least 30 calendar days before the application date, and one must be dated within five days of the application date.

3) Documentation otherwise requested by the Division in writing.

d) An attestation under penalty of perjury signed and dated by each principal officer identified in subsection (a)(2):

1) That the person has not been convicted of an excluded offense;

2) That the information provided to the Division is true and correct;

3) That, if the proposed organization is issued an authorization, the applicant will not operate until the Division approves the applicant's registration packet, the dispensary is inspected and the applicant obtains a registration from the Division;

4) That the applicant acknowledges receipt and advisement of the notices contained in the application and agrees to and accepts the limitations of liability and the requirement to indemnify, hold harmless and defend the State of Illinois, including:

A) Limitation of Liability − the State of Illinois shall not be liable to the dispensing organization, dispensing organization employees, family members or guests, qualifying patients or caregivers,

qualifying patient's or caregiver's employer or employees, family members or guests for any damage, injury, accident, loss, compensation or claim, based on, arising out of or resulting from the registrant's participation in the Compassionate Use of Medical Cannabis Pilot Program, including, but not limited to, the following: arrest, seizure of persons or property, prosecution pursuant to federal laws by federal prosecutors, any fire, robbery, theft, mysterious disappearance or any other casualty; or the actions of any other registrants or persons. This limitation of liability provision shall survive expiration or the early termination of the registration if the registration is granted; and

B) The Division requires each registrant to include a signed statement in the registration packet that, at minimum, certifies that the applicant has actual notice that, notwithstanding any State law:

i) Cannabis is a prohibited Schedule I controlled substance under federal law;

ii) Participation in the Compassionate Use of Medical Cannabis Pilot Program (program) is permitted only to the extent provided by the strict requirements of the Act and this Part;

iii) Any activity not sanctioned by the Act or this Part may be a violation of state law;

iv) Growing, distributing or possessing cannabis in any capacity, except through a federally-approved research program, is a violation of federal law;

v) Use of medical cannabis may affect an individual's ability to receive federal or state licensure in other areas;

vi) Use of medical cannabis, in tandem with other conduct, may be a violation of State or federal law;

vii) Participation in the medical cannabis program does not authorize any person to violate federal law or state law and,

other than as set out in Section 25 of the Act, does not provide any immunity from or affirmative defense to arrest or prosecution under federal law or State law; and

viii) Applicants shall indemnify, hold harmless and defend the State of Illinois for any and all civil or criminal penalties resulting from participation in the program.

C) The Division has the authority to include additional certifications in the application that would be sufficient to ensure compliance with the program and all other applicable laws.

e) All proposed principal officers must be natural persons. The Division will communicate with the proposed dispensing organization's principal officers. The Division will not communicate exclusively with a consultant working on behalf of the proposed dispensing organization.

f) The name and resume of the proposed agent-in-charge.

g) The non-refundable application fee (see Section 1290.80).

Section 1290.60 Selection Process

a) The Division will conduct a comprehensive, fair and impartial evaluation of the applications timely received. It will award dispensing organization authorizations on a competitive basis.

b) Applications will be assessed to determine whether they meet the mandatory minimum qualification criteria. Application items are mandatory unless otherwise indicated. An applicant that fails to submit the information required by this Part may be disqualified prior to the review and scoring process.

c) The Division will accept applications, assigning each one a sequential number. During the selection process, the application will be reviewed and referred to by its assigned number.

d) An application will be disqualified if one or more of the prospective principal officers has been convicted of an excluded offense.

e) When the Division receives more than one complete and timely filed application for an authorization in a District, the Division will choose the applicant through a selection and scoring process (see Section 1290.70).

f) The Division will rank each complete application based on its total score.

g) Authorizations will be issued to the applicants meeting at least the minimum criteria in each category and with the highest total score overall per District and based on the number of allocated registrations per District.

h) In the event that two or more applicants receive the same total high score, the Division will select the applicant that received the highest score in the security and recordkeeping categories. In the event that the applicants received the same score in the security and recordkeeping categories, the tied applicants will be interviewed by a panel of three selected by the Director.

i) The Division may issue up to 60 dispensing organization authorizations. If the Division concludes that, during the first request for applications, no qualified applications are timely received for a District or Districts, the Division reserves the right to award fewer than 60 authorizations. If a second round of applications is required, the second round will be conducted in the same manner as the first.

j) An authorization notice will be sent to a successful applicant. The authorization notice will include a registry identification number to be used on all future communication with the Division.

k) A letter of denial to an applicant shall serve as a final administrative decision by the Division and shall be subject to the Administrative Review Law [735 ILCS 5/Art.III].

l) To reassign a registration, the Division will publish on its website, and in such other places as the Division deems appropriate, a notice of open applications for dispensary registration. The notice shall include:

1) The number of registrations anticipated to be awarded;

2) Information on how to obtain an application;

3) The deadline for receipt of applications;

4) Acceptable methods for submitting an application; and

5) The available District.

Section 1290.70 Selection Criteria

a) Applicants must submit all required information, including that required in Section 1290.50. Failure by an applicant to submit all required information may result in the application being disqualified.

b) After receipt of the application, the Division may issue a deficiency notice to the applicant citing inadequacies and an offer to cure in the manner and timeframe set forth in the notification.

c) The Division will consider the quality of the applicant's responses to required information and applicants will be scored on that information and the following categories:

1) Suitability of the Proposed Dispensary

A) A demonstration that the proposed location is suitable for public access, the layout promotes safe dispensing of medical cannabis, it is sufficient in size, power allocation, lighting, parking, handicapped accessible parking spaces, ADA accessible entry and exits, product handling, and storage.

B) A statement of reasonable assurance that the issuance of a registration will not have a detrimental impact on the community.

2) Security and Recordkeeping

A) The security plan will demonstrate the capability for the prevention of the theft or diversion of medical cannabis. The security plan will demonstrate safety procedures for dispensary employees, patients and caregivers, and safe delivery and storage of cannabis and currency. It will evidence compliance with all security requirements in this Part.

B) A plan for recordkeeping, tracking and monitoring inventory, quality control and other policies and procedures that will promote standard recordkeeping and discourage unlawful activity. This plan will include the applicant's strategy to communicate with the Division and ISP on the destruction and disposal of cannabis.

3) Applicant's Business Plan, Financials and Operating Plan

A) The business plan shall describe, at a minimum, how the dispensing organization will be managed on a long-term basis. This shall include a description of the patient verification system, purchases and denials of sale, confidentiality, and products and services to be offered.

B) The financial plan shall describe, at a minimum, the amount and source of the equity and debt commitment to ensure financial stability, including a demonstration of the immediate and long-term financial health and resources for the design, development and operation of the dispensary.

C) The operating plan shall include, at a minimum, a timetable that provides an estimated time from authorization through year one of registration and the assumptions used as the basis for those estimates. It will include best practices for day-to-day dispensary operation and staffing.

4) Knowledge and Experience

A) The applicant's principal officers must demonstrate experience and qualifications in business management or experience with the medical cannabis industry. This includes ensuring optimal safety and accuracy in the dispensing and sale of cannabis.

B) The applicant must demonstrate knowledge of various cannabis product strains or varieties, and describe the types and quantities of products planned to be sold. This includes confirmation of whether the dispensary plans to sell medical cannabis paraphernalia or edibles.

d) The Division will award additional points for preferred, but not required, initiatives based on the applicant's ability to meet requirements in the following categories:

1) Labor and Employment Practices: The applicant may describe plans to provide a safe, healthy and economically beneficial working environment for its agents, including, but not limited to, codes of conduct, healthcare benefits, educational benefits, retirement benefits, and living wage standards.

2) Research Plan: The applicant may provide the Division with a detailed proposal to conduct, or facilitate, a scientific study or studies related to the medicinal use of cannabis. The applicant may include in its proposal a detailed description of:

A) The methodology of the study to accurately assess the effects of cannabis;

B) The issues to be studied;

C) The methods that will be used to identify and select study participants;

D) The identity of each person or organization associated with the study, including the role of each;

E) The duration of the study and anticipated peer review; and

F) The intended use of the study results.

3) Community Benefits Plan: The applicant may provide a description of plans the applicant has to support the local community, the class of citizens served, or a plan for reduction in product costs for indigent patients that qualify.

4) Substance Abuse Prevention Plan: The applicant may provide a detailed description of any plans it will take to combat substance abuse in its District, including the extent to which the applicant will partner or work with existing substance abuse programs.

5) Local Community/Neighborhood Report: The applicant may provide comments, concerns or support received regarding the potential impact of the proposed location on the local community and neighborhood.

6) Environmental Plan: The applicant may demonstrate an environmental plan of action to minimize the carbon footprint, environmental impact, and resource needs for the dispensary.

7) Verification of Minority-Owned, Woman-Owned, Veteran-Owned or Disabled Person-Owned Business: The minority, woman, veteran or disabled applicants must own at least 51% of the entity applying for registration. The percentage totals may include any combination of minority, woman, veteran or disabled applicants. The minority, woman, veteran or disabled applicant must also share in control of management and day-to-day operations of the dispensary. Documentation must be submitted at the time of application that demonstrates the respective status of the applicant.

8) Illinois Based Applicants: Documentation that the applicant's principal place of business is headquartered in Illinois, including the names, addresses and verification of the applicant's proposed agents that reside in Illinois. The applicant may also provide a plan for generating Illinois-based jobs and economic development.

e) The Division may verify information contained in each application and accompanying documentation to assess the applicant's character and fitness to operate a dispensary.

f) Should the applicant be awarded an authorization, the information and plans provided in the application become a condition of the authorization. Failure to comply with the conditions or requirements may subject the dispensing organization to discipline, up to and including suspension or revocation of its authorization by the Division. Revocation of an authorization shall serve as a final administrative decision by the Division.

Section 1290.80 Fees

The following non-refundable fees shall be paid to the Division.

a) Application Fees:

1) The authorization application fee is $5,000. One application fee is to be submitted with each application.

2) The registration fee is $30,000. One registration fee is required for each registration.

3) The application fee for a dispensing organization agent is $100. This fee includes the agent identification card.

4) The fee for a request to change the Division approved location of a dispensing organization within its assigned District is $5,000.

b) Renewal Fees:

1) The annual renewal fee for a dispensing organization registration is $25,000.

2) The annual renewal fee for a dispensing organization agent identification card is $50.

c) General Fees:

1) The fee for the issuance of a replacement dispensing organization Registration is $50.

2) The fee for the issuance of a replacement dispensing organization agent identification card is $50.

d) All monies collected under the Act shall be deposited in the Compassionate Use of Medical Cannabis Fund in the State treasury.

SUBPART D: DISPENSARY REGISTRATION

Section 1290.100 Dispensing Organization − Registration Process

a) No person may own, operate or act as a dispensing organization or represent that the person or organization is a registered dispensing organization unless first obtaining a registration from the Division.

b) The registration process shall include the following:

1) If the Division issues an authorization to an applicant, the Division will notify the applicant that it may file for a registration with the Division.

2) Only an applicant granted an authorization is permitted to register a dispensing organization.

3) A dispensing organization shall submit to the Division all supporting information and documents in a registration packet. The registration packet shall include all required registration materials in accordance with this Section and this Part. All registration materials shall be submitted together.

4) A dispensing organization must file the registration packet with the Division within 120 days after the date of the authorization notification, unless otherwise authorized by the Division.

5) The Division may identify incomplete or missing information from the registration packet. The Division may request additional information from the applicant, or the Division may deny the registration packet.

6) If a registration packet is denied by the Division, the dispensing organization may refile it within 10 business days with the information or documents that caused its denial. If the registration packet is denied by the Division more than three times, the Division may withdraw the authorization. A letter withdrawing an authorization shall serve as a final administrative decision by the Division.

c) Once all required information and documents have been submitted, the Division will review the registration packet. The Division may request revisions and retains final approval over dispensary features. Once the registration packet is complete and meets the Division's approval, the Division will conditionally approve the registration. Final approval is contingent on the build-out and Division inspection.

d) Upon completion of the dispensary, the dispensing organization shall request an inspection. The Division will inspect the dispensary to confirm compliance with the registration packet, the Act and this Part.

e) A registration will be issued only after the completion of a successful inspection.

f) Once the Division has issued a registration, the dispensary organization shall notify the Division of the proposed opening date.

g) A dispensing organization is not prohibited from applying for a cultivation center permit in connection with DOA's rules.

Section 1290.110 Dispensing Organization − Registration Requirements

a) The registration packet will be consistent with the information contained in the application, and shall provide additional detail on construction, start-up and operation.

b) A person granted an authorization shall submit a registration packet to the Division that includes the following registration requirements:

1) The legal name of the dispensing organization;

2) The name of the dispensary facility;

3) The registry identification number for the dispensing organization;

4) The proposed physical address of the dispensary facility;

5) The address, telephone number and e-mail address of the applicant's principal place of business, if different from the location where the medical cannabis will be dispensed. A post office box is not permitted;

6) The name, address, date of birth and social security number for each proposed dispensing organization agent;

7) The proposed hours of operation;

8) Any proposed text or graphic materials to be shown on the exterior of the proposed dispensary;

9) The distance from the proposed dispensary's property line to the property line of the closest pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home and part day child care facility;

10) The anticipated date the dispensing organization will be ready for a Division inspection;

11) An attestation under penalty of perjury that the information provided to the Division for registration is true and correct;

12) Certification issued by the local jurisdiction's zoning office authorizing the use of the proposed plot as a dispensary;

13) A site plan drawn to scale of the proposed dispensary showing streets, traffic direction, sidewalks, trees, alleys, property lines, additional buildings on-site, parking areas and handicapped parking spaces, fences, exterior walled areas, garages, vehicle delivery access doors, hangars, security features and outdoor areas as applicable.

14) A floor plan or blueprint drawn to scale of the dispensary building that shall, at a minimum, show and identify:

A) Layout and square footage of each room;

B) Overall square footage of the dispensary facility;

C) Name and function of each room;

D) Doorways or pathways between rooms;

E) Means of ingress and egress;

F) Location of restricted and limited access areas;

G) Location of cannabis storage areas while the dispensary is open for business;

H) Location of cannabis storage areas while the dispensary is closed for business;

I) Location of the sink and refrigerator, if any;

J) Location of all safes or vaults that will be used to store cannabis, cannabis products or currency;

K) Location of each computer used to check qualifying patient cards or designated caregiver registry cards;

L) Location of each computer and cash register used for point of sale transactions and to access the Division's verification system;

M) Location of bullet-proof glass;

N) Location of drawer, grate or conduit through the bullet-proof glass;

O) Location of bullet-proof walls, if any;

P) Location of fire exits;

Q) Location of each toilet facility;

R) Location of a break room and personal storage lockers, if any;

S) Location of patient counseling areas;

T) Location of each video camera;

U) Location of each panic button; and

V) Location of natural and artificial lighting sources.

15) Policies and procedures that comply with the requirements in this Part, outlined in an Operation and Management Practices Plan, including:

A) Inventory control;

B) Qualifying patient and designated caregiver recordkeeping;

C) Point of sale recordkeeping;

D) Security;

E) Patient care education and support;

F) Operations manual, including accessible business hours and safe dispensing; and

G) A staffing plan that ensures adequate staffing, training and education.

16) An explanation of products or services to be offered, if any, other than cannabis.

17) A plan for a continuous supply of medical cannabis to registered qualifying patients and designated caregivers.

18) The estimated volume of cannabis it plans to store at the dispensary.

19) A detailed description of air treatment systems that will be installed to reduce odors.

20) A description of the features that will provide accessibility to qualifying patients and designated caregivers as required by the ADA.

21) A plan detailing how the dispensing organization will perform a physical inventory of all medical cannabis on a daily basis.

22) An attestation that the dispensing organization will have safes or vaults with dimensions sufficient for storage of cannabis, cash and currency.

23) Documentation that the building meets State and local building and fire codes, and that all local ordinances are met for the proposed location.

24) A reasonable assurance that the issuance of a registration will not have a detrimental impact on the community.

25) A plan to prevent patient overflow in waiting rooms and patient care areas.

26) A signed statement by each principal officer or agent that they will not divert medical cannabis.

27) The registration fee (see Section 1290.80).

28) Any additional information requested by the Division.

c) The registration packet shall be signed and dated by each principal officer.

d) Upon Division approval of the registration packet, the information and plans in the registration packet become a condition of the registration.

e) Once all registration documentation is complete and the dispensing organization meets the division's approval, the Division will issue a conditional approval.

f) After receipt of a conditional approval, and when the dispensing organization is ready to open, it shall contact the Division for an inspection. The dispensary shall not open until it has passed inspection and the Division has issued a registration.

g) Prior to opening, the dispensing organization shall notify the Division of the proposed opening date.

h) A registration must be denied pursuant to Section 115(f) of the Act for any of the following reasons:

1) The applicant failed to submit the materials required by the Act and this Part;

2) The applicant selected a location that is not in compliance with local zoning rules and cannot cure the zoning deficiency in a reasonable time;

3) The applicant does not meet the requirements of Section 130 or 140 of the Act;

4) One or more of the principal officers has been convicted of an excluded offense;

5) One or more of the principal officers has served as an owner or officer of a registered medical cannabis dispensing organization that had its registration revoked;

6) One or more of the principal officers is under 21 years of age; or

7) One or more of the principal officers is a registered qualifying patient or a designated caregiver.

Section 1290.120 Dispensing Organization − Registration Bond

A registration bond is a requirement for the issuance of a registration, maintenance of a registration or reactivation of a registration. A dispensing organization shall provide evidence of financial responsibility payable to the Division for failure to timely and successfully complete dispensary construction or failure to operate in a manner that provides an uninterrupted supply of cannabis. Evidence of financial responsibility shall be provided by one of the following:

a) Establishing and maintaining an escrow or surety account in an Illinois financial institution in the amount of $50,000, with escrow terms, approved by the Division, that it shall be payable to the Division in the event of circumstances outlined in this Section. A financial institution may not return money in an escrow or surety account to the dispensing organization that established the account or a representative of the organization unless the organization or representative presents a statement issued by the Division indicating that the account may be released.

b) Providing a surety bond in the amount of $50,000, naming the dispensing organization as principal of the bond, with terms, approved by the Division, that the bond defaults to the Division in the event of circumstances outlined in this Section. Bond terms include:

1) The bond must be written by a surety company authorized and licensed through the Illinois Department of Insurance (see 215 ILCS 5/4).

2) The business name and registration number on the bond must correspond exactly with the business name and registration number in the Division's records.

3) The bond must be written on a form approved by the Department.

4) A copy of the bond must be received by the Division within 90 days after the effective date.

Section 1290.130 Changes to a Dispensing Organization Registration

a) A registration shall be issued to the specific dispensing organization identified on the application and for the specific location proposed. The registration is valid only for the owner, premises and name designated on the registration and the location for which it is issued.

b) A dispensing organization may not transfer or assign a registration.

c) A dispensing organization shall provide written notice to the Division of the addition or removal of persons or entities listed as principal officers. Notice shall be provided to the Division a minimum of 10 business days prior to the change, unless impracticable and the Division approves a different time in writing.

d) All proposed new principal officers shall be subject to the requirements of the Act and this Part.

e) The Division may prohibit the addition of a principal officer to a dispensing organization for failure to comply with the Act or this Part.

f) A dispensing organization shall provide written notice to the Division of a change in more than 49% of the dispensary ownership. The Division will review the ownership structure to determine whether the change in ownership has had the effect of a transfer of the Registration. The dispensing organization shall supply all ownership documents and change of ownership documents requested by the Division.

g) The dispensing organization shall provide the Division with the personal information for all new dispensary agents as required in this Part and all new dispensary agents shall be subject to the requirements of this Part. A dispensing

organization agent must obtain an agent card from the Division before beginning work at a dispensary.

h) A principal officer not in compliance with the requirements of the Act and this Part shall be removed from his or her position with the dispensing organization or shall otherwise terminate his or her affiliation. Failure to do so may subject the dispensing organization to discipline, suspension or revocation of its registration by the Division.

i) Prior to remodeling, expansion, reduction or other physical, non-cosmetic alteration of a dispensary, the dispensing organization must notify the Division and confirm the alterations are in compliance with the Act and this Part.

j) It is the responsibility of the registered dispensing organization and its principal officers to promptly notify the Division of any change of the principal place of business address.

Section 1290.140 Request to Relocate a Dispensary

a) A dispensing organization may relocate a dispensary in the District where the dispensary is registered. To relocate a dispensary, the dispensing organization shall submit an application requesting the change and the relocation fee (see Section 1290.80) to the Division.

b) The new dispensary location shall meet all the requirements of the Act and this Part.

c) If the information and documents submitted by the dispensing organization comply with the Act and this Part and the proposed location is acceptable to the Division, the Division will issue a conditional approval to relocate. The dispensary organization may continue to operate at the existing location, until the new location is ready. The dispensary organization may not operate two locations under the same registration number.

d) Once the new dispensary is finished, the dispensing organization shall notify the Division and request an inspection.

e) Prior to issuing a registration and approval to operate, the Division will inspect the dispensary to confirm compliance with the Act and this Part. Final approval

for the dispensing organization to operate will be issued by the Division only after the completion of a successful inspection.

f) A dispensing organization shall not dispense medical cannabis at the new location until the Division approves the dispensary and issues an amended registration noting the new location.

g) Once the Division has issued an amended registration, the dispensing organization shall notify the Division of the proposed dispensary opening date.

h) The registration that includes the new address shall retain the expiration date of the previously issued registration.

i) An application for a relocation of a dispensary may not be combined with an application for renewing a dispensing organization registration. The Division shall process each application separately.

j) Should the dispensing organization relocate, it shall inform its existing patients of the new dispensary location.

Section 1290.150 Dispensing Organization Renewals

a) Every dispensing organization registration issued under the Act shall expire annually, on the date it was issued. Provided it is in compliance with the Act and this Part, the registration holder may renew during the month preceding the expiration date by requesting a renewal and paying the required renewal fee (see Section 1290.80).

b) If the dispensary premises is leased, when submitting for renewal the dispensing organization must provide documentation that the registered premises has been leased for the following calendar year.

c) Upon a dispensing organization's request for a renewal, the Division shall consider the dispensing organization's history of compliance with regulations promulgated under the Act, the number and severity of any violations, and the correction of violations, penalties or other enforcement actions.

d) The Director of the Division may deny a dispensing organization's request to renew a registration due to poor compliance history or if it has been disciplined under the Act or this Part.

e) If a renewal fee is not paid before the registration's expiration date, and the dispensing organization has not requested an extension of time to renew, the registration expires on the registration expiration date.

f) Dispensing medical cannabis on an expired registration is unlicensed activity and is grounds for discipline.

g) If the Division, after notice to the dispensing organization, denies the request to renew a registration and the registrant contests the non-renewal, it shall be entitled to an administrative hearing in accordance with the hearing rights prescribed in the Act and this Part.

SUBPART E: REGISTRATION OF DISPENSING ORGANIZATION AGENTS

Section 1290.200 Dispensing Organization Agent-in-Charge

a) Every dispensing organization shall designate, at a minimum, one agent-in-charge. The designated agent-in-charge must hold a dispensing organization agent identification card. Maintaining an agent-in-charge is a continuing requirement for the registration, except as provided in subsection (g).

b) The agent-in-charge shall be a principal officer or a full-time agent of the dispensing organization and shall participate in dispensing organization affairs. Participation in dispensing organization affairs includes, but is not limited to, responsibility for deliveries, oversight of services and dispensary agents, recordkeeping, inventory, dispensary agent training, and compliance with the Act and this Part. Participation in affairs also includes the responsibility for maintaining all files subject to audit or inspection by the Division. These files shall be located in Illinois.

c) The agent-in-charge is responsible for promptly notifying the Division, on forms provided by the Division when applicable, of any change of information required to be reported to the Division.

d) If the dispensing organization is a corporation or a limited liability company, the agent-in-charge is responsible for maintaining the good standing of the corporation or limited liability company with the Secretary of State. If the dispensing organization is a foreign corporation, the agent-in-charge is responsible for maintaining its authorization to conduct business in Illinois in good standing.

e) In determining whether an agent-in-charge participates in dispensing organization affairs, the Division may consider the responsibilities identified in this Section, the number of dispensary agents under the supervision of the agent-in-charge, and the employment relationship between the agent-in-charge and the dispensing organization, including the existence of a contract for employment and any other relevant fact or circumstance.

f) The agent-in-charge is responsible for notifying the Division, on forms provided by the Division, of a change in the employment status of all dispensing organization agents, and the nature and reason for the status change, within five business days after the change.

g) In the event of the separation of an agent-in-charge due to death, incapacity, termination or any other reason, the dispensing organization shall immediately contact the Division and request a temporary certificate of authority allowing the continuing operation. The request shall include the name of an interim agent-in-charge until a replacement is identified, or shall include the name of the replacement. The Division shall issue the temporary certificate of authority promptly after it approves the request. If a dispensing organization fails to promptly request a temporary certificate of authority after the separation of the agent-in-charge, its registration shall cease until the Division approves the temporary certificate of authority or registers a new agent-in-charge. No temporary certificate of authority shall be valid for more than 90 days. The succeeding agent-in-charge shall register with the Division in compliance with this Part. Once the permanent succeeding agent-in-charge is registered with the Division, the temporary certificate of authority is void. No temporary certificate of authority shall be issued for the separation of an agent-in-charge due to disciplinary action by the Division related to his or her conduct on behalf of the dispensing organization.

h) The dispensing organization agent-in-charge registration shall expire annually on the date it was issued. The agent-in-charge's registration shall be renewed

annually. The Division shall review the dispensary's compliance history when determining whether to grant the request to renew.

i) Upon termination of an agent-in-charge's employment, the dispensing organization shall immediately reclaim the dispensary agent identification card. The dispensing organization shall promptly return the identification card to the Division.

j) The Division may revoke an agent-in-charge identification card for any of the following reasons:

1) Submission of misleading, incorrect, false or fraudulent information in the application or renewal application;

2) Violation of the requirements of the Act or this Part;

3) Fraudulent use of the agent-in-charge identification card;

4) Selling, distributing, transferring in any manner, or giving medical cannabis to any unauthorized person;

5) Tampering with, falsifying, altering, modifying or duplicating an agent-in-charge identification card;

6) Failure to notify the Division within five business days after becoming aware that the agent-in-charge identification card has been lost, stolen or destroyed;

7) Failure to notify the Division within five business days after a change in the information provided in the application for an agent-in-charge identification card; or

8) Conviction of an excluded offense following the issuance of an agent-in-charge identification card.

k) Only a dispensing organization principal officer or an agent-in-charge may apply for an agent identification card for themselves or other dispensary agents.

Section 1290.210 Dispensing Organization Agents

a) All principal officers, agents-in-charge and employees of the dispensing organization are dispensing organization agents and shall hold an agent identification card. No person shall begin work at a dispensary prior to holding an agent identification card.

b) A dispensing organization agent shall visibly display an agent identification card issued by the Division at all times while at the dispensary.

c) A agent registration application shall be on forms provided by the Division, along with the following:

1) The name of the dispensing organization employing the agent, and the address of the dispensary;

2) A full set of fingerprints submitted to ISP as outlined in this Part;

3) A copy of the applicant's valid driver's license or State issued identification;

4) Electronic picture of applicant;

5) A document verifying the applicant's place of residency, such as a bank statement, cancelled check, insurance policy, etc. The document must contain the applicant's full residence address;

6) A sworn statement that the applicant has not been convicted of an excluded offense in any jurisdiction;

7) The applicant's social security number;

8) The registration fee (see Section 1290.80); and

9) Any additional information requested by the Division in the verification process.

d) The Division will deny an application or renewal of an agent identification card for a person convicted of an excluded offense.

e) If no excluded offense is found relating to the fingerprints and the applicant is otherwise qualified under the Act, the Division may approve the application. Within 15 days after approving an application, the Division shall issue an agent identification card that will be valid for the period specified on the face of the card and will be renewable upon the conditions set forth in this Part.

f) Dispensing organization agents have access to restricted access areas. They are responsible for the sale of cannabis and dispensary operations. Agents may accept deliveries from cultivation centers, and must document sales in compliance with the Act and this Part.

g) It is the responsibility of each registered dispensing organization to notify the Division of an agent's change of address.

h) Dispensing organization agents must promptly report any diversion or theft, or suspicion of diversion or theft, of cannabis or currency to the Division.

i) At least 30 days prior to the expiration of an agent identification card, the dispensing organization shall request the Division renew the annual agent identification card, include any information requested by the Division, and authorize ISP to conduct a criminal background check.

j) No dispensing organization shall, after the expiration of an agent identification card, employ or retain the holder of the card in any capacity.

k) Upon termination of employment, the agent identification card shall be immediately returned to the dispensing organization. The dispensing organization shall promptly return the agent identification card to the Division.

l) The agent identification card is not transferable. It is the property of the State of Illinois and shall be surrendered upon demand of the Director.

m) A dispensing organization agent shall promptly report an arrest and any subsequent conviction of an excluded offense to the dispensing organization and to the Division.

n) Should the Division not be able to obtain the state or federal criminal records check from ISP as required by the Act and this Part, the Division may contract with a private detective or investigating agency licensed under the Private

Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 [225 ILCS 447] and in good standing with the Department for the purpose of conducting the records checks.

o) The Division may revoke an agent identification card for any of the following reasons:

1) Submission of misleading, incorrect, false or fraudulent information in the application or renewal application;

2) Violation of the requirements of the Act or this Part;

3) Fraudulent use of the agent identification card;

4) Selling, distributing, transferring in any manner, or giving medical cannabis to any unauthorized person;

5) Tampering with, falsifying, altering, modifying or duplicating an agent identification card;

6) Failure to notify the Division within five business days after becoming aware that the agent identification card has been lost, stolen or destroyed;

7) Failure to notify the Division within five business days after a change in the information provided in the application for an agent identification card; or

8) Conviction of an excluded offense following the issuance of an agent identification card.

Section 1290.220 Persons with Significant Influence or Control; Disassociation

a) Any individual in connection with the dispensing organization who is not a principal officer or agent, and who may significantly influence or control the activities of the dispensing organization, other than a bank or other licensed lending institution holding a mortgage or other lien, may be subject to a background investigation or an examination of the business relationship with the dispensary.

b) The Division may order the disassociation of any person from the dispensing organization if the person fails to cooperate with the Division's investigation or if the person would be prohibited from being a principal officer pursuant to the Act and this Part. The order issued by the Director shall be directed to the applicant or registrant, and non-compliance with the order may result in the revocation, suspension or other discipline of the registration.

Section 1290.230 State and Federal Criminal History Records Check

a) Persons required to submit to a State and federal criminal history records check for convictions of an excluded offense shall submit to a fingerprint-based criminal history records check by providing a full set of fingerprints in an electronic format to an ISP livescan vendor whose equipment has been certified by ISP or a fingerprint vendor agency licensed by the Department.

b) The ISP will act as the Division's agent, receiving electronic fingerprints and conducting background checks of each individual applying for an agent identification card.

c) ISP will conduct background checks for conviction information contained in the ISP and Federal Bureau of Identification criminal history databases, as permitted.

d) For verification of a statutorily imposed duty to conduct background checks pursuant to the Act, ISP will transmit the results of the background check to the Division and the transmittal shall conclude the verification process.

e) The electronic background checks shall be submitted as outlined in either the Uniform Conviction Information Act [20 ILCS 2635] or 20 Ill. Adm. Code 1265.30 (Electronic Transmission of Fingerprint Requirements).

f) Electronic transmission of fingerprint data to ISP shall be accomplished utilizing livescan procedures or other comparable technology approved for use by ISP.

g) Manual fingerprints will not be accepted and shall not be scanned and converted into an electronic format.

h) Fingerprints shall be taken within the 30 days prior to the application date or renewal date for an agent identification card.

i) Fingerprint images of the individual being fingerprinted, and related alphanumeric identification data submitted, shall be submitted electronically to ISP.

j) If the fingerprints are rejected by ISP, dispensary agent shall have his or her fingerprints collected electronically by a live scan fingerprint vendor a second time.

k) In the event of equipment malfunction or other special circumstance that make electronic transmission of fingerprint data impractical, the Division may allow limited use of paper fingerprint records.

l) The dispensing organization shall submit to the Division a copy of the livescan request form, with the agent identification card application or renewal and the receipt provided from the livescan fingerprint vendor containing the Transaction Control Number (TCN), as proof that fingerprints have been collected.

1) Dispensary agent identification card applications submitted without a copy of the livescan request form and receipt will be deemed incomplete and will not be processed until fingerprinting is completed.

2) Fees associated with the livescan fingerprint-based criminal history records check shall be the responsibility of the dispensing organization seeking an agent identification card.

SUBPART F: DISPENSARY OPERATION

Section 1290.300 Operational Requirements

a) It is the duty of the Division to enforce the provisions of the Act and this Part relating to the registration and oversight of dispensing organization, unless otherwise provided in the Act.

b) A dispensing organization awarded a registration shall operate in accordance with the representations made in its application and registration packet. It shall be in compliance with the Act and this Part while registered with the Division.

c) Only a dispensing organization that has been issued a registration by the Division shall own and operate a dispensary.

d) A dispensing organization must include the name of the dispensary on the packaging of any cannabis product it sells.

e) All cannabis and cannabis-infused products must be obtained from an Illinois registered cultivation center (see 8 Ill. Adm. Code 1000).

f) A dispensing organization shall maintain compliance with State and local building, fire and zoning requirements or regulations.

g) A dispensing organization shall submit a list of all third party vendors to the Division. Changes to the list of third party vendors shall be promptly provided.

h) A registration shall allow the registrant to operate at a single location.

i) A dispensary may operate between 6 a.m. and 8 p.m. local time.

j) A dispensing organization must keep all lighting outside and inside the dispensary in good working order and wattage sufficient for security cameras.

k) A dispensing organization shall not:

1) Produce or manufacture cannabis.

2) Allow consumption of cannabis at the dispensary.

3) Sell cannabis unless it is pre-packaged and labeled in accordance with this Part, 8 Ill. Adm. Code 1000 and 77 Ill. Adm. Code 946.

4) Sell cannabis or cannabis-infused products to a consumer unless the consumer presents an active registered qualifying patient or designated caregiver card issued by DPH.

5) Enter into an exclusive agreement with any cultivation center.

6) Refuse to conduct business with a cultivation center that has the ability to properly deliver the product and is licensed with DOA, on the same terms as other cultivation centers with whom it is dealing.

7) Operate drive through windows.

8) Transport cannabis to residences of registered qualifying patients or designated caregivers.

9) Operate a dispensary if its video surveillance equipment is inoperative.

10) Operate a dispensary if the point of sale equipment is inoperative.

11) Operate a dispensary if the State's medical cannabis electronic verification system is inoperative.

SUBPART G: SECURITY AND RECORDKEEPING

Section 1290.400 Inventory Control System

a) A dispensing organization agent-in-charge shall have primary oversight of the dispensing organization's medical cannabis inventory control system. The inventory control system shall be real-time, web-based and accessible by the Division 24 hours a day, seven days a week.

b) A dispensing organization shall establish and implement an inventory control system for its medical cannabis that documents:

1) Each transaction and each day's beginning inventory, acquisitions, sales, disposal and ending inventory.

2) Acquisition of medical cannabis and medical cannabis-infused products from a registered cultivation center including:

A) A description of the products including the quantity, strain, variety and batch number of each product received;

B) The name and registry identification number of the registered cultivation center providing the medical cannabis;

C) The name and registry identification number of the registered cultivation center agent delivering the medical cannabis;

D) The name and registry identification number of the dispensing organization agent receiving the medical cannabis; and

E) The date of acquisition.

3) The disposal of medical cannabis, including:

A) A description of the products, including the quantity, strain, variety, batch number and reason for the cannabis being disposed;

B) The method of disposal and the name, address and telephone number of the disposal company; and

C) The date of disposal.

c) The agent-in-charge shall conduct and document an audit of the dispensing organization's daily inventory according to generally accepted accounting principles once every 30 calendar days.

1) If the audit identifies a reduction in the amount of medical cannabis in the dispensing organization's inventory not due to documented causes, the dispensing organization shall determine where the loss occurred and immediately take and document corrective action. The dispensing organization shall inform the Division of the loss and the corrective action taken within two business days after first discovery.

2) If the reduction in the amount of medical cannabis in the inventory is due to criminal activity or suspected criminal activity, the dispensing organization shall make a report identifying the circumstances surrounding reduction to the Division and ISP, who may notify local law enforcement authorities.

3) If the audit identifies an increase in the amount of medical cannabis in the dispensing organization's inventory not due to documented causes, the dispensing organization shall determine where the increase occurred and take and document corrective action.

4) The dispensing organization shall submit quarterly audit statements to the Division that shall include, but not be limited to, an income statement,

balance sheet and weekly cannabis inventory, including cannabis acquisition, wholesale cost and sales, prepared in accordance with generally accepted accounting principles. Annually, the dispensing organization shall submit an audit including the same information, compiled and certified by a licensed auditor or CPA.

d) A dispensing organization shall:

1) Maintain the documentation required in this Section in a secure locked location at the dispensing organization for five years from the date on the document;

2) Provide any documentation required to be maintained in this Section to the Division for review upon request; and

3) If maintaining a bank account, retain for a period of five years a record of each deposit or withdrawal from the account.

e) A dispensing organization shall not accept returns of medical cannabis. If cannabis is abandoned at the dispensary, it shall be accounted for and destroyed in compliance with this Part.

Section 1290.405 Storage Requirements

a) Authorized On-Premises Storage. A dispensing organization must store inventory on the registered premises. All inventory stored on the registered premises must be secured in a restricted access area and tracked consistently with the inventory tracking rules.

b) A dispensary premises shall be of suitable size and construction to facilitate cleaning, maintenance and proper operations.

c) A dispensary shall maintain adequate lighting, ventilation, temperature, humidity control and equipment.

d) Containers storing medical cannabis that have been tampered with or opened shall be separated from other medical cannabis products until they are disposed.

e) Medical cannabis that was tampered with or damaged shall not be stored at the registered premises for more than one week.

f) The dispensary shall be maintained in a clean and orderly condition.

g) The dispensary shall be free from infestation by insects, rodents, birds or pests.

h) The dispensary storage areas shall be maintained in accordance with the security requirements (see Section 1290.410).

i) Medical cannabis must be stored at appropriate temperatures and under appropriate conditions to help ensure that its identity, strength, quality and purity are not adversely affected.

Section 1290.410 Security Requirements

a) A dispensing organization shall implement security measures to deter and prevent entry into and theft from restricted access areas containing cannabis or currency.

b) A dispensing organization shall submit changes to the floor plan or security plan to the Division for pre-approval.

c) The dispensing organization shall implement security measures to protect the premises, registered qualifying patients, designated caregivers and dispensing organization agents including, but not limited to the following:

1) Establish a locked door or barrier between the facility's entrance and the limited access area. The limited access area shall only be accessible to registered qualifying patients, designated caregivers, principal officers and agents, service professionals conducting business with the dispensing organization, and persons authorized by the Act and this Part;

2) Prevent individuals from remaining on the premises if they are not engaging in activity permitted by the Act or this Part;

3) Develop a policy that addresses the maximum capacity and patient flow in the waiting rooms and patient care areas;

4) Dispose of cannabis in accordance with this Part;

5) During hours of operation, store all cannabis in established restricted access area accessible only to specifically authorized agents. The minimum number of dispensary agents essential for efficient operations shall be in the restricted access areas;

6) When the dispensary is closed, store all cannabis and currency in a secure locked safe or vault and in a manner as to prevent diversion, theft or loss;

7) Keep all safes, vaults and any other equipment or cannabis storage areas securely locked and protected from unauthorized entry;

8) Keep an electronic daily log of dispensary agents with access to the safe or vault and knowledge of the access code or combination;

9) Keep all locks and security equipment in good working order;

10) Prohibit keys, if applicable, from being left in the locks, or stored or placed in a location accessible to persons other than specifically authorized personnel;

11) Prohibit accessibility of security measures, including combination numbers, passwords or electronic or biometric security systems to persons other than specifically authorized agents;

12) Ensure that the outside perimeter of the dispensary premises is sufficiently lit to facilitate surveillance;

13) Ensure that trees, bushes and other foliage outside of the dispensary premises do not allow for a person or persons to conceal themselves from sight;

14) Develop emergency policies and procedures for securing all product and currency following any instance of diversion, theft or loss of cannabis, and conduct an assessment to determine whether additional safeguards are necessary; and

15) Develop sufficient additional safeguards in response to any special security concerns, or as required by the Division.

d) The Division may request or approve alternative security provisions that it determines are an adequate substitute for a security requirement specified in this Part. Any additional protections may be considered by the Division in evaluating overall security measures.

e) A dispensing organization shall provide additional security as needed and in a manner appropriate for the community where it operates.

f) Restricted Access Areas

1) All restricted access areas must be identified by the posting of a sign that shall be a minimum of 12" x 12" and that states "Do Not Enter – Restricted Access Area – Access Restricted to Authorized Personnel Only" in lettering no smaller than one inch in height.

2) All restricted access areas shall be clearly described in the floor plan of the registered premises, in the form and manner determined by the Division, reflecting walls, partitions, counters and all areas of entry and exit. The floor plan shall show all storage, disposal and retail sales areas.

3) All restricted access areas must be secure, with locking devices that prevent access from the limited access areas.

4) All service professionals conducting business with the dispensing organization and visitors must obtain a numbered visitor identification badge prior to entering a restricted access area, and shall be escorted at all times by a dispensary agent authorized to enter the restricted access area. All visitors must be logged in and out, and that log shall be maintained for five years on-site and available for inspection by the Division at all times. All visitor identification badges shall be returned upon exit.

g) Security and Alarm Systems.

1) A dispensing organization shall have an adequate security plan and security system to prevent and detect diversion, theft or loss of cannabis, currency or unauthorized intrusion using commercial grade equipment installed by an Illinois licensed private alarm contractor or private alarm contractor agency, that shall, at a minimum, include:

A) A perimeter alarm on all entry points and perimeter windows;

B) A failure notification system that provides an audible, text or visual notification of any failure in the surveillance system. The failure notification system shall provide an alert to designated dispensing organization agents within five minutes after the failure, either by telephone, email or text message;

C) A duress alarm, panic alarm, holdup alarm or after hours intrusion detection alarm that by design and purpose will directly or indirectly notify, by the most efficient means, the Public Safety Answering Point (PSAP) for the law enforcement agency having primary jurisdiction;

D) Unobstructed video surveillance of all enclosed dispensary areas, unless prohibited by law, including all points of entry and exit that shall be appropriate for the normal lighting conditions of the area under surveillance. The cameras shall be directed so all areas are captured, including, but not limited to, safes, vaults, sales areas and areas where cannabis is stored, handled, dispensed or destroyed. Cameras shall be angled to allow for facial recognition, the capture of clear and certain identification of any person entering or exiting the dispensary area and in lighting sufficient during all times of night or day;

E) Unobstructed video surveillance of outside areas, the storefront and the parking lot, that shall be appropriate for the normal lighting conditions of the area under surveillance. Cameras shall be angled so as to allow for the capture of facial recognition, clear and certain identification of any person entering or exiting the dispensary, the immediate surrounding area and license plates of vehicles in the parking lot;

F) Twenty-four hour recordings from all video cameras available for immediate viewing by the Division upon request. Recordings shall not be destroyed or altered and retained for at least 90 days. Recordings shall be retained as long as necessary if the dispensing organization is aware of the loss or theft of cannabis or a pending

criminal, civil or administrative investigation, or legal proceeding for which the recording may contain relevant information;

G) The ability to immediately produce a clear, color still photo from the surveillance video, either live or recorded;

H) A date and time stamp embedded on all video surveillance recordings. The date and time shall be synchronized and set correctly and shall not significantly obscure the picture;

I) The ability to remain operational during a power outage and ensure all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage; and

J) All video surveillance equipment shall allow for the exporting of still images in an industry standard image format, including .jpg, .bmp and .gif. Exported video shall have the ability to be archived in a proprietary format that ensures authentication of the video and guarantees that no alteration of the recorded image has taken place. Exported video shall also have the ability to be saved in an industry standard file format that can be played on a standard computer operating system. All recordings shall be erased or destroyed prior to disposal.

2) All security system equipment and recordings shall be maintained in good working order, in a secure location so as to prevent theft, loss, destruction or alterations.

3) Access to rooms where surveillance monitoring recording equipment resides shall be limited to persons that are essential to surveillance operations, law enforcement authorities acting within their jurisdiction, security system service personnel and the Division. A current list of authorized dispensary agents and service personnel that have access to the surveillance room must be available to the Division upon request.

4) All security equipment shall be inspected and tested at regular intervals, not to exceed 30 calendar days from the previous inspection and test to ensure the systems remain functional.

5) The security system shall provide protection against theft and diversion that is facilitated or hidden by tampering with computers or electronic records.

h) To monitor the facility and prevent unauthorized access to medical cannabis at the dispensary, the dispensing organization shall incorporate the following:

1) Security equipment to deter and prevent unauthorized entrance into restricted access areas that includes devices or a series of devices to detect unauthorized intrusion that may include a signal system interconnected with a radio frequency method, cellular, private radio signals or other mechanical or electronic device.

2) Electronic monitoring including:

A) All monitors must be 19-inches or greater;

B) A video printer capable of immediately producing a clear still photo from any video camera image;

C) Video cameras recording the entrances and exits to and from each entrance and exit from the dispensary, the limited access areas, the restricted access areas and that are capable of identifying activity occurring adjacent to the building, with a recording resolution of at least 704 x 480 or greater;

D) A video camera or cameras recording at each point of sale location allowing for the identification of the dispensary agent distributing the cannabis and any qualifying patient or designated caregiver purchasing medical cannabis. The camera or cameras shall capture the sale, the individuals and the computer monitors used for the sale;

E) Storage of video recordings from the video cameras for at least 90 calendar days;

F) A failure notification system that provides an audible and visual notification of any failure in the electronic monitoring system; and

G) Sufficient battery backup for video cameras and recording equipment to support recording in the event of a power outage and panic buttons in the interior of each building.

3) The dispensing organization shall maintain policies and procedures that include:

A) A security plan with protocols for patient, caregiver and agent safety and management and security of cannabis and currency;

B) Restricted access to the areas in the dispensary that contain cannabis to authorized agents;

C) Identification of authorized agents;

D) Controlled access and prevention of loitering both inside and outside the facility;

E) Conducting electronic monitoring; and

F) Use of a panic button.

Section 1290.415 Recordkeeping

a) Dispensing organization records must be maintained electronically and be available for inspection by the Division upon request. The dispensing organization shall develop recordkeeping policies and procedures consistent with this Part.

b) Required written records include, but are not limited to, the following:

1) Operating procedures;

2) Inventory records, policies and procedures;

3) Security Records;

4) Audit records;

5) Staffing plan; and

6) Business records that shall include manual or computerized records of:

A) Assets and liabilities;

B) Monetary transactions;

C) Written or electronic accounts that shall include bank statements, journals, ledgers and supporting documents, agreements, checks, invoices and vouchers; and

D) Any other financial accounts reasonably related to the dispensary operations.

7) Storage and transfer of records. If a dispensary closes due to insolvency, revocation, bankruptcy or for any other reason, all records must be preserved at the expense of the dispensing organization for at least three years in a form and location in Illinois acceptable to the Division. The dispensing organization shall keep the records longer if requested by the Division. The dispensing organization shall notify the Division of the location where the dispensary records are stored or transferred.

8) All other records, policies and procedures required by the Act and this Part.

Section 1290.420 Cleaning and Sanitation

A dispensing organization shall ensure that any building or equipment used by a dispensing organization for the storage or sale of medical cannabis is maintained in a clean and sanitary condition.

Section 1290.425 Administration

a) A dispensing organization shall operate continuously and maintain an uninterrupted supply of medical cannabis for qualifying patients and designated caregivers.

b) A dispensary shall be open for a minimum of 35 hours a week, except as otherwise authorized by the Division.

c) A dispensing organization shall establish, maintain and comply with written policies and procedures as submitted in an Operations and Management Practices Plan, approved by the Division, for the security, storage, inventory and distribution of cannabis. These policies and procedures shall include methods for identifying, recording and reporting diversion, theft or loss, and for correcting errors and inaccuracies in inventories. At a minimum, dispensing organizations shall ensure the written policies and procedures provide for the following:

1) Conduct mandatory and voluntary recalls of cannabis products. The procedure shall be adequate to deal with recalls due to any action initiated at the request of the Division and any voluntary action by the dispensing organization to remove defective or potentially defective cannabis from the market or any action undertaken to promote public health and safety by replacing existing cannabis with improved products or packaging;

2) Prepare for, protect against, and handle any crises that affects the security or operation of a dispensary in the event of strike, fire, flood or other natural disaster, or other situations of local, State or national emergency;

3) Ensure that outdated, damaged, deteriorated, misbranded or adulterated cannabis is segregated from other cannabis and destroyed. This procedure shall provide for written documentation of the cannabis disposition;

4) Ensure the oldest stock of a cannabis product is distributed first. The procedure may permit deviation from this requirement, if such deviation is temporary and appropriate;

5) Train agents to adhere to confidentiality requirements, specific uses of cannabis or cannabis-infused products, instruction regarding regulatory inspection preparedness and law-enforcement interaction; awareness of the legal requirements for maintaining status as an agent and other topics as specified by the dispensing organization or the Division. The dispensing organization shall maintain evidence of all training provided for every agent in its files and subject to inspection and audit by the Division. At a minimum, agents shall receive eight hours of training annually;

6) Develop and maintain business records consistent with industry standards, including by-laws, consents, manual or computerized records of assets and liabilities, audits, monetary transactions, journals, ledgers and supporting documents, including agreements, checks, invoices and vouchers;

7) Inventory control, including:

A) Tracking qualifying patient records, including purchases, denials of sale and confidentiality; and

B) Disposal of unusable or damaged cannabis as required by the Act and this Part; and

8) Patient education and support, including:

A) Updated information about the purported effectiveness of various forms and methods of medical cannabis administration;

B) Updated information about the purported effectiveness of strains of medical cannabis on specific conditions;

C) Current educational information issued by DPH about the health risks associated with the use or abuse of cannabis;

D) Whether possession of cannabis is illegal under federal law;

E) Information about possible side effects;

F) Prohibition on smoking medical cannabis in public places; and

G) Offer any other appropriate patient education or support materials.

d) A dispensing organization shall maintain copies of the policies and procedures on the dispensary premises and provide copies to the Division upon request.

e) A dispensing organization shall review dispensing organization policies and procedures at least once every 12 months from the issue date of the registration and update as needed or as requested by the Division.

f) A dispensing organization shall ensure that each principal officer and each dispensary agent has a current agent identification card in the agent's immediate possession when the agent is at the dispensary.

g) A dispensing organization shall ensure that any identifying information about a qualifying patient or caregiver is kept in compliance with the privacy and security rules of HIPAA (45 CFR 164).

h) A dispensing organization shall provide prompt written notice to the Division, including the date of the event, when a dispensing organization agent no longer:

1) Serves as a principal officer of the dispensing organization; or

2) Is employed by the dispensing organization.

i) A dispensing organization shall promptly document and report any loss or theft of cannabis from the dispensary to the appropriate law enforcement agency and the Division. It is the duty of any agent who becomes aware of the loss or theft to report it as provided in this Part. If the dispensing organization knows that a principal officer or dispensary agent has been arrested for or convicted of an excluded offense, the dispensing organization shall promptly notify the Division.

j) A dispensing organization shall post the following information in a conspicuous location in an area of the dispensary accessible to consumers:

1) The dispensing organization's registration; and

2) The hours of operation.

k) A dispensing organization shall not:

1) Allow a physician to conduct a physical examination of a patient for purposes of diagnosing a debilitating medical condition at the dispensary;

2) Allow a physician to hold a direct or indirect economic interest in the dispensary if the physician recommends the use of medical cannabis to qualifying patients or is in a partnership or other fee or profit-sharing relationship with a physician who recommends medical cannabis;

3) Accept referral of patients from a physician; or

4) Allow a physician to advertise at the dispensary.

l) Violation of any requirement under this Section may subject the dispensing organization to discipline, up to and including revocation of its registration.

Section 1290.430 Dispensing Medical Cannabis

a) Before a dispensing organization agent dispenses medical cannabis to a qualifying patient or a designated caregiver, the agent shall:

1) Verify the identity of the qualifying patient or the designated caregiver;

2) Verify the validity of the qualifying patient or designated caregiver's registry identification card;

3) Enter the qualifying patient or designated caregiver's registry identification number listed on the qualifying patient or designated caregiver's registry identification card into the medical cannabis electronic verification system;

4) Verify that the qualifying patient or designated caregiver has a current authorization by DPH to purchase medical cannabis;

5) Verify that the amount of medical cannabis the qualifying patient or designated caregiver is requesting would not cause the qualifying patient to exceed the limit on obtaining no more than two and one-half ounces of medical cannabis during any 14-calendar-day period, unless approved by DPH; and

6) Enter the following information into the medical cannabis electronic verification system for the qualifying patient or designated caregiver:

A) The dispensing organization agent's registry identification number;

B) The dispensing organization's registry identification number;

C) The amount, type and strain of medical cannabis dispensed;

D) Identity of the individual to whom the medical cannabis was dispensed, whether the qualifying patient or the qualifying patient's designated caregiver; and

E) The date and time the medical cannabis was dispensed.

b) Any dispensary that sells edible cannabis-infused products must do so in compliance with the Act and this Part.

Section 1290.435 Signage

Any dispensing organization that sells edible cannabis-infused products must display a placard that states the following: "Edible cannabis-infused products were produced in a kitchen not subject to public health inspections that may also process common food allergens." The placard shall be no smaller than 24 inches tall by 36 inches wide, with typed letters no smaller than 2 inches. The placard shall be clearly visible and readable by customers and shall be written in English. (Section 80(a) of the Act) The signage shall be placed in the area where edible cannabis-infused products are sold, and may be translated into additional languages as needed.

Section 1290.440 Recall of Medical Cannabis

a) A dispensing organization must establish a policy for communicating a recall for cannabis or a cannabis-derived product that has been shown to present a reasonable or a remote probability that use of or exposure to the product will cause serious adverse health consequences. This policy should include:

1) A mechanism to contact all customers who have, or likely have, obtained the product from the dispensary. The communication must include information on the policy for return of the recalled product;

2) A mechanism to contact the cultivation center or vendor that manufactured the cannabis;

3) Communication with the Division, DOA and DPH within 24 hours; and

4) Outreach via media, as necessary and appropriate.

b) Any recalled cannabis product must be disposed of by the dispensing organization.

Section 1290.445 Report of Loss or Theft of Cannabis

a) Any principal officer or agent of a dispensing organization shall promptly document and report any loss or theft of cannabis from the dispensary to the appropriate ISP District and the Division.

b) The dispensing organization shall promptly make the report to the Division by phone, and in writing deposited in the U.S. mail, postage prepaid, within 48 hours after having reasonable cause to believe that cannabis has been lost or stolen from the dispensary or of the discovery of the loss or theft.

c) The report to the Division shall include the name and address of the dispensary, the amount and type of cannabis lost or stolen, the circumstances surrounding the loss or theft, the date and time of the loss or theft, the date the loss or theft was discovered, the person who discovered the loss or theft and the person responsible for the loss or theft if known and any other information that the reporter believes might be helpful in establishing the cause of the loss or theft.

d) Persons required to make reports or cause reports to be made under this Section include the dispensing organization and employees of the State of Illinois who are involved in investigating or regulating dispensaries if the report has not been made by the dispensary organization.

e) In addition to the persons required to report loss or theft of cannabis, any other person may make a report to the Division, or to any law enforcement officer, if the person has reasonable cause to suspect loss or theft of cannabis.

f) A person required to make reports or cause reports to be made under this Section who fails to comply with the requirements of this Section is guilty of, at a minimum, a Class A misdemeanor.

g) The Division shall initiate an administrative investigation of each report of loss or theft under the Act and this Part.

h) If, during the investigation of a report made pursuant to this Section, the Division obtains information indicating possible criminal acts, the Division shall refer the

matter to the appropriate law enforcement agency for further investigation or prosecution. The Division shall make the entire file of its investigation available to the appropriate law enforcement agencies.

Section 1290.450 Destruction and Disposal

a) Cannabis and cannabis-infused products must be destroyed by rendering it unusable following the methods set forth in this Section.

b) At least seven days prior to rendering cannabis unusable and disposing of it, the dispensing organization shall notify the Division and ISP. Notification shall include the date and time the cannabis will be rendered unusable and disposed. If the dispensing organization's policy designates the destruction of cannabis on the same day and time weekly, communication of that day and time shall be sufficient to comply with this subection (b). Any change in the date and time must be communicated to the Division and ISP.

c) The allowable method to render cannabis waste unusable is by grinding and incorporating the cannabis waste with other ground materials so the resulting mixture is at least 50% non-cannabis waste by volume. Other methods to render cannabis waste unusable must be approved by the Division before implementation. Material used to grind with the cannabis falls into two categories, compostable waste and noncompostable waste.

1) Compostable Mixed Waste: Cannabis waste to be disposed as compost feedstock or in another organic waste method (for example, anaerobic digester) may be mixed with the following types of waste materials:

A) Food waste;

B) Yard waste;

C) Vegetable based grease or oils; or

D) Other wastes as approved by the Division.

2) Noncompostable Mixed Waste: Cannabis waste to be disposed in a landfill or by another disposal method may be mixed with the following types of waste materials:

A) Paper waste;

B) Cardboard waste;

C) Plastic waste;

D) Soil; or

E) Other wastes as approved by the Division.

d) Cannabis waste rendered unusable following the methods described in this Section can be disposed. Disposal of the cannabis waste rendered unusable may be delivered to a permitted solid waste facility for final disposition. Examples of acceptable permitted solid waste facilities include:

1) Compostable Mixed Waste: Compost, anaerobic digester or other facility with approval of the jurisdictional health department.

2) Noncompostable Mixed Waste: Landfill, incinerator or other facility with approval of the jurisdictional health department.

e) All waste and unusable product shall be weighed, recorded and entered into the inventory system prior to rendering it unusable. Verification of this event shall be performed by an agent-in-charge and conducted in an area with video surveillance.

f) Electronic documentation of destruction and disposal shall be maintained for a period of at least five years.

Section 1290.455 Dispensary Advertisements

a) No registered dispensing organization shall place or maintain, or cause to be placed or maintained, an advertisement of cannabis or a cannabis-infused product in any form or through any medium:

1) Within 1,000 feet of the perimeter of a school grounds, playground, recreation center or facility, child care center, public park or library, or

any game arcade admission to which is not restricted to persons age 21 years or older;

2) On or in a public transit vehicle or public transit shelter; or

3) On or in a publicly-owned or-operated property.

b) This Section does not apply to a noncommercial message.

Section 1290.460 Closure of a Dispensary

If a dispensing organization decides not to renew its registration or decides to close its business, it shall promptly notify the Division, not less than three months prior to the effective date of the closing date or as otherwise authorized by the Division.

Section 1290.465 Zoning Rules Related to Dispensary

No local municipality or jurisdiction shall impose zoning ordinances, special use permits, conditions or requirements that conflict with the Act or this Part, that concern or address issues or subject matters that are within the regulatory jurisdiction of the Division, or that would otherwise place unreasonable restrictions on the location of dispensaries contrary to the mandate of the Act that dispensing *organizations shall be geographically dispersed throughout the State to allow all registered qualified patients reasonable proximity and access to a dispensing organization.* (Section 115(a) of the Act.)

SUBPART H: DISCIPLINE

Section 1290.500 Investigations

a) Dispensing organizations are subject to random and unannounced dispensary inspections and cannabis testing by the Division and ISP.

b) The Division and its authorized representatives may enter any place, including a vehicle, in which cannabis is held, stored, dispensed, sold, produced, delivered, transported, manufactured or disposed of and inspect in a reasonable manner, the place and all pertinent equipment, containers and labeling, and all things including records, files, financial data, sales data, shipping data, pricing data, personnel data, research, papers, processes, controls and facility, and inventory

any stock of cannabis and obtain samples of any cannabis or cannabis product, any labels or containers for cannabis, or paraphernalia.

c) The Division may conduct an investigation of an applicant, application, dispensing organization, principal officer, dispensary agent, third party vendor or any other party associated with a dispensing organization for an alleged violation of the Act or this Part or to determine qualifications to be granted a registration by the Division.

d) The Division may require an applicant or dispensing organization to produce documents, records or any other material pertinent to the investigation of an application or alleged violations of the Act or this Part. Failure to provide the required material may be grounds for denial or discipline.

e) Every person charged with preparation, obtaining or keeping records, logs, reports or other documents in connection with the Act and this Part, and every person in charge, or having custody, of those documents shall, upon request by the Division, make the documents immediately available for inspection and copying by the Division, the Division's authorized representative or others authorized by law to review the documents.

f) All information collected by the Division in the course of an examination, inspection or investigation of a registrant or applicant, including, but not limited to, any complaint against a registrant filed with the Division and information collected to investigate a complaint, shall be maintained for the confidential use of the Division and shall not be disclosed, except as otherwise provided in the Act.

Section 1290.510 Grounds for Discipline

a) The Division, after notice to the registrant, may place on probation, temporarily suspend, suspend, refuse to issue or renew or revoke a dispensing organization registration or agent identification card in any case in which the Division finds any of the following:

1) Material misstatement in furnishing information to the Division;

2) Violations of the Act or this Part;

3) Obtaining an authorization or registration by fraud or misrepresentation;

4) A pattern of conduct that demonstrates incompetence or unfitness;

5) Aiding or assisting another person in violating any provision of the Act or this Part;

6) Failing to respond to a written request for information by the Division within 30 days;

7) Engaging in unprofessional, dishonorable or unethical conduct of a character likely to deceive, defraud or harm the public;

8) Discipline by another U.S. jurisdiction or foreign nation;

9) A finding by the Division that the registrant, after having his or her registration placed on suspended or probationary status, has violated the terms of the suspension or probation;

10) Conviction, entry of a plea of guilty, nolo contendere or the equivalent in a state or federal court of a principal officer or agent-in-charge to an excluded offense, a felony, or of two or more misdemeanors involving moral turpitude during the previous five years as shown by a certified copy of a court record;

11) Excessive use or addiction to alcohol, narcotics, stimulants or any other chemical agent or drug;

12) A finding by the Division of a substantial discrepancy in a Division audit of medical cannabis;

13) A finding by the Division of a substantial discrepancy in a Division audit of capital or funds;

14) A finding by the Division of acceptance of medical cannabis from a source other than a cultivation center registered by DOA;

15) An inability to operate using reasonable judgment, skill or safety due to physical or mental illness or other impairment or disability, including

without limitation, deterioration through the aging process or loss of motor skills or mental incompetence;

16) Failing to report to the Division within the timeframes established, or if not identified, 14 days, of any adverse final action taken against the dispensing organization or an agent by a licensing jurisdiction in any state or any territory of the United States or any foreign jurisdiction, any governmental agency, any law enforcement agency or any court defined in this Section;

17) Failing to comply with a subpoena issued by the Division;

18) Failure to promptly inform the Division of any change of address;

19) Disclosing customer names, personal information or protected health information in violation of any State or federal law;

20) Operating a dispensary before obtaining a registration from the Division;

21) Dispensing cannabis to any person other than a qualifying patient or designated caregiver with a valid registry identification card;

22) A principal officer or agent-in-charge failing to report to the Division when he or she knows or should have known that an agent was using medical cannabis when the agent does not have a qualifying patient registry identification card;

23) Dispensing cannabis when prohibited by the Act or this Part;

24) Any fact or condition which, if it had existed at the time of the original application for the registration, would have warranted the denial of the registration;

25) Permitting a person without a valid agent identification card to be employed by the dispensing organization;

26) Failure to assign an agent-in-charge as required by this Part;

27) Personnel insufficient in number or unqualified in training or experience to properly operate the dispensary business;

28) Any pattern of activity that causes a harmful impact on the community; and

29) Failing to prevent diversion, theft or loss of medical cannabis.

b) If the Division determines that the dispensing organization committed a violation, the Division may take any disciplinary or non-disciplinary action as the Division may deem proper, including fines not to exceed $10,000 for each violation.

c) If the Division determines that a person holds an interest in more than five dispensary registrations in violation of this Part, the Division will suspend the registrations of all dispensaries held by that person until the person is divested from all dispensing organizations that exceed the limit provided for in this Part.

d) A notice of violation issued by the Division shall include a clear and concise statement of each violation, the statute or rule violated, the discipline sought and a notice of opportunity for hearing.

e) If a dispensing organization contests the violation, it shall provide written notice to the Division requesting a hearing within 10 days after service of the notice of violation.

f) Upon receipt of the request for hearing, the Division shall confirm receipt of the notice and hold an administrative hearing as provided in the Act and this Part.

g) If a dispensing organization does not contest a revocation notice, it may surrender its registration by written notice to the Division and return its registration.

h) The effective date of nonrenewal or revocation of a registration by the Division shall be any of the following:

1) Until otherwise ordered by the circuit court, revocation is effective on the date set by the Division in the revocation notice, or upon final action after hearing under the Act and this Part, whichever is later;

2) Until otherwise ordered by the circuit court, nonrenewal is effective on the date of expiration of the existing registration, or upon final action after hearing under the Act and this Part, whichever is later; however, a registration shall not be deemed to have expired if the Division fails to respond to a timely request for renewal under this Act or for a hearing to contest nonrenewal under this Part.

i) All fines imposed under this Section shall be paid within 60 days after the effective date of the order imposing the fine or as otherwise specified in the order.

j) A circuit court order establishing that an agent-in-charge or principal officer holding a registration is a person in need of mental health treatment may operate as a suspension of the registration.

Section 1290.520 Temporary Suspension

a) The Director may temporarily suspend a registration or an agent registration without a hearing if the Director finds that public safety or welfare requires emergency action. The Director shall cause the temporary suspension by issuing a suspension notice in connection with the institution of proceedings for a hearing.

b) If the Director temporarily suspends a registration or an agent registration without a hearing, the registrant is entitled to a hearing within 45 days after the suspension notice has been issued. The hearing shall be limited to the issues cited in the suspension notice, unless all parties agree.

c) If the Division does not hold a hearing within 45 days after the date the suspension notice was issued, then the suspended registration shall be automatically reinstated and the suspension vacated.

d) The suspended registrant may seek a continuance of the hearing date, during which time the suspension remains in effect and the registration shall not be automatically reinstated.

e) Subsequently discovered causes of action by the Division after the issuance of the suspension notice, may be filed as a separate notice of violation. The Division is not precluded from filing a separate cause of action against the suspended registrant.

Section 1290.530 Consent to Administrative Supervision Order

In appropriate cases, the Division may resolve a complaint against a registrant through the issuance of a consent order for administrative supervision. A registrant subject to a consent order shall be considered by the Division to hold a registration in good standing.

Section 1290.540 Subpoenas; Oaths; Attendance of Witnesses

a) The Director or hearing officer may compel by subpoena or subpoena duces tecum the attendance and testimony of witnesses and the production of documents and records pertinent to any inquiry, verification or enforcement action with the same fees and mileage and in the same manner as prescribed in civil cases in the courts of this State.

b) The Director, the hearing officer or a certified shorthand court reporter may administer oaths at any Division-ordered hearing. Notwithstanding any other statute or Division rule to the contrary, all requests for testimony, production of documents or records shall be in accordance with the Act, Civil Administrative Code [20 ILCS 5] and this Part and the Code of Civil Procedure [735 ILCS 5].

Section 1290.550 Request for Hearing

The Division shall carry out a request for hearing by an aggrieved person as follows:

a) Upon receipt of a request in writing for a hearing, the hearing officer shall conduct a hearing to review the contested violation.

b) Before the hearing is held, notice of the hearing shall be sent by the hearing officer to the person making the request for the hearing and to the person who issued the contested violation. In the notice the hearing officer shall specify the date, time and place of the hearing that shall be held not less than 10 days after the notice is served. The notice shall designate the violation being reviewed. The notice may be served by delivering it personally to a party or its representative or by mailing it regular and certified mail to the party's address on file with the Division.

Section 1290.560 Findings and Recommendations

a) At the conclusion of a hearing, the hearing officer shall present the Director with a written report of the findings of fact, conclusions of law and recommendations. The report shall state whether the hearing officer finds the respondent liable or not liable. If the hearing officer finds the respondent liable, the hearing officer shall specify the violations. The hearing officer shall promptly serve a copy of the written report on the respondent.

b) The report of findings of fact, conclusions of law and recommendation of the hearing officer shall be a basis for the Director's order refusing to issue, restore or renew a registration, or otherwise discipline a registrant. If the Director disagrees with the recommendations of the hearing officer, the Director may issue an order in contravention of the hearing officer's recommendations. The finding is not admissible as evidence against the person in a criminal prosecution brought for a violation of this Act, but the hearing and finding is not a bar to a criminal prosecution brought for a violation of this Act.

Section 1290.570 Restoration of Registration from Discipline

At any time after the successful completion of a term of indefinite probation, suspension or revocation of a registration, the Division may restore the registration to active status, unless, after an investigation, the Director determines that restoration is not in the public interest. No person or entity whose registration has been revoked may apply for restoration, unless provided for in the Civil Administrative Code of Illinois.

Section 1290.575 Appointment of a Hearing Officer

The Director has the authority to appoint any attorney licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue, restore or renew a registration or to discipline a registrant. The hearing officer has full authority to conduct the hearing.

Section 1290.580 Transcript; Record of Proceedings

The Division shall preserve a record of proceedings at the hearing of any case. The notice of hearing, notice of violation and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the hearing officer, and the orders of the Division shall be the record of the proceedings.

Section 1290.590 Certification of Record; Receipt

The Division shall not be required to certify any record to the court, to file an answer in court or otherwise to appear in any court in a judicial review proceeding until the Division has received payment of the costs of furnishing and certifying the record from the plaintiff, costs that shall be determined by the Division. Failure on the part of the plaintiff to file a receipt in court is grounds for dismissal of the action.

SUBPART I: GENERAL

Section 1290.600 Intergovernmental Cooperation

a) Whenever the Division revokes or suspends a registration, it shall notify ISP, DOA, DPH and the police department or sheriff's office whose jurisdiction includes the registrant's dispensing location.

b) If ISP, any municipality, township, county or local law enforcement agency takes action relating to the operation of the registrant's dispensing location, it shall notify the Division of the action taken and the reason for the action within five days.

Section 1290.610 Variances

a) The Director may grant variances from this Part in cases in which:

1) The applicable provision is not statutorily mandated;

2) No party will be injured by the granting of the variance; and

3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

b) An approval for a variance may be revocable, may be granted for a limited period of time or may be granted subject to the conditions as the Director may prescribe.

Section 1290.620 Administrative Decisions

Final administrative decisions of the Division are subject to judicial review under the Administrative Review Law [735 ILCS 5/Art III]. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Supplemental Nutrition Assistance Program (SNAP)

2) Code Citation: 89 Ill. Adm. Code 121

3) Section Number: 121.63 — Proposed Action: Amendment

4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13] and PL 113-79.

5) A Complete Description of the Subjects and Issues Involved: The Supplemental Nutrition Assistance Program (SNAP) was recently authorized as part of the Agriculture Act of 2014 (the Act) (PL 113-79). As a result, Section 4006 of the Act no longer allows a SNAP household to qualify for the air conditioning/heating standard allowance based on the expected receipt of Low Income Home Energy Assistance Program (LIHEAP) payments.

Effective March 10, 2014, SNAP applicants and recipients must receive a LIHEAP payment of $21 or more in the current month of application or in the immediately preceding 12 months in order to qualify for the Standard Utility Allowance (SUA) based on receipt of LIHEAP. This provision was intended to prevent the issuance of nominal LIHEAP payments in order to automatically qualify SNAP households for the SUA. In addition, it strengthens the LIHEAP/SUA link by requiring that the households must have received an actual LIHEAP payment in order to use LIHEAP participation as the basis for the household's qualification for the SUA.

Households with actual utility expenses remain eligible for the SUA, if the household qualifies for the SUA based on their actual utility expenses. The benefit amount of some SNAP recipients may decrease slightly at reapplication if the household was previously receiving the air conditioning/heating standard allowance based on anticipated receipt of LIHEAP and did not receive an actual payment.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rule currently in effect? Yes

8) Does this rulemaking contain an automatic repeal date? No

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762

(217) 785-9772

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because it was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendment is identical to that of the Emergency for this rulemaking, and begins in this issue of the *Illinois Register* on page 8414.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

1) Heading of the Part: Compassionate Use of Medical Cannabis Patient Registry

2) Code Citation: 77 Ill. Adm. Code 946

3)

Section Numbers:	Proposed Action:
946.10	New
946.15	New
946.20	New
946.30	New
946.40	New
946.50	New
946.60	New
946.70	New
946.200	New
946.205	New
946.210	New
946.220	New
946.230	New
946.240	New
946.250	New
946.260	New
946.270	New
946.280	New
946.290	New
946.300	New
946.310	New
946.320	New
946.400	New
946.410	New
946.420	New
946.430	New
946.500	New

4) Statutory Authority: Implementing and authorized by PA 98-122, the Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130]

5) A Complete Description of the Subjects and Issues Involved: This rulemaking sets forth the requirements for implementation of the Department's Compassionate Use of Medical Cannabis Patient Registry Program, which is designed to ensure access to medical

cannabis to qualifying patients with specific debilitating medical conditions who apply for and are approved for a registry identification card.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this proposed rule replace any emergency rule currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objective: This rulemaking does not create or expand any State mandates on units of local government.

12) Time, place and manner in which interested persons may comment on this proposed rulemaking: Written or e-mailed comments may be submitted within 45 days after this issue of the *Illinois Register* to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, 5th Floor
Springfield IL 62761

217/782-2043
E-mail: dph.rules@illinois.gov

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: A doctor of medicine or osteopathy who is licensed under the Medical Practice Act of 1987 [225 ILCS 60] and is in good standing to practice medicine and who has a controlled substances license under Article III of the Illinois Controlled Substances Act [720 ILCS 570/Art. III]

B) Reporting, bookkeeping or other procedures required for compliance: A physician recommending the use of medical cannabis to a qualifying patient shall establish a medical record for the qualifying patient with regard to his or her medical condition and his or her continued treatment for the condition or conditions under the physician's care. The physician shall maintain a record-keeping system for all patients for whom the physician has recommended the use of medical cannabis. These records shall be accessible to and subject to review by the Departments of Public Health and Financial and Professional Regulation upon request.

C) Types of professional skills necessary for compliance: Understanding of HIPAA requirements, general recordkeeping and records retention.

14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent Regulatory Agendas, because the need for the rulemaking was not apparent when the Regulatory Agendas were prepared.

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER u: MISCELLANEOUS PROGRAMS AND SERVICES

PART 946
COMPASSIONATE USE OF MEDICAL CANNABIS PATIENT REGISTRY

SUBPART A: GENERAL PROVISIONS

Section
946.10 Definitions
946.15 Referenced Materials
946.20 Debilitating Medical Conditions
946.30 Addition of Debilitating Medical Conditions
946.40 Limitations and Penalties
946.50 Notifications to the Department
946.60 Confidentiality
946.70 Applicability to the Smoke Free Illinois Act

SUBPART B: QUALIFYING PATIENTS AND DESIGNATED CAREGIVERS

Section
946.200 Application for Registry Identification Card for Qualifying Patients and Designated Caregivers
946.205 Deadlines for Submission of Application for Registry Identification Card
946.210 Fees
946.220 Fingerprint-Based Criminal History Records Check
946.230 General Provisions
946.240 Persons Receiving Medical Care at U.S. Department of Veterans Affairs Facilities
946.250 Disposal of Medical Cannabis by Qualifying Patients
946.260 Responsibilities of Designated Caregivers
946.270 Revocation of a Registry Identification Card
946.280 Medical Cannabis Obtained from a Medical Cannabis Dispensing Organization
946.290 Renewal of Registry Identification Cards

SUBPART C: PHYSICIAN REQUIREMENTS

Section
946.300 Qualifications of the Certifying Physician

946.310 Physician Written Certification
946.320 Records Maintained by the Physician and Department

SUBPART D: CANNABIS-INFUSED PRODUCTS

Section
946.400 Manufacture of Cannabis-Infused Products
946.410 Sale and Distribution of Cannabis-Infused Products
946.420 Preparation
946.430 Health Hazards

SUBPART E: ENFORCEMENT

Section
946.500 Circuit Court Review

AUTHORITY: Implementing and authorized by the Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130].

SOURCE: Adopted at 38 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 946.10 Definitions

"Act" means the Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130].

"*Adequate supply" means 2.5 ounces of usable cannabis during a period of 14 days and that is derived solely from an intrastate source.* (Section 10(a)(1) of the Act)

"Administer" or "Administration" means the direct introduction of medical cannabis into the body of a person, whether by inhalation, ingestion, or any other means.

"Bona-fide physician-patient relationship" means a relationship in which the physician has ongoing responsibility for the assessment, care and treatment of a patient's debilitating medical condition, or a symptom of the patient's debilitating

medical condition, for which the physician has certified to the Department that the qualifying patient would receive therapeutic or palliative benefit from the medical use of cannabis.

"Cannabis" means *marihuana, hashish and other substances which are identified as including any parts of the plant Cannabis sativa* and including any and all derivatives or subspecies, such as Indica, of all strains of cannabis*, whether growing or not; the seeds thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.* (Section 3(a) of the Cannabis Control Act)

"Caregiver" or "designated caregiver" means a person who is designated by a qualifying patient as the person authorized, on the qualifying patient's behalf, to possess, obtain from a certified medical cannabis dispensary, dispense and assist in the administration of medical cannabis.

"Cultivation center" means a facility operated by an organization or business that is registered by the Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis. (Section 10(e) of the Act)

"DD214" means a certified DD214 Certificate of Release or Discharge from Active Duty Member Copy 4 or State Director of Veteran Affairs Copy 6; a certified DD214 Report of Separation from Active Duty Copy 2; or equivalent certified document indicating character of service and dates of service. A DD214 can be certified by the State Department of Veterans' Affairs, county veteran's officials, and the federal Department of Veterans Affairs.

"DEA Registration Certificate" means a certificate to prescribe controlled substances issued by the U.S. Department of Justice's Drug Enforcement Administration.

"*Debilitating medical condition*" *means cancer, glaucoma, positive status for human immunodeficiency virus* (HIV)*, acquired immune deficiency syndrome* (AIDS)*, hepatitis C, amyotrophic lateral sclerosis* (ALS)*, Crohn's disease, agitation of Alzheimer's disease, cachexia/wasting syndrome, muscular dystrophy, severe fibromyalgia, spinal cord disease, including but not limited to arachnoiditis, Tarlov cysts, hydromyelia, syringomyelia, Rheumatoid arthritis* (RA)*, fibrous dysplasia, spinal cord injury, traumatic brain injury* (TBI) *and post-concussion syndrome, Multiple Sclerosis, Arnold-Chiari malformation and Syringomelia, Spinocerebellar Ataxia (SCA), Parkinson's* disease*, Tourette's* syndrome*, Myoclonus, Dystonia, Reflex Sympathetic Dystrophy, RSD (Complex Regional Pain Syndromes Type I), Causalgia, CRPS (Complex Regional Pain Syndromes Type II), Neurofibromatosis, Chronic Inflammatory Demyelinating Polyneuropathy, Sjogren's syndrome, Lupus, Interstitial Cystitis, Myasthenia Gravis, Hydrocephalus, nail-patella syndrome, residual limb pain, or the treatment of these conditions; or any other debilitating medical condition that is added by the Department by rule as provided in Section* 946.30. (Section 10(h) of the Act)

"Department" means the Illinois Department of Public Health.

"Director" means the Director of the Illinois Department of Public Health or his or her designee.

"Dispensing organization district" or "District" means one of the 43 geographically dispersed areas identified in the Act and by the Department of Financial and Professional Regulation where one or more dispensing organizations may be located.

"Evidence-based medical research" means documentation of published, peer-reviewed best evidence on research related to the use of medical cannabis, which includes up-to-date information from relevant, valid research about the effects of medical cannabis on different forms of diseases and conditions, its use in health care, the potential for harm from exposure, and other relevant medical information.

"*Excluded offense*" *means:*

> *a violent crime defined in Section 3 of the Rights of Crime Victims and Witnesses Act or a substantially similar offense that was classified as a felony in the jurisdiction where the person was convicted; or*
>
> *a violation of a state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted, except that the Department may waive this restriction if the person demonstrates to the Department's satisfaction that his or her conviction was for the possession, cultivation, transfer, or delivery of a reasonable amount of cannabis intended for medical use.*

This exception does not apply if the conviction was under state law and involved a violation of an existing medical cannabis law. (Section 10(l) of the Act)

"Fingerprint-based criminal history records check" means a fingerprint-based criminal history records check conducted by the Illinois State Police in accordance with the Uniform Conviction Information Act (UCIA).

"Health care facility" means any and all facilities and agencies licensed by the Illinois Department of Public Health, including, but not limited to, those registered under the Hospital Licensing Act, Nursing Home Care Act, Ambulatory Surgical Treatment Center Act, Alternative Health Care Delivery Act, Hospice Program Licensing Act, Specialized Mental Health Rehabilitation Act of 2013 and any nursing facility operated by the Illinois Department of Veterans' Affairs.

"ISP" means the Illinois State Police.

"Livescan" means an inkless electronic system designed to capture an individual's fingerprint images and demographic data in a digitized format that can be transmitted to ISP for processing. The data is forwarded to the ISP Bureau of Identification (BOI) over a virtual private network (VPN) and then processed by ISP's Automated Fingerprint Identification System (AFIS). Once received at the BOI for processing, the inquiry may be forwarded electronically to the Federal Bureau of Investigation (FBI) for processing.

"Livescan vendor" means an entity licensed by the Department of Financial and Professional Regulation to provide commercial fingerprinting services under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.

"Medical cannabis" means cannabis and its constituent cannabinoids, such as tetrahydrocannabinol (THC) and cannabidiol (CBD), used as an herbal remedy or therapy to treat disease or alleviate symptoms. Medical cannabis can be administered in a variety of ways, including, but not limited to: vaporizing or smoking dried buds; using concentrates; administering tinctures or tonics; applying topicals such as ointments or balms; or consuming medical cannabis-infused food products.

"*Medical cannabis container*" *means a sealed, traceable, food compliant, tamper resistant, tamper evident container or package used for the purpose of containment of medical cannabis.* (Section 10(n) of the Act)

"*Medical cannabis dispensing organization*" or "*Dispensing organization" means a facility operated by an organization or business that is registered by the Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing* medical *cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients*. (Section 10(o) of the Act)

"*Medical cannabis-infused product*" *means food, oils, ointments,* sodas or teas, capsules *or other products containing usable cannabis that are not smoked.* (Section 10(q) of the Act)

"Petitioner" means an applicant who seeks to add debilitating medical conditions to those listed in Section 10(h) of the Act as allowed under Section 946.30.

"Private residence" means the part of a structure used as a dwelling, including, without limitation: a private home, townhouse, condominium, apartment, mobile home, vacation home, cabin or cottage. For the purposes of this definition, a hotel, motel, inn, resort, lodge, bed and breakfast or other similar public accommodation, hospital, nursing home or assisted living facility shall not be considered a private residence.

"Promptly" means as soon as reasonably practicable, but not later than five days.

"Public place" means any place where an individual could reasonably be expected to be observed by others, including all parts of buildings owned in whole or in part or leased by the State or a unit of local government. A "public place" does not include health care facilities, as defined in this Part, or private residences unless the private residence is used to provide child care, foster care or other similar social service care on the premises.

"*Qualifying patient" means a person who has been diagnosed by a physician as having a debilitating medical condition.* (Section 10(t) of the Act)

"Quorum" means a majority of the appointed members of the advisory committee being present in person or participating through video conference or by telephonic means.

"Registered qualifying patient" means a qualifying patient who has been approved by the Department and has been issued a registry identification card.

"*Registry identification card"* or "medical cannabis patient registry card" *means a document issued by the Department that identifies a person as a current registered qualifying patient or registered designated caregiver.* (Section 10(v) of the Act)

"Tincture" means cannabis flowered tops and leaves that are soaked in liquid, usually an alcohol solution, transferring the THC and other cannabanoids to the liquid. The tincture may be added to foods and liquids, applied to the skin, or consumed directly by drinking a small quantity or placing a few drops under the tongue.

"Tetrahydrocannabinol" or "THC" means the primary active ingredient in cannabis.

"VA" means federal Department of Veterans Affairs.

"Veteran" means person who served in one of the five active-duty Armed Services or their respective Guard or Reserve units, and who was discharged or released from service under conditions other than dishonorable.

"VA hospital" means a health care facility operated by the federal Department of Veterans Affairs-Veterans Health Administration providing hospital and outpatient health care services to U.S. military service veterans.

"VA official hospital medical records" means records from the VA documenting medical conditions and dates of treatment in the VA healthcare system.

"Violent crime" means any felony in which force or threat of force was used against the victim, or any offense involving sexual exploitation, sexual conduct or sexual penetration, or a violation of Section 11-20.1, 11-20.1B, or 11-20.3 of the Criminal Code of 1961 or the Criminal Code of 2012, domestic battery, violation of an order of protection, stalking, or any misdemeanor which results in death or great bodily harm to the victim or any violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, or Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, if the violation resulted in personal injury or death, and includes any action committed by a juvenile that would be a violent crime if committed by an adult. For the purposes of this definition*, "personal injury" shall include any Type A injury as indicated on the traffic accident report completed by a law enforcement officer that requires immediate professional attention in either a doctor's office or medical facility. A Type A injury shall include severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene;* or a substantially similar offense that was tried and convicted as a felony in the jurisdiction where the qualifying patient or designated caregiver was convicted. (Section 3(c) of the Rights of Crime Victims and Witnesses Act and Section 10(l)(1) of the Act)

"Waiver" means a waiver of an excluded offense granted by the Department solely based upon the results of a fingerprint-based criminal history records check *if the person demonstrates to the Department's satisfaction that his or her conviction was for the possession, cultivation, transfer, or delivery of a reasonable amount of cannabis intended for medical use.* (Section 10(l)(2) of the Act)

"*Written certification*" *means a document dated and signed by a physician, stating that in the physician's professional opinion, the patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition; that the qualifying patient has a debilitating*

medical condition and specifying the debilitating medical condition the qualifying patient has; and that the patient is under the physician's care for the debilitating medical condition. A written certification shall be made only in the course of a bona-fide physician-patient relationship, after the physician has completed an assessment of the qualifying patient's medical history, reviewed relevant records related to the patient's debilitating condition, and conducted a physical examination. (Section 10(y) of the Act)

Section 946.15 Referenced Materials

a) The following federal statutes are referenced in this Part:

1) Federal Food, Drug, and Cosmetic Act (21 USC 301 et seq.)

2) Federal Fair Packaging and Labeling Act (15 USC 1451 et seq.)

b) The following Illinois statutes are referenced in this Part:

1) Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130]

2) Administrative Review Law (Article III of the Code of Civil Procedure) [735 ILCS 5/Art. III]

3) Cannabis Control Act [720 ILCS 550]

4) Methamphetamine Control and Community Protection Act [720 ILCS 646]

5) Open Meetings Act [5 ILCS 120]

6) Medical Practice Act of 1987 [225 ILCS 60]

7) Illinois Controlled Substances Act [720 ILCS 570]

8) Illinois Food, Drug and Cosmetic Act [410 ILCS 620]

9) Food Handling Regulation Enforcement Act [410 ILCS 625]

10) Uniform Conviction Information Act [20 ILCS 2635]

11) Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 [225 ILCS 447]

12) Illinois Vehicle Code [625 ILCS 5]

13) Criminal Code of 2012 [720 ILCS 5]

14) Smoke Free Illinois Act [410 ILCS 82]

15) Illinois Identification Card Act [15 ILCS 335]

16) Freedom of Information Act [5 ILCS 140]

17) Rights of Crime Victims and Witnesses Act [725 ILCS 120]

18) Code of Civil Procedure [735 ILCS 5]

19) State Records Act [5 ILCS 160]

c) The following State administrative rules are referenced in this Part:

1) The Illinois Food, Drug and Cosmetic Act (77 Ill. Adm. Code 720)

2) Manufacturing, Processing, Packing or Holding of Food Code (77 Ill. Adm. Code 730)

3) Food Service Sanitation Code (77 Ill. Adm. Code 750)

4) Electronic Transmission of Fingerprints (20 Ill. Adm. Code 1265)

Section 946.20 Debilitating Medical Conditions

A qualifying patient shall be eligible to apply for a Medical Cannabis Patient Registry Identification Card if diagnosed as having one or more of the following debilitating medical conditions: *cancer, glaucoma, positive status for human immunodeficiency virus* (HIV), *acquired immune deficiency syndrome* (AIDS), *hepatitis C, amyotrophic lateral sclerosis* (ALS), *Crohn's disease, agitation of Alzheimer's disease, cachexia/wasting syndrome, muscular*

dystrophy, severe fibromyalgia, spinal cord disease, including but not limited to arachnoiditis, Tarlov cysts, hydromyelia, syringomyelia, Rheumatoid arthritis (RA)*, fibrous dysplasia, spinal cord injury, traumatic brain injury* (TBI) *and post-concussion syndrome, Multiple Sclerosis, Arnold-Chiari malformation and Syringomelia, Spinocerebellar Ataxia (SCA), Parkinson's* disease*, Tourette's* syndrome*, Myoclonus, Dystonia, Reflex Sympathetic Dystrophy, RSD (Complex Regional Pain Syndromes Type I), Causalgia, CRPS (Complex Regional Pain Syndromes Type II), Neurofibromatosis, Chronic Inflammatory Demyelinating Polyneuropathy, Sjogren's syndrome, Lupus, Interstitial Cystitis, Myasthenia Gravis, Hydrocephalus, nail-patella syndrome, residual limb pain, or the treatment of these conditions; or any other debilitating medical condition that is added by the Department by rule as provided in Section* 946.30. (Section 10(h) of the Act)

Section 946.30 Addition of Debilitating Medical Conditions

Residents may petition the Department to add debilitating medical conditions to those listed in Section 10(h) of the Act and Section 946.20. The Department will accept petitions twice annually. The open period for accepting petitions will be for a one-month period from January 1 through January 31 and again from July 1 through July 31 each year. Petitions received outside of the open periods specified in this Section will not be reviewed and will be returned to the resident submitting the petition.

a) The Department will convene a Medical Cannabis Advisory Board (Advisory Board) composed of 15 members, including:

1) One medical cannabis patient advocate or designated caregiver;

2) Two nurses or nurse practitioners who work with medical cannabis patients;

3) Three registered qualifying patients, including one veteran; and

4) Nine healthcare practitioners with current professional licensure in their field. There shall be one healthcare practitioner with expertise in and representing each of the following areas, and at least two of the appointed healthcare practitioners shall have direct experience with the health care needs of veterans:

A) Neurology;

B) Pain management;

C) Medical oncology;

D) Psychiatry or mental health;

E) Infectious disease;

F) Family medicine;

G) General primary care;

H) Medical ethics; and

I) Pharmacy.

b) The Advisory Board shall review petitions and recommend to the Department additional debilitating conditions or diseases that would benefit from the medical use of cannabis.

c) Members of the Advisory Board will be appointed by the Governor.

1) Members shall serve a term of four years, until a successor is appointed and qualified. If a vacancy occurs, the Governor will appoint a replacement to complete the original term created by the vacancy.

2) Members shall select a chairperson.

3) Members may serve multiple terms.

4) Members shall not have an affiliation with, serve on the board of, or have a business relationship with a registered cultivation center or a registered medical cannabis dispensary.

5) Members shall disclose any real or apparent conflicts of interest that may have a direct bearing of the subject matter, such as relationships with pharmaceutical companies, biomedical device manufacturers, or corporations whose products or services are related to the medical condition or disease to be reviewed.

6) Members will not be paid but will be reimbursed for travel expenses incurred while fulfilling the responsibilities of the Advisory Board.

d) The Advisory Board shall convene at least twice per year to:

1) Review petitions received from residents of Illinois for the addition of debilitating medical conditions or diseases that would benefit from the medical use of cannabis.

2) Conduct a public hearing to review the petitions received.

3) Review conditions previously reviewed by the Advisory Board and accepted by the Department for the purposes of determining whether to recommend the revision of the list of debilitating medical conditions or to review new medical and scientific evidence pertaining to currently approved conditions.

4) Recommend the approval or denial of each petitioner's request by submitting a written report to the Department within 60 days after conducting the public hearing. The written report shall include a medical justification for the recommendation based upon the individual or collective expertise of the members of the advisory board. The medical justification shall delineate between the findings of fact made by the Advisory Board and the scientific conclusions of evidence-based medical research.

e) During the open period, the Department will accept petitions from any resident requesting the addition of a new debilitating medical condition or disease to the list of approved debilitating medical conditions for which the use of cannabis has been shown to have a therapeutic or palliative effect. The Department will provide public notice 30 days before the open period for accepting petitions, describing the time period for submission, the required format of the submission, and the submission address, which is set forth in Section 946.205.

f) Each petition shall be limited to one proposed debilitating medical condition or disease.

g) A petitioner shall file one original petition in the format provided by the Department and two paper copies, along with a CD/DVD or flash drive containing the petition and all associated documents in electronic form, with the Department by certified U.S. mail. For a petition to be processed and submitted to the Advisory Board, the following information shall be included:

1) The petition, prepared on forms provided by the Department.

2) A specific description of the medical condition or disease that is the subject of the petition. The petitioner shall not submit broad categories, e.g., all mental illnesses. Each petition shall be limited to a single condition or disease. Information about the proposed condition or disease shall include:

A) The extent to which the condition or disease itself and/or the treatments cause severe suffering, such as severe and/or chronic pain, severe nausea and/or vomiting, or otherwise severely impair a person's ability to carry on with activities of daily living;

B) Information about why conventional medical therapies are not sufficient to alleviate the suffering caused by the disease or condition and its treatment;

C) The proposed benefits from the medical use of cannabis specific to the medical condition or disease;

D) Evidence from the medical community and other experts supporting the use of medical cannabis to alleviate suffering caused by the condition or disease and/or treatment;

E) Letters of support from physicians or other licensed health care providers knowledgeable about the condition or disease, including, if feasible, a letter from a physician with whom the petitioner has a bona-fide physician-patient relationship;

F) Any additional medical, testimonial or scientific documentation; and

G) An electronic copy of all materials submitted.

3) Upon review of materials submitted pursuant to subsection (g)(2), the Department will determine whether:

A) The petition meets the standards for submission and, if so, will accept the petition for further review; or

B) The petition does not meet the standards for submission and, if so, will deny the petition without further review.

4) If the petition does not fulfill the requirements for submission, the petition will be considered deficient. The Department will notify the petitioner, who may correct any deficiencies and resubmit the petition during the next open period.

5) If the petition is accepted, the Department will refer the petition documents to the Advisory Board for review.

h) The petitioner may withdraw his or her petition by submitting a written statement to the Department indicating withdrawal.

i) The Advisory Board shall have a minimum of 30 days to review the petitions before convening a public hearing.

j) The Advisory Board shall convene a public hearing to review all petitions accepted by the Department pursuant to Section f(4)(B) requesting the addition of medical conditions or diseases to the list of debilitating medical conditions that would benefit from the medical use of cannabis.

1) The Department will provide a notice of public hearing setting forth the date, time and location of the hearing, a brief description of the petitions received, and information on the requirements for public comment or statement of intent to present technical evidence, as required by the Open Meetings Act. The Department will publish a notice of the hearing on its website to provide notice to the public.

2) Meetings of the Advisory Board shall be in accordance with the Open Meetings Act.

3) Any meeting consisting of a quorum of the Advisory Board members held for the purpose of evaluating, discussing or otherwise formulating specific opinions concerning the recommendation of a petition filed pursuant to this Part shall be declared a public hearing open to the public at all times, unless a portion of the hearing is closed to protect information made confidential by applicable State or federal laws.

4) A petitioner may request to close a portion of the hearing to protect the disclosure of confidential information. The request for closure of the hearing shall be submitted to the same address as the initial submission set forth in Section 946.205. The request must be received by the Department at least 48 hours prior to the hearing.

k) Any individual or an association of individuals who wishes to present technical evidence at the hearing shall file a statement of intent, no later than 15 days prior to the date of the hearing. The statement of intent to present technical evidence shall include:

1) Name of the person filing the statement;

2) Indication of whether the person filing the statement supports or opposes the petition at issue;

3) Name of each witness;

4) Estimate of the length of the direct testimony of each witness;

5) List of exhibits, if any, to be offered into evidence at the hearing; and

6) Summary or outline of the anticipated direct testimony of each witness.

l) Upon final determination, the Advisory Board shall provide the Director a written report of findings recommending either the approval or denial of the petitioner's request. The written report of findings shall include a medical justification for the recommendation based upon the individual or collective expertise of the Advisory Board membership. The medical justification shall delineate between the findings of fact made by the Advisory Board and scientific conclusions of evidence-based medical research. The written report of findings shall protect information by applicable State or federal laws.

m) Upon review of the Advisory Board's recommendations, the Director will render a final decision regarding the acceptance or denial of the proposed debilitating medical conditions or diseases.

n) *The Department will approve or deny a petition within 180 days after its submission* during the biannual petition period. (Section 45 of the Act)

Section 946.40 Limitations and Penalties

a) Any person engaging in the following conduct may be charged with civil, criminal or other penalties for:

1) *Undertaking any task under the influence of cannabis, when doing so would constitute negligence, professional malpractice, or professional misconduct;*

2) *Possessing cannabis:*

A) *in a school bus;*

B) *on the grounds of any preschool or primary or secondary school;*

C) *in any correctional facility;*

D) *in a vehicle under Section 11-502.1 of the Illinois Vehicle Code;*

E) *in a vehicle not open to the public unless the medical cannabis is in a reasonably secured, sealed, tamper-evident container and reasonably inaccessible while the vehicle is moving; or*

F) *in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises;*

3) *Using cannabis:*

A) *in a school bus;*

B) *on the grounds of any preschool or primary or secondary school;*

C) *in any correctional facility;*

D) *in any motor vehicle;*

E) *in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises;*

F) *in any public place. "Public place" as used in this subsection* (a)(3)(F) *means any place where an individual could reasonably be expected to be observed by others. A "public place" includes all parts of buildings owned in whole or in part, or leased, by the State or a local unit of government. A "public place" does not include a private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises. For purposes of this subsection* (a)(3)(F)*, a "public place" does not include a health care facility. For purposes of this Section, a "health care facility" includes, but is not limited to, hospitals, nursing homes, hospice care centers, and long-term care facilities;*

G) *knowingly in close physical proximity to anyone under the age of 18 years of age;*

4) *Smoking medical cannabis in any public place where an individual could reasonably be expected to be observed by others, in a health care facility, or any other place where smoking is prohibited under the Smoke Free Illinois Act;*

5) *Operating, navigating, or being in actual physical control of any motor vehicle, aircraft, or motorboat while using or under the influence of cannabis in violation of Sections 11-501 and 11-502.1 of the Illinois Vehicle Code;*

6) *Using or possessing cannabis if that person does not have a debilitating medical condition and is not a registered qualifying patient or caregiver;*

7) *Allowing any person who is not allowed to use cannabis under* the *Act to use cannabis that a cardholder is allowed to possess under* the *Act;*

8) *Transferring cannabis to any person contrary to the provisions of* the *Act;*

9) *The use of medical cannabis by an active duty law enforcement officer, correctional officer, correctional probation officer, or firefighter; or*

10) *The use of medical cannabis by a person who has a school bus permit or a Commercial Driver's License.*

b) *Nothing in* the *Act shall be construed to prevent the arrest or prosecution of a registered qualifying patient for reckless driving or driving under the influence of cannabis where probable cause exists.*

c) *Notwithstanding any other criminal penalties related to the unlawful possession of cannabis, knowingly making a misrepresentation to a law enforcement official of any fact or circumstance relating to the medical use of cannabis to avoid arrest or prosecution is a petty offense punishable by a fine of up to $1,000, which shall be in addition to any other penalties that may apply for making a false statement or for the use of cannabis other than use undertaken under* the *Act.*

d) *Notwithstanding any other criminal penalties related to the unlawful possession of cannabis, any person who makes a misrepresentation of a medical condition to a physician or fraudulently provides material misinformation to a physician in order to obtain a written certification is guilty of a petty offense punishable by a fine of up to $1,000.*

e) *Any cardholder or registered caregiver who sells cannabis shall have his or her registry identification card revoked and is subject to other penalties for the unauthorized sale of cannabis.*

f) *Any registered qualifying patient who commits a violation of Section 11-502.1 of the Illinois Vehicle Code or refuses a properly requested test related to operating a motor vehicle while under the influence of cannabis shall have his or her registry identification card revoked.*

g) *No registered qualifying patient or designated caregiver shall knowingly obtain, seek to obtain, or possess, individually or collectively, an amount of usable cannabis from a registered medical cannabis dispensing organization that would cause him or her to exceed the authorized adequate supply under Section 10(a)* of the Act.

h) *Nothing in* the *Act shall prevent a private business from restricting or prohibiting the medical use of cannabis on its property.*

i) *Nothing in* the *Act shall prevent a university, college, or other institution of post-secondary education from restricting or prohibiting the use of medical cannabis on its property.* (Section 30 of the Act)

j) Individuals who fail to comply with any of the following notification requirements (see Section 75(a) of the Act) shall be subject to a civil monetary penalty, pursuant to Section 75(d) of the Act. The civil monetary penalty, which may be assessed for each instance of non-compliance, is not to exceed $150 per instance.

1) *A registered qualifying patient shall notify the Department of Public Health of any change in his or her name or address, or if the registered qualifying patient ceases to have his or her debilitating medical condition, within 10 days* after *the change* or death.

2) *A registered designated caregiver shall notify the Department of Public Health of any change in his or her name or address, or if the designated caregiver becomes aware the registered qualifying patient passed away, within 10 days* after *the change* or death.

3) *Before a registered qualifying patient changes his or her designated caregiver, the qualifying patient must notify the Department of Public Health.*

4) *If a cardholder loses his or her registry identification card, he or she shall notify the Department within 10 days* after *becoming aware the card has been lost.* (Section 75(a) of the Act)

k) *Any person, including an employee or official of the Department of Public Health, Department of Financial and Professional Regulation, or Department of Agriculture or another State agency or local government,* is guilty of *a Class B misdemeanor with a $1,000 fine* for breaching *the confidentiality of information obtained under* the *Act* (Section 145(c) of the Act).

l) Any cardholder found to be in violation of the Act or this Part may have his or her registration suspended or revoked, pursuant to Section 185(a) of the Act.

m) *The Department of Public Health may with reasonable cause refer a physician, who has certified a debilitating medical condition of a patient, to the Illinois Department of Financial and Professional Regulation for potential violations of* Section 35 of the Act. (Section 35(c) of the Act)

Section 946.50 Notifications to the Department

a) The registered qualifying patient and designated caregiver shall notify the Department of any changes in application information within 10 days after the change occurs. After a registry identification card is issued, information changes shall be made by notifying the Department. Forms for this purpose will also be available on the Department's website at http://www.idph.state.il.us/HealthWellness/MedicalCannabis/index.htm.

b) Registered qualifying patients shall notify the Department:

1) Of changes in the patient's name or address;

2) If the patient ceases to have the debilitating medical condition. If the qualifying patient is deceased, the designated caregiver, if any, or a legal representative of the patient shall notify the Department;

3) Of a change in the designated caregiver;

4) Of a change in the selected dispensary organization;

5) If the registry identification card is lost or stolen; and

6) Upon conviction of any excluded offenses as specified in Section 25(b) of the Act and this Part.

c) *If a registered qualifying patient ceases to be a registered qualifying patient or changes his or her registered designated caregiver,* the registered qualifying patient shall immediately notify the Department via telephone and *the Department of Public Health shall promptly notify the designated caregiver. The registered designated caregiver's* registry identification card shall immediately become void

and all *protections under the Act as to that qualifying patient shall expire 15 days after notification by the Department.* (Section 75(c) of the Act)

d) *A cardholder who fails to make a notification to the Department of Public Health that is required by* this Part *is subject to a civil infraction, punishable by a penalty of no more than $150*. (Section 75(d) of the Act)

Section 946.60 Confidentiality

a) The following information received and records kept by the Department for purposes of administering this Part are subject to all applicable federal privacy laws, are confidential, are exempt from the Illinois Freedom of Information Act, and are not subject to disclosure to any individual or public or private entity, except as necessary for authorized employees of the Department to perform official duties of the Department pursuant to this Part:

1) Applications or renewals, their contents and supporting information submitted by qualifying patients and designated caregivers, including information regarding designated caregivers and physicians;

2) The individual names and other information identifying persons to whom the Department has issued registry identification cards; and

3) All medical records provided to the Department in connection with an application for a registry identification card.

b) Department hard drives or other data recording media that are no longer in use and that contain cardholder information will be destroyed.

c) Data subject to this Section shall not be *combined or linked in any manner with any other list or database and shall not be used for any purpose not provided by* this Part or the Act. (Section 150(a) of the Act)

d) Any dispensing information required to be kept under Section 135 or 150 of the Act or under this Part will identify cardholders by their registry identification numbers and not contain names or other personally identifying information.

e) The Department of Agriculture, the Department of Financial and Professional Regulation and the Illinois State Police may verify registry identification cards.

Law enforcement personnel shall have access to the Department's on-line verification system to verify application date and application status of qualifying patients who have submitted an application for a registry identification card.

f) This Section does not preclude the following notifications:

1) Department employees may notify law enforcement if information submitted to the Department is suspected to be falsified or fraudulent.

2) The Department may notify State or local law enforcement about alleged criminal violations of this Part.

3) The Department will notify the Department of Financial and Professional Regulation if there is reasonable cause to believe that a physician has:

A) Issued a written certification without a bona-fide physician-patient relationship; or

B) Issued a written certification to a person who was not under the physician's care for the debilitating medical condition; or

C) Failed to abide by the acceptable and prevailing standard of care when evaluating a patient's medical condition.

Section 946.70 Applicability to the Smoke Free Illinois Act

The Act does not permit any person to engage in, and does not prevent the imposition of any civil, criminal or other penalties for engaging in, smoking *medical cannabis in any public place where an individual could reasonably be expected to be observed by others, in a health care facility, or any other place where smoking is prohibited under the Smoke Free Illinois Act.* (Section 30(a)(4) of the Act)

SUBPART B: QUALIFYING PATIENTS AND DESIGNATED CAREGIVERS

Section 946.200 Application for Registry Identification Card for Qualifying Patients and Designated Caregivers

a) A qualifying patient who has been issued a written certification who seeks to use medical cannabis for palliative or therapeutic benefit for the patient's debilitating

condition, and the qualifying patient's designated caregiver, when applicable, shall register with the Department on forms and in a manner prescribed by the Department.

b) To qualify for a registry identification card, a qualifying patient shall:

1) Be a resident of the State of Illinois, as defined in subsection (c), at the time of application and remain a resident during participation in the program;

2) Have a qualifying medical condition;

3) Have a signed, written certification for the use of medical cannabis meeting the requirements of this Part;

4) Complete the fingerprint-based background check and not have been convicted of an excluded offense as specified under Section 25(b) of the Act; and

5) Be least 18 years of age.

c) Residency. For purposes of this Part, the qualifying patient and designated caregiver, if any, shall be a resident of the State of Illinois if the individual:

1) Physically resides in the State of Illinois, or has taken verifiable actions to make Illinois his or her home indefinitely with no present intent to reside in another state.

2) Provides proof of Illinois residency by submitting at least two of the following items with the application for a registry identification card:

A) Pay stub or electronic deposit receipt, issued less than 60 days prior to the application date, that shows evidence of the applicant's withholding for State income tax;

B) Valid voter registration card with an address in Illinois;

C) Valid, unexpired Illinois driver's license or other State identification card issued by the Illinois Secretary of State in the

name of the applicant in accordance with the Illinois Identification Card Act;

D) Notarized homeless status certification (available at https://www.cyberdriveillinois.com/publications/pdf_publications/dsd_a230.pdf);

E) Bank statement (dated less than 60 days prior to application);

F) Deed/title, mortgage or rental/lease agreement;

G) Insurance policy (homeowner's or renter's);

H) Medical claim or statement of benefits (from private insurance company or public (government) agency, dated less than 90 days prior to application) or Social Security Disability Insurance Statement or Supplemental Security Income Benefits Statement;

I) Tuition invoice/official mail from college or university, dated less than the 12 months prior to application; or

J) Utility bill, including, but not limited to, those for electric, water, refuse, telephone land-line, cable or gas, issued less than 60 days prior to application.

d) To apply for a registry identification card, a qualifying patient shall submit a completed application to the Department on the required forms, which shall include, at a minimum, the following items:

1) Written certification for the use of medical cannabis meeting the requirements of this Part issued by a physician who meets the requirements set forth in the Act and the Medical Practice Act of 1987 and dated less than 90 days prior to the application;

2) Proof of Illinois residency of the qualifying patient, as specified in subsection (c);

3) Proof of identity of the qualifying patient as specified by the Department in this Section;

4) Proof of the qualifying patient's age, as specified by the Department in this Section;

5) Photograph of the qualifying patient and designated caregiver, if applicable, as follows:

A) Current digital passport-size image, taken no more than 30 calendar days before the submission of the application;

B) Taken against a plain background or backdrop;

C) At least 2 inches by 2 inches in size;

D) In natural color; and

E) That provides an unobstructed front view of the full face. A full-faced photograph must be taken without any obstruction of the applicant's facial features or any items covering any portion of the face. Prescription glasses and religious head coverings not covering any areas of the open face may be allowed.

i) A qualifying patient or designated caregiver will not be required to submit to a photograph if sufficient justification is provided by the qualifying patient or caregiver to establish that a photograph would be in violation of or contradictory to the qualifying patient's or designated caregiver's religious convictions. If a qualifying patient or designated caregiver declares that the use of a photograph is against his/her religious convictions, the qualifying patient or designated caregiver will be given an Affidavit to be completed. This Affidavit contains designated areas for a detailed written explanation of the reasons why a photograph is against the qualifying patient's or designated caregiver's religious convictions, a place for the qualifying patient's or designated caregiver's signature and date, the designation of the religious sect or denomination involved, space for a minister or other religious leader to apply his/her signature attesting to the explanation the qualifying

patient or designated caregiver has offered, along with the date and official title of the minister or religious leader.

ii) The Affidavit shall be submitted to the Department. The Director will appoint a committee of three Department employees to review each affidavit. The committee shall submit a recommendation to the Director for his or her final decision.

iii) If the qualifying patient or designated caregiver meets all other application requirements of this Part, the Department will issue a non-photo temporary registry identification card, not to exceed 90 days in duration, to allow for medical cannabis use privileges during the determination

iv) Upon approval by the Department, a valid registry identification card without a photograph will be issued and will be mailed to the qualifying patient's home address.

6) Designation of the medical cannabis dispensing organization where the qualifying patient will receive his or her medical cannabis. During 2014, and later if the Department so elects, a qualifying patient may designate the dispensing organization district in which he or she expects to obtain his or her medical cannabis.

7) Completion of the designated caregiver application if applicable.

8) Payment of the applicable application fee (see Section 946.210) by check or money order.

Section 946.205 Deadlines for Submission of Application for Registry Identification Card

A qualifying patient who has been issued a physician written certification who seeks to use medical cannabis for palliative or therapeutic benefit for the patient's debilitating condition, and the qualifying patient's designated caregiver when applicable, shall register with the Department on forms and in a manner prescribed in this Part.

a) During 2014, qualifying patients whose last names begin with the letters A through L, and their designated caregivers, if applicable, regardless of the

caregiver's last name, shall submit an application for a registry identification card from September 1, 2014 through October 31, 2014.

b) During 2014, qualifying patients whose last names begin with the letters M through Z, and their designated caregivers, if applicable, regardless of the caregiver's last name, shall submit an application for a registry identification card from November 1, 2014 through December 31, 2014.

c) Beginning January 1, 2015, applications for registry identification cards will be accepted year round.

d) Application Submission

1) Applications for registry identification cards shall be sent via U.S. mail to the following address:

Division of Medical Cannabis
Illinois Department of Public Health
535 West Jefferson Street
Springfield IL 62761-0001

2) Applications for registry identification cards not submitted to the above address shall be considered deficient.

e) *To maintain a valid registry identification card, a registered qualifying patient and designated caregiver must annually resubmit, at least 45 days prior to the expiration date stated on the registry identification card, a completed renewal application, renewal fee and accompanying documentation* as described in this Part. (Section 70 of the Act)

f) *The Department of Public Health shall send a notification to a registered qualifying patient or designated caregiver 90 days prior to the expiration date* on the registry identification card. (Section 70 of the Act)

Section 946.210 Fees

a) Except as set forth in subsection (b), the registration, renewal and replacement card fees are as follows:

1) Annual qualifying patient application fee $100

2) Annual caregiver application fee $25

3) Replacement card fee $25

4) Returned check fee $35

b) The Department may reduce registration and renewal card fees for a qualifying patient enrolled in the federal Social Security Disability Income (SSDI) or the Supplemental Security Income (SSI) disability programs, with submission of proof as described in subsection (b)(2), and for veterans with proof of service as described in subsection (b)(3).

1) Annual reduced qualifying patient application fee $50

2) The applicant shall submit a copy of a letter or other documentation from the Social Security Administration identifying the qualifying patient and showing the amount of monthly SSDI and SSI benefits to be received by the qualifying patient during the current year of application.

3) Veterans shall provide a copy of their DD214.

Section 946.220 Fingerprint-Based Criminal History Records Check

No person who has been convicted of a felony under the Illinois Controlled Substances Act, Cannabis Control Act, or Methamphetamine Control and Community Protection Act, or similar provisions in a local ordinance or other jurisdiction is eligible to receive a registry identification card. (Section 65(b) of the Act)

a) The Illinois State Police (ISP) will act as the Department's agent for purposes of receiving electronic fingerprints and conducting background checks of each qualifying patient and designated caregiver, if applicable, applying for a registry identification card.

1) The ISP will conduct background checks for conviction information contained within ISP and Federal Bureau of Investigation (FBI) criminal history databases to the extent allowed by law.

2) For verification of any statutorily imposed duty to conduct background checks pursuant to the Act, ISP will transmit the results of the background check to the Department.

3) The electronic background checks will be submitted as outlined in the Illinois Uniform Conviction Information Act or ISP rules at 20 Ill. Adm. Code 1265.30 (Electronic Transmission of Fingerprints).

b) Each qualifying patient and designated caregiver, if applicable, applying for a registry identification card shall have his or her fingerprints collected electronically by a livescan vendor licensed by the Illinois Department of Financial and Professional Regulation, and transmitted to ISP for processing no more than 30 days prior to the date of application or renewal for a registry identification card.

1) The qualifying patient or designated caregiver shall submit to the Department, with the registry card application or renewal, a copy of the livescan request form and the receipt provided by the livescan fingerprint vendor containing the Transaction Control Number (TCN) as proof that fingerprints have been collected.

2) Registry card applications submitted without a copy of the livescan request form and receipt will be considered incomplete and will not be processed until fingerprinting is completed.

3) Any fees associated with the livescan fingerprint-based criminal history records check shall be the responsibility of the individual seeking a registry identification card and will be collected by the livescan vendor at the time of fingerprinting.

4) If the fingerprints are rejected by ISP, the qualifying patient or designated caregiver shall have his or her fingerprints collected electronically by a licensed livescan vendor a second time.

5) If equipment malfunction or other special circumstances make electronic transmission of fingerprint data impractical, the Department will allow use of paper fingerprint records.

c) The Department will obtain from ISP a State and federal criminal records check for each qualifying patient applying for a registry identification card and for each designated caregiver identified on a qualifying patient registry application.

d) The Department will maintain the results of the criminal history records check for the time period associated with the registry identification card or the registered qualifying patient and designated caregiver, if any, and in accordance with the State Records Act, after which the documentation shall be destroyed.

e) The Department may deny an application or renewal for a qualifying patient or a designated caregiver who has been convicted of an excluded offense in accordance with this subsection (e).

1) Denial of a designated caregiver will not automatically result in the denial of a qualifying patient application.

2) The qualifying patient shall identify a new designated caregiver within 15 days after receiving notice of the denial of his or her designated caregiver application or shall indicate that a designated caregiver is not required.

3) The Department will not deny an application for a registry identification card based solely on the qualifying patient's or designated caregiver's conviction for an excluded offense for a violation of a State or federal controlled substance law that was classified as a felony if his or her conviction was for the possession, cultivation, transfer or delivery of a reasonable amount of cannabis intended for medical use and the termination of the last sentence was 10 or more years prior to application.

f) If the qualifying patient or designated caregiver has been convicted of any excluded offenses, the Department may approve a registry identification card pursuant to this Part *if the person demonstrates that his or her conviction was for the possession, cultivation, transfer, or delivery of a reasonable amount of cannabis intended for medical use.* (Section 10(l)(2) of the Act) In determining whether to waive a conviction for excluded offenses, the Department will:

1) Review the criminal records and the qualifying patient's medical history to determine whether the patient had been diagnosed with the debilitating medical condition at the time of the offense; and

2) Determine whether the offense consisted of conduct for which, had it occurred on or after January 1, 2014, would likely have been protected by the Act and would likely not have resulted in a conviction.

g) The Department will not waive convictions for violations of the medical cannabis laws of Illinois or any other State or jurisdiction.

Section 946.230 General Provisions

a) A registry identification card shall not be transferable.

b) A registry identification card issued under this Section is the property of the State of Illinois and shall be surrendered upon demand of the Director.

c) The qualifying patient and the designated caregiver, if applicable, shall sign and date the application for a registry identification card.

d) The Department will require each applicant for a registry identification card to include a signed statement that specifies that the applicant attests that all information submitted as part of the application is true and accurate to the best of the applicant's knowledge and, at minimum, certifies that the applicant has actual notice that, notwithstanding any State law:

1) Cannabis is a prohibited Schedule I controlled substance under federal law;

2) Participation in the program is permitted only to the extent provided by the strict requirements of the Act and this Part;

3) Any activity not sanctioned by the Act or this Part may be in violation of State law;

4) Growing, distributing or possessing cannabis in any capacity, except through a federally approved research program, is a violation of federal law;

5) Use of medical cannabis may affect an individual's ability to receive federal or state licensure in other areas;

6) Use of medical cannabis, in tandem with other conduct, may be in violation of State or federal law;

7) Participation in the program does not authorize any person to violate federal or State law and, other than as specified in Section 25 of the Act, does not provide any immunity from or affirmative defense to arrest or prosecution under federal or State law; and

8) Applicants shall indemnify, hold harmless, and defend the State of Illinois for any and all civil or criminal penalties resulting from participation in the program.

Section 946.240 Persons Receiving Medical Care at U.S. Department of Veterans Affairs Facilities

a) A qualifying patient who is *a veteran who has received treatment at a VA hospital is deemed to have a bona-fide physician-patient relationship with a VA physician if the patient has been seen for his or her debilitating condition at the VA hospital in accordance with VA hospital protocols*. (Section 60 of the Act)

b) A veteran receiving care for a debilitating condition at a VA hospital shall not be required to submit a written certification from a physician.

c) A veteran receiving care for a debilitating condition at a VA hospital shall register with the Department on forms and in a manner prescribed by the Department and shall comply with all other requirements specified in this Part.

d) To qualify for a patient registry identification card, a qualifying patient who is a veteran and receiving medical care and treatment at a VA hospital shall:

1) Be a resident of the State of Illinois, as defined in Section 946.200(c), at the time of application and remain a resident during participation in the program;

2) Have a qualifying medical condition;

3) Provide a copy of his or her official hospital medical records requested from the VA using VA Form 10-5345;

4) Provide a copy of his or her DD214 or equivalent certified document indicating character and dates of service;

5) Complete the fingerprint-based background check and not have been convicted of an excluded offense; and

6) Be at least 18 years of age.

Section 946.250 Disposal of Medical Cannabis by Qualifying Patients

a) A qualifying patient or designated caregiver who is no longer registered with the Department or eligible for a registry identification card shall, within 10 calendar days after he or she ceases to be registered or eligible, return any unused medical cannabis in his or her possession to the law enforcement agency having local jurisdiction for destruction.

b) A qualifying patient or designated caregiver whose registration has been revoked by the Department shall, within 10 days after receiving notice of the revocation, return any unused medical cannabis in his or her possession to the law enforcement agency having local jurisdiction for destruction.

c) A qualifying patient or designated caregiver who is no longer registered with the Department shall not transfer, share, give, sell or deliver any unused medical cannabis in his or her possession to any other person, regardless of whether the person is participating in the Compassionate Use of Medical Cannabis Pilot Program.

d) A qualifying patient or designated caregiver shall not dispose of medical cannabis in any manner other than permitted under this Part.

e) Disposal of medical cannabis pursuant to this Part or in compliance with this Section shall not constitute a violation of the Criminal Code of 2012.

Section 946.260 Responsibilities of Designated Caregivers

a) A designated caregiver shall not receive payment or other compensation for services provided as a designated caregiver other than reimbursement for reasonable expenses incurred in the provision of services as a designated caregiver. In the case of an employee of a hospice provider, nursing facility or

medical facility, or a visiting nurse, personal care attendant, or home health aide serving as a designated caregiver, the individual shall not receive payment or compensation above or beyond his or her regular wages.

b) A designated caregiver is responsible for notifying the Department within 10 business days after any change to the information that his or her registered qualifying patient was previously required to submit to the Department, or after the designated caregiver discovers that his or her registry identification card has been lost or stolen.

c) A designated caregiver shall carry his or her registry identification card at all times while in possession of medical cannabis.

d) A designated caregiver may:

1) Transport a registered qualifying patient to and from a licensed medical cannabis dispensary;

2) Obtain and transport an adequate supply of medical cannabis from a licensed medical cannabis dispensary on behalf of a registered qualifying patient;

3) Prepare medical cannabis for consumption by a registered qualifying patient; and

4) Administer medical cannabis to a registered qualifying patient.

e) A designated caregiver shall not:

1) Consume, by any means, medical cannabis that has been dispensed on behalf of a registered qualifying patient;

2) Sell, provide or otherwise divert medical cannabis that has been dispensed to a registered qualifying patient; or

3) Grow or cultivate medical cannabis on behalf of a registered qualifying patient.

f) The designated caregiver shall notify the Department promptly by phone and in writing within 10 calendar days following the death of the designated caregiver's registered qualifying patient.

Section 946.270 Revocation of a Registry Identification Card

a) The Department will revoke a registry identification card for any of the following reasons:

1) Submission of misleading, incorrect, false or fraudulent information in the application or renewal application;

2) Violation or violations of the Act or this Part;

3) Fraudulent use of the registry identification card;

4) Selling, distributing, transferring in any manner, or giving medical cannabis to any unauthorized person;

5) Tampering with, falsifying, altering, modifying or duplicating a registry identification card;

6) Failure to notify the Department within 10 business days after becoming aware that the registry identification card has been lost, stolen or destroyed;

7) Failure to notify the Department within 10 business days after a change in the information provided in the application for a registry identification card; or

8) Conviction of an excluded offense following the issuance of a registry identification card.

b) In addition, each of the following shall be grounds for the revocation of a registry identification card issued to a registered qualifying patient or designated caregiver:

1) The registered qualifying patient is no longer a resident of Illinois;

2) The registered qualifying patient purchases more medical cannabis than allowable under the Act or this Part from a registered medical cannabis organization;

3) The qualifying patient is convicted of a felony drug offense in Illinois or of a like violation of the laws of another state, the United States or a military, territorial or Indian tribal authority; or

4) The registered qualifying patient is deceased.

c) A registry identification card issued to a designated caregiver is void:

1) When the registered qualifying patient or designated caregiver has notified the Department that the individual registered as the designated caregiver is no longer the designated caregiver for that patient;

2) When the registered qualifying patient for whom the designated caregiver serves is no longer registered with the Department;

3) Ten days after the death of the registered qualifying patient, to allow for appropriate disposal of medical cannabis in accordance with this Part.

d) The Department shall notify the Office of Secretary of State of the revocation.

e) A void registry identification card is inactive and invalid.

Section 946.280 Medical Cannabis Obtained from a Medical Cannabis Dispensing Organization

A registered qualifying patient or designated caregiver shall obtain medical cannabis only from the medical cannabis dispensing organization designated on his or her registry identification application and shall not:

a) Grow or cultivate medical cannabis;

b) Purchase medical cannabis from non-authorized sources; or

c) Obtain medical cannabis from other registered qualifying patients or designated caregivers.

Section 946.290 Renewal of Registry Identification Cards

No less than 45 days prior to the expiration of a registry identification card, the qualifying patient and designated caregiver, if one is indicated, may apply for renewal of his or her registry identification card as follows:

a) Submit a completed renewal application for the qualifying patient and designated caregiver, if one is indicated, to the Department on the required forms and include:

1) One clear photocopy of a U.S. or State government-issued photo ID, such as a driver's license, as proof of identity;

2) Proof of Illinois residency by meeting the requirements specified in Section 946.200(c); and

3) A signed and dated written physician's certification for the use of medical cannabis meeting the requirements of this Part and dated not more than 90 days prior to the application renewal date. A qualifying patient who is a veteran and receiving medical care for his or her qualifying medical condition at a VA hospital shall submit his or her official VA Medical Record instead of a written physician's certification;

b) Designate the medical cannabis dispensing organization where the qualifying patient will receive his or her medical cannabis; and

c) Pay the required application fee (see Section 946.210).

SUBPART C: PHYSICIAN REQUIREMENTS

Section 946.300 Qualifications of the Certifying Physician

a) A doctor of medicine or osteopathy who is licensed under the Medical Practice Act of 1987 and is in good standing to practice medicine and who has a controlled substances license under Article III of the Illinois Controlled Substances Act and DEA registration may recommend the use of medical cannabis to a qualifying patient if the physician:

1) Is in a bona-fide physician-patient relationship with the qualifying patient. The bona-fide physician-patient relationship may not be limited to a certification for the patient to use medical cannabis or a consultation simply for that purpose.

2) Complies with generally accepted standards of medical practice, the Medical Practice Act of 1987 and applicable rules.

3) Has responsibility for the ongoing care and treatment of the qualifying patient's debilitating condition, provided that the ongoing treatment and care shall not be limited to or for the primary purpose of certifying a debilitating medical condition or providing a consultation solely for that purpose.

4) Has completed an in-person full assessment of the patient's medical history and current medical condition, including a personal physical examination, not more than 90 days prior to making the certification for medical cannabis. The assessment of the qualifying patient's current medical condition shall include, but not be limited to, symptoms, signs and diagnostic testing related to the debilitating medical condition.

5) Certifies that the qualifying patient is under the physician's care, either for the qualifying patient's primary care or for his or her debilitating medical condition.

6) Confirms that he or she completed an assessment for the qualifying patient's medical history, including reviewing medical records from other treating physicians from the previous 12 months.

7) Explains the potential risks and benefits of the medical use of cannabis to the qualifying patient.

b) The physician shall not:

1) Except as provided in subsection (c), *accept, solicit, or offer any form of remuneration from or to a qualifying patient, primary caregiver, cultivation center, or dispensing organization, including each principal officer, board member, agent, and employee;*

2) *Offer a discount* or *any other item of value to a qualifying patient who uses or agrees to use a particular primary caregiver or dispensing organization to obtain medical cannabis;*

3) *Conduct a personal*, in person, *physical examination of a patient for purposes of diagnosing a debilitating medical condition at a location where medical cannabis is sold or distributed or at the address of a principal officer, agency, or employee or a medical cannabis organization;*

4) *Hold a direct or indirect economic interest in a cultivation center or dispensing organization if he or she recommends the use of medical cannabis to qualified patients or is in a partnership with a physician who recommends medical cannabis;*

5) *Serve on the board of directors or as an employee of a cultivation center or dispensing organization;*

6) *Refer qualifying patients to a cultivation center, a dispensing organization, or* an individual who seeks to become a designated caregiver;

7) *Advertise in a cultivation center or a dispensing organization.* (Section 35 of the Act)

c) *The physician may accept payment from a qualifying patient for the fee associated with the personal physical examination required prior to* issuing the written certification for the *qualifying patient.* (Section 35 of the Act)

Section 946.310 Physician Written Certification

a) A certification indicating that a qualifying patient is recommended for the use of medical cannabis shall be written on a form provided by the Department and shall include, at minimum, the following:

1) The qualifying patient's name, date of birth, home address and primary telephone number;

2) The physician's name, address, telephone number, e-mail address, medical license number, indication of specialty or primary area of clinical practice, if any, and DEA registration number;

3) The length of time the qualifying patient has been under the care of the physician;

4) The qualifying patient's debilitating medical condition;

5) Comments that would be useful in assessing the qualifying patient's application for use of medical cannabis;

6) A statement that the physician has confirmed a diagnosis of a debilitating medical condition; has a bona-fide physician-patient relationship; has conducted an in-person physical examination; has conducted a review of the patient's medical history, including reviewing medical records from other treating physicians from the previous 12 months; and has explained the potential risks and benefits of the use of medical cannabis to the qualifying patient; and

7) The physician's signature and date.

b) A *patient may apply for a waiver where a physician provides a substantial medical basis in a signed, written statement asserting that, based on the patient's medical history, in the physician's professional judgment, 2.5 ounces is an insufficient adequate supply for a 14-day period to properly alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition*. (Section 10(a)(2) of the Act)

1) The waiver recommendation shall be on a Physician Waiver Recommendation form provided by the Department.

2) The waiver shall describe in the physician's professional opinion why 2.5 ounces is an insufficient supply for a 14-day period.

3) The waiver shall describe how the qualifying patient will benefit from an increased supply.

4) The waiver shall include a statement by the physician indicating the amount of medical cannabis that would be a sufficient supply for the qualifying patient's debilitating medical condition and provide a recommendation for the length of time the waiver should be in effect.

5) If the Department approves the waiver, the amount of medical cannabis recommended by the physician shall be noted on the registry identification card.

Section 946.320 Records Maintained by the Physician and Department

A physician certifying the use of medical cannabis by a qualifying patient shall establish a medical record for the qualifying patient with regard to his or her medical condition and his or her continued treatment for the condition or conditions under the physician's care. *The physician shall maintain a record-keeping system for all patients for whom the physician has recommended the use of medical cannabis. These records shall be accessible to and subject to review by the Departments of Public Health and Financial and Professional Regulation upon request.* (Section 35 of the Act) These records do not need to be maintained separately from the established records the physician maintains on the patient during the course of the ongoing bona-fide physician-patient relationship.

a) In addition to records required to be maintained pursuant to the Medical Practice Act of 1987 and all applicable rules, the records shall accurately reflect the evaluation and treatment of the qualifying patient, and shall include the following as applicable:

1) The patient's name and the date or dates of visits and treatment;

2) The patient's medical history and updated health history;

3) Documented results of a full assessment of the patient's medical history, including review of medical records from other treating physicians from the previous 12 months;

4) A description of the patient's current medical condition;

5) Documented results of the physician's physical examination of the patient;

6) A treatment plan;

7) Informed consent document or documents;

8) Diagnosis and treatment rendered;

9) A list of the drugs prescribed, administered and dispensed, and the quantity of the drugs;

10) Radiographs and diagnostic tests;

11) Patient financial and billing records;

12) The name of the physician or assistive personnel providing services; and

13) Laboratory results.

b) The records for each qualifying patient for whom the physician has certified medical cannabis shall be kept for a minimum of three years after the physician last sees the patient.

c) The Department will maintain a confidential record of each certifying physician for the purpose of monitoring compliance with the Act. This confidential record will not be subject to requests under the Freedom of Information Act.

SUBPART D: CANNABIS-INFUSED PRODUCTS

Section 946.400 Manufacture of Cannabis-Infused Products

a) The Department will conduct a pre-operational inspection at all registered cultivation centers to determine whether the facilities, methods, practices and controls used in the manufacture, processing or holding of cannabis-infused products conform to or are operated or administered in conformity with good manufacturing practices to ensure that food products for human consumption are safe and have been prepared, packed and held under sanitary conditions.

1) Registered cultivation centers shall allow the Department to inspect the premises and all utensils, fixtures, furniture, machinery and devices used for preparing cannabis-infused products.

2) The Department will conduct pre-operational inspections of registered cultivation centers with regard to the manufacture and preparation of cannabis-infused products under the authority of the Illinois Food, Drug and Cosmetic Act and the Food Handling Regulation Enforcement Act and the Food Service Sanitation Code.

b) *A cultivation center that prepares cannabis-infused products for sale or distribution at a dispensing organization shall be under the operational supervision of a certified food service sanitation manager.* (Section 80(a)(6) of the Act) Management responsibilities and supervision shall be in accordance with 77 Ill. Adm. Code 730.8000 and 730.8040 (Manufacturing, Processing, Packing or Holding of Food Code).

c) *All items shall be individually wrapped* or packaged *at the original point of preparation.* Smaller like items such as hard candies or cookies may be packaged into larger quantities in a single wrapped package.

1) *The packaging of the medical cannabis-infused product shall conform to the labeling requirements of the Illinois Food, Drug and Cosmetic Act and shall include the following information* in English *on each product offered for sale or distribution*:

A) *The name and address of the registered cultivation center where the item was manufactured*;

B) *The common or usual name of the item*;

C) *All ingredients of the item, including any colors, artificial flavors, and preservatives, listed in descending order by predominance of weight shown with common or usual names*;

D) *The following phrase: "This product was produced in a medical cannabis cultivation center, not subject to public health inspection, that may also process common food allergens*.";

E) *Allergen labeling as specified in the Federal Food, Drug and Cosmetic Act, Federal Fair Packaging and Labeling Act, and the Illinois Food, Drug and Cosmetic Act*;

F) *The pre-mixed total weight (in ounces* and *grams) of usable cannabis in the* food product;

G) *A warning that the item is a medical cannabis-infused product and not a food must be distinctly and clearly legible on the front of the package*;

H) *A clearly legible warning emphasizing that the product contains medical cannabis and is intended for consumption by registered qualifying patients only; and*

I) *Date of manufacture and "use by" date.* (Section 80(a) of the Act)

2) Signage may be translated into additional languages as needed.

d) The Department may institute additional labeling requirements for cannabis-infused products including but not limited to, measures of potency.

Section 946.410 Sale and Distribution of Cannabis-Infused Products

Neither the Department of Public Health nor the Department of Agriculture nor the health department of a unit of local government may regulate the service of medical cannabis-infused *food* products *by a registered cultivation center or registered dispensing organizations provided* certain *conditions are met.* (Section 80 of the Act)

a) *No cannabis infused products requiring refrigeration or hot-holding* or considered potentially hazardous food (Section 4 of the Food Handling Regulation Enforcement Act) *shall be manufactured at a cultivation center for sale or distribution at a dispensing organization due to the potential for food-borne illness* (Section 80(a) of the Act).

b) *Baked products infused with medical cannabis (such as brownies, bars, cookies, cakes*, breads, pastries*), tinctures, and other non-refrigerated items are acceptable for sale at dispensing organizations* (Section 80(a) of the Act). The products are allowable for sale only at dispensing organizations registered with the Department of Financial and Professional Regulation.

c) All cannabis-infused products offered for sale at registered dispensing organizations shall be labeled in accordance with Section 946.400.

Section 946.420 Preparation

Cannabis-infused products for sale and distribution at a dispensing organization must be prepared by an approved staff member of a registered cultivation center. A cultivation center that prepares cannabis-infused products for sale or distribution at a dispensing organization shall be under the operational supervision of a certified food service sanitation manager. (Section 80(a) of the Act)

Section 946.430 Health Hazards

a) *The Department of Public Health may at all times enter every building, room, basement, enclosure, or premises occupied or used or suspected of being occupied or used for the production, preparation, manufacture for sale, storage, sale, distribution or transportation of medical cannabis*-infused *products, to inspect the premises and all utensils, fixtures, furniture, and machinery used for the preparation of those products.* (Section 80(b) of the Act)

b) If a local health department *has a reasonable belief that a cultivation center's cannabis-infused product poses a public health hazard, it may refer the cultivation center to the Department of Public Health* for inspection. (Section 80(c) of the Act)

c) Upon inspection of a cultivation center based on a referral that a cannabis-infused product poses a public health hazard, *the Department may, without administrative procedure to bond, bring an action for immediate injunctive relief to require that action be taken as a court may deem necessary to meet the hazard posed by the cultivation center.* (Section 80(c) of the Act)

SUBPART E: ENFORCEMENT

Section 946.500 Circuit Court Review

a) *Denial of an application or renewal is considered a final Department action, subject to judicial review. Jurisdiction and venue for judicial review are vested in the Circuit Court.* (Section 65 of the Act)

b) *The suspension or revocation of a registration is a final Department action, subject to judicial review. Jurisdiction and venue for judicial review are vested in the Circuit Court.* (Section 185 of the Act)

c) *The approval or denial of any petition* pursuant to Section 946.30 *is a final decision of the Department, subject to judicial review. Jurisdiction and venue are vested in the Circuit Court.* (Section 45 of the Act)

d) *All final administrative decisions of the Department of Public Health are subject to direct judicial review under the provisions of the Administrative Review Law and the rules adopted under that Law. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.* (Section 155 of the Act)

e) If any final Department action is appealed in Circuit Court pursuant to this Section, the record on review shall include the following:

1) The application or petition submitted;

2) Any written documentation considered by the Department in making its final decision with respect to the application or petition. With respect to petitions for the addition of a medical condition or disease as referenced in Section 946.30, the record on review shall include:

A) Any written report made by the Medical Cannabis Advisory Board to the Department, to the extent that the report actually materially discusses the medical condition or disease proposed in the petition;

B) Any public minutes of an Advisory Board meeting at which the medical condition or disease proposed in the petition is materially discussed;

C) Any statement of intent to present technical evidence, as referenced in Section 946.30(k), to the extent that the technical evidence relates to the medical condition or disease proposed in the petition;

3) Any written correspondence between the Department and the person submitting the application or petition, provided that the correspondence

either played a material role in the final decision rendered by the Department; made a material argument to the Department with respect to the application or petition; or would be helpful to the Circuit Court in reviewing the matter because the correspondence provides helpful procedural background.

f) If the materials in the record on review contain any confidential information as defined in Section 946.80, either the information shall be redacted, as appropriate, or the entirety or portions of the record on review shall be filed under seal so as to retain the confidentiality of, without limitation, patient medical records or Departmental documents or data.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Retailers' Occupation Tax

2) Code Citation: 86 Ill. Adm. Code 130

3)

Section Numbers:	Proposed Action:
130.311	Amendment
130.745	Amendment
130.801	Amendment

4) Statutory Authority: Retailers' Occupation Tax Act, 35 ILCS 120/2-10

5) A Complete Description of the Subjects and Issues Involved: PA 98-122 enacted the Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130]. The Act permits regulated sales of medical cannabis by registered medical cannabis dispensing organizations to qualifying patients or designated caregivers who have been issued and possess registry identification cards issued by the Department of Public Health. PA 98-122 also amended the Retailers' Occupation Tax Act. Beginning January 1, 2014, "prescription and nonprescription medicines and drugs" includes medical cannabis and medical cannabis infused products sold by a registered dispensing organization under the Compassionate Use of Medical Cannabis Pilot Program Act [35 ILCS 120/2-10]. Section 130.311 of the Department's rules is amended to reflect that "prescription and nonprescription medicines and drugs" includes medical cannabis and medical cannabis infused products sold by a registered dispensing organization and that these products are subject to Retailers' Occupation Tax at the 1% rate, plus applicable local taxes. Cannabis paraphernalia is subject to Retailers' Occupation Tax at the general merchandise rate of 6.25%. Section 130.745 is amended to provide that the Department of Revenue will notify the Department of Financial and Professional Regulation and the Department of Public Health upon revocation of, or a decision not to renew, a certificate of registration issued to a medical cannabis dispensing organization operated under the Compassionate Use of Medical Cannabis Pilot Program Act. Section 130.801 is amended to add language that states that all books and records kept by dispensing organizations under the Compassionate Use of Medical Cannabis Pilot Program Act pursuant to rules adopted by the Illinois Department of Financial and Professional Regulation shall, at all times during business hours of the day, be subject to inspection by the Department or its duly authorized agents and employees. Section 130.311(d) also is amended to remove an existing redundancy and correct a cross reference to another subsection of the rule.

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6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rule currently in effect: No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? Yes

Section Numbers:	Proposed Action:	Illinois Register Citation:
130.120	Amendment	38 Ill. Reg. 1818, January 17, 2014
130.321	Amendment	38 Ill. Reg. 7555, April 4, 2014

11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Richard S. Wolters
Associate Counsel
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794

217/782-2844

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Registered medical cannabis dispensing organizations selling medical cannabis are required to file returns, pay taxes and maintain books and records.

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B) Reporting, bookkeeping or other procedures required for compliance: General bookkeeping

C) Types of professional skills necessary for compliance: Bookkeeping and simple computer skills

14) Regulatory Agenda on which this rulemaking was summarized: January 2014

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 130
RETAILERS' OCCUPATION TAX

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130.105 Responsibility of Trustees, Receivers, Executors or Administrators
130.110 Occasional Sales
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130.311 Drugs, Medicines, Medical Appliances and Grooming and Hygiene Products
130.315 Fuel Sold for Use in Vessels on Rivers Bordering Illinois
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130.420 Finance or Interest Charges – Penalties – Discounts
130.425 Traded-In Property
130.430 Deposit or Prepayment on Purchase Price
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130.450 Installation, Alteration and Special Service Charges
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130.502 Quarterly Tax Returns
130.505 Returns and How to Prepare
130.510 Annual Tax Returns
130.515 First Return
130.520 Final Returns When Business is Discontinued
130.525 Who May Sign Returns
130.530 Returns Covering More Than One Location Under Same Registration – Separate Returns for Separately Registered Locations

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130.535 Payment of the Tax, Including Quarter Monthly Payments in Certain Instances
130.540 Returns on a Transaction by Transaction Basis
130.545 Registrants Must File a Return for Every Return Period
130.550 Filing of Returns for Retailers by Suppliers Under Certain Circumstances
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130.1960 Finance Companies and Other Lending Agencies – Installment Contracts – Bad Debts
130.1965 Florists and Nurserymen
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130.2011	Sales to Persons Who Lease Tangible Personal Property to Exempt Hospitals
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130.2045	Retailers on Premises of the Illinois State Fair, County Fairs, Art Shows, Flea Markets and the Like
130.2050	Sales and Gifts By Employers to Employees
130.2055	Sales by Governmental Bodies
130.2060	Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
130.2065	Sales of Automobiles for Use In Demonstration (Repealed)
130.2070	Sales of Containers, Wrapping and Packing Materials and Related Products
130.2075	Sales To Construction Contractors, Real Estate Developers and Speculative Builders
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130.2085	Sales to or by Banks, Savings and Loan Associations and Credit Unions
130.2090	Sales to Railroad Companies
130.2095	Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
130.2100	Sellers of Feeds and Breeding Livestock
130.2101	Sellers of Floor Coverings
130.2105	Sellers of Newspapers, Magazines, Books, Sheet Music and Musical Recordings, and Their Suppliers; Transfer of Data Downloaded Electronically
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130.2115	Sellers of Machinery, Tools and Special Order Items
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130.2130 Undertakers and Funeral Directors
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SUBPART T: DIRECT PAYMENT PROGRAM

Section
130.2500 Direct Payment Program
130.2505 Qualifying Transactions, Non-transferability of Permit
130.2510 Permit Holder's Payment of Tax
130.2515 Application for Permit
130.2520 Qualification Process and Requirements
130.2525 Application Review
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130.2535 Revocation and Withdrawal

130.ILLUSTRATION A Examples of Tax Exemption Card
130.ILLUSTRATION B Example of Notice of Revocation of Certificate of Registration
130.ILLUSTRATION C Food Flow Chart

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25].

SOURCE: Adopted July l, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June l, 1980; amended at 5 Ill. Reg. 818,

effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July l, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713, effective July 7, 2000; emergency amendment at 24 Ill. Reg. 11313, effective July 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15104, effective October 2, 2000; amended at 24

Ill. Reg. 18376, effective December 1, 2000; amended at 25 Ill. Reg. 941, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1792, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 4674, effective March 15, 2001; amended at 25 Ill. Reg. 4950, effective March 19, 2001; amended at 25 Ill. Reg. 5398, effective April 2, 2001; amended at 25 Ill. Reg. 6515, effective May 3, 2001; expedited correction at 25 Ill. Reg. 15681, effective May 3, 2001; amended at 25 Ill. Reg. 6713, effective May 9, 2001; amended at 25 Ill. Reg. 7264, effective May 25, 2001; amended at 25 Ill. Reg. 10917, effective August 13, 2001; amended at 25 Ill. Reg. 12841, effective October 1, 2001; amended at 26 Ill. Reg. 958, effective January 15, 2002; amended at 26 Ill. Reg. 1303, effective January 17, 2002; amended at 26 Ill. Reg. 3196, effective February 13, 2002; amended at 26 Ill. Reg. 5369, effective April 1, 2002; amended at 26 Ill. Reg. 5946, effective April 15, 2002; amended at 26 Ill. Reg. 8423, effective May 24, 2002; amended at 26 Ill. Reg. 9885, effective June 24, 2002; amended at 27 Ill. Reg. 795, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 11099, effective July 7, 2003, for a maximum of 150 days; emergency expired December 3, 2003; amended at 27 Ill. Reg. 17216, effective November 3, 2003; emergency amendment at 27 Ill. Reg. 18911, effective November 26, 2003, for a maximum of 150 days; emergency expired April 23, 2004; amended at 28 Ill. Reg. 9121, effective June 18, 2004; amended at 28 Ill. Reg. 11268, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 15193, effective November 3, 2004, for a maximum of 150 days; emergency expired April 1, 2005; amended at 29 Ill. Reg. 7004, effective April 26, 2005; amended at 31 Ill. Reg. 3574, effective February 16, 2007; amended at 31 Ill. Reg. 5621, effective March 23, 2007; amended at 31 Ill. Reg. 13004, effective August 21, 2007; amended at 31 Ill. Reg. 14091, effective September 21, 2007; amended at 32 Ill. Reg. 4226, effective March 6, 2008; emergency amendment at 32 Ill. Reg. 8785, effective May 29, 2008, for a maximum of 150 days; emergency expired October 25, 2008; amended at 32 Ill. Reg. 10207, effective June 24, 2008; amended at 32 Ill. Reg. 17228, effective October 15, 2008; amended at 32 Ill. Reg. 17519, effective October 24, 2008; amended at 32 Ill. Reg. 19128, effective December 1, 2008; amended at 33 Ill. Reg. 1762, effective January 13, 2009; amended at 33 Ill. Reg. 2345, effective January 23, 2009; amended at 33 Ill. Reg. 3999, effective February 23, 2009; amended at 33 Ill. Reg. 15781, effective October 27, 2009; amended at 33 Ill. Reg. 16711, effective November 20, 2009; amended at 34 Ill. Reg. 9405, effective June 23, 2010; amended at 34 Ill. Reg. 12935, effective August 19, 2010; amended at 35 Ill. Reg. 2169, effective January 24, 2011; amended at 36 Ill. Reg. 6662, effective April 12, 2012; amended at 38 Ill. Reg. _____, effective _____.

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section 130.311 Drugs, Medicines, Medical Appliances and Grooming and Hygiene Products

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a) General. With respect to prescription and non-prescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person and insulin, urine testing utensils, syringes and needles used by diabetics, for human use, the tax is imposed at the rate of 1%. Grooming and hygiene products do not qualify for the 1% rate, regardless of whether the products make medicinal claims. Grooming and hygiene products are taxed at the general merchandise rate of 6.25%. *Beginning January 1, 2014, "prescription and nonprescription medicines and drugs" includes medical cannabis and medical cannabis infused products sold by a registered dispensing organization under the Compassionate Use of Medical Cannabis Pilot Program Act* [35 ILCS 120/2-10]. Medical cannabis, including medical cannabis infused products, sold by registered dispensing organizations under the Compassionate Use of Medical Cannabis Pilot Program Act, is subject to Retailers' Occupation Tax at the 1% rate, plus applicable local taxes. Cannabis paraphernalia is subject to Retailers' Occupation Tax at the general merchandise rate of 6.25%.

AGENCY NOTE: Medical cannabis is subject to tax under both the Metro East Mass Transit District Retailers' Occupation Tax (as provided in 70 ILCS 3610/5.01) and the Regional Transportation Authority Retailers' Occupation Tax (taxed at the rate established for prescription and nonprescription medicines in Cook County and at the rate established for general merchandise in all other areas of the metropolitan region that are subject to the tax, as provided in 70 ILCS 3615/4.03).

b) Medicines and Drugs. Except for grooming and hygiene products described in subsection (c), a medicine or drug is any pill, powder, potion, salve or other preparation for human use that purports on the label to have medicinal qualities. Medicines prescribed by veterinarians for animals are subject to the high rate of tax. A written claim on the label that a product is intended to cure or treat disease, illness, injury or pain or to mitigate the symptoms of such disease, illness, injury or pain constitutes a medicinal claim.

1) Examples of medicinal claims that will qualify the product for the low rate of tax include, but are not limited to:

A) "medicated";

B) "heals (a medical condition)";

C) "cures (a medical condition)";

D) "for relief (of a medical condition)";

E) "fights infection";

F) "stops pain";

G) "relief from poison ivy or poison oak";

H) "relieves itching, cracking, burning";

I) "a soaking aid for sprains and bruises";

J) "relieves muscular aches and pains";

K) "cures athlete's foot";

L) "relieves skin irritation, chafing, heat rash and diaper rash";

M) "relief from the pain of sunburn";

N) "soothes pain".

2) The use of the terms "antiseptic", "antibacterial" or "kills germs" may or may not constitute a medicinal claim.

A) The use of these terms in conjunction with a claim that the product kills germs in general does not constitute a medicinal claim.

B) However, a claim that a product is for use as an antiseptic to kill germs to prevent infection in cuts, scrapes, abrasions and burns does constitute a medicinal claim.

3) Examples of claims that do not constitute medicinal claims include, but are not limited to:

A) "cools";

B) "absorbs wetness that can breed fungus";

C) "deodorant" or "destroys odors";

D) "moisturizes";

E) "freshens breath";

F) "antiperspirant";

G) "sunscreen";

H) "prevents";

I) "protects".

c) Grooming and Hygiene Products. *Beginning September 1, 2009, "nonprescription medicines and drugs" does not include grooming and hygiene products. "Grooming and hygiene products" includes, but is not limited to, soaps and cleaning solutions, shampoo, toothpaste, mouthwash, antiperspirants, and sun tan lotions and* sun *screens, unless those products are available by prescription only, regardless of whether the products meet the definition of "over-the-counter drugs". "Over-the-counter drug" means a drug for human use that contains a label that identifies the product as a drug as required by 21 CFR 201.66. The "over-the-counter drug" label includes a "Drug Facts" panel or a statement of the "active ingredients" with a list of those ingredients contained in the compound, substance or preparation.* [35 ILCS 120/2-10]

1) As a result, on or after September 1, 2009:

A) nonprescription medicines and drugs that are grooming and hygiene products do not qualify for the 1% rate of tax for medicines and drugs under subsection (b). Grooming and hygiene products do not qualify for the 1% rate, regardless of whether the products make medicinal claims or meet the definition of over-the-

counter drugs. Grooming and hygiene products are taxed at the general merchandise rate of 6.25%.

B) products available only with a prescription are not "grooming and hygiene products".

2) Examples of products that are grooming and hygiene products include, but are not limited to:

A) all shampoos, hair conditioners and hair care products;

B) shaving creams or lotions;

C) deodorants;

D) moisturizers;

E) breath spray;

F) all condoms, with and without spermicide;

G) baby diapers and adult diapers, pantiliners and pads;

H) baby powder;

I) contact lens solutions;

J) hand sanitizers;

K) acne products;

L) skin creams, lotions, ointments and conditioners;

M) foot powders;

N) foot wear insoles that are intended to eliminate odor;

O) feminine hygiene products; and

P) lip balms.

3) The following products are not grooming and hygiene products and may qualify for the 1% rate if they meet the requirements of subsection (b):

A) hydrocortisone creams or ointments;

B) anti-itch creams or ointments;

C) vaginal creams or ointments;

D) nasal sprays;

E) eye drops;

F) topical pain relievers;

G) ice/heat creams;

H) rubbing alcohol;

I) denture creams or adhesives; and

J) styptic pencils.

4) Nonprescription medicines and drugs and products that are not grooming and hygiene products do not qualify for the 1% rate of tax unless they meet the requirements of subsection (b) of this Section.

5) Products that are taken orally and ingested, such as vitamins, supplements and weight gain or weight loss products, are not grooming and hygiene products.

d) Medical Appliances: A medical appliance is an item that is used to directly substitute for a malfunctioning part of the human body.

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1) For purposes of this Section, an item that becomes part of the human body by substituting for any part of the body that is lost or diminished because of congenital defects, trauma, infection, tumors or disease is considered a medical appliance. Examples of medical appliances that will qualify the product for the low rate of tax include, but are not limited to:

A) breast implants that restore breasts after loss due to cancer;

B) heart pacemakers;

C) artificial limbs;

D) dental prosthetics;

E) crutches and orthopedic braces;

F) dialysis machines (including the dialyzer);

G) wheelchairs; and

~~H) artificial limbs; and~~

H~~I~~) mastectomy forms and bras.

2) Corrective medical appliances such as hearing aids, eyeglasses, contact lens and orthodontic braces qualify as medical appliances subject to the low rate of tax.

3) Sterile band-aids, dressings, bandages and gauze qualify for the low rate because they serve as a substitute for skin.

4) Items transferred incident to cosmetic procedures are not considered medical appliances. For purposes of this Section, a cosmetic procedure means any procedure performed on an individual that is directed at improving the individual's appearance and that does not prevent or treat illness or disease, promote the proper function of the body or substitute for any part of the body that is lost or diminished because of congenital defects, trauma, infection, tumors or disease. Cosmetic procedures

include, but are not limited to, elective breast, pectoral or buttock augmentation.

5) Diagnostic equipment shall not be deemed to be a medical appliance, except as provided in Section 130.311(e)~~130.310(d)~~. Other medical tools, devices and equipment such as x-ray machines, laboratory equipment and surgical instruments that may be used in the treatment of patients but that do not directly substitute for a malfunctioning part of the human body do not qualify as medical appliances. Sometimes a kit of items is sold where the purchaser will use the kit items to perform treatment upon himself or herself. The kit will contain paraphernalia and sometimes medicines. An example is a kit sold for the removal of ear wax. Because the paraphernalia hardware is for treatment, it generally does not qualify as a medical appliance. However, the Department will consider the selling price of the entire kit to be taxable at the reduced rate when the value of the medicines in the kit is more than half of the total selling price of the kit.

6) Supplies, such as cotton swabs, disposable diapers, toilet paper, tissues and towelettes and cosmetics, such as lipsticks, perfume and hair tonics, do not qualify for the reduced rate.

7) Medical appliances may be prescribed by licensed health care professionals for use by a patient, purchased by health care professionals for the use of patients or purchased directly by individuals. Purchases of medical appliances by lessors that will be leased to others for human use also qualify for the reduced rate of tax.

e) *Insulin, urine testing materials, syringes and needles used in treating diabetes in human beings qualify for the reduced rate of tax.* (Section 2-10 of the Act)

f) Modifications Made to a Motor Vehicle for the Purpose of Rendering It Usable by a Disabled Person

1) Effective August 17, 1995, *modifications made to a motor vehicle, as defined in Section 1-146 of the Illinois Vehicle Code* [625 ILCS 5/1-146], *for the purpose of rendering it usable by a disabled person, qualify for the reduced rate of tax* (Section 2-10 of the Act). The low rate applies to

modifications that enable a disabled person to drive a vehicle or that assist in the transportation of disabled persons. Examples of such modifications include, but are not limited to, special steering, braking, shifting or acceleration equipment or equipment that modifies the vehicle for accessibility, such as a chair lift.

2) For purposes of this subsection (f), the term "disabled person" has the same meaning as a "person with disabilities" in Section 1-159.1 of the Illinois Vehicle Code [625 ILCS 5/1-159.1].

g) Reporting

1) The retailer must keep an actual record of all sales and must report tax at the applicable rates, based on sales as reflected in the retailer's records. Books and records must be maintained in sufficient detail so that all receipts reported with respect to drugs, medicines and medical appliances can be supported.

2) Suppliers that sell items to health professionals must collect tax based on the actual use of the items. Health professionals that purchase items that may or may not qualify for the low rate, depending upon the ultimate use of the items by the health professionals, may provide their suppliers with certificates that identify the percentage of items being purchased that qualify for the low rate, e.g., that are purchased to be used to replace a malfunctioning part of the body. (For example, cosmetic versus reconstructive procedures.)

A) The certificate should contain the following information:

i) The seller's name and address;

ii) the purchaser's name and address;

iii) a description of the medical appliances being purchased;

iv) the percentage of the medical appliances being purchased that qualify for the low rate;

v) the purchaser's signature or the signature of an authorized employee or agent of the purchaser and date of signing; and

vi) if the purchaser is registered with the Department, the purchaser's Registration Number or Resale Number.

B) A supplier that obtains a certificate from a health professional that complies with subsection (g)(2)(A) will not be liable for additional Retailers' Occupation Tax in the event the actual percentage of items purchased by the health professional that qualify for the low rate is less than the percentage claimed in the certificate if it remitted Retailers Occupation Tax to the Department based on the information contained in the certificate received from the health professional.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

SUBPART G: CERTIFICATE OF REGISTRATION

Section 130.745 Revocation of Certificate

a) The Department, after notice and hearing as provided under Section 2505-380 of the Civil Administrative Code [20 ILCS 2505/2505-380] and Section 2b of the Act, shall revoke the certificate of registration (including all sub-certificates of registration, if any, issued thereunder) of any person who violates any of the provisions of the Act. Before revocation of a certificate of registration the Department shall, within 90 days after non-compliance and at least 7 days prior to the date of the hearing, give the person so accused notice in writing of the charge against him or her, and on the date designated shall conduct a hearing upon this matter. The lapse of such 90 day period shall not preclude the Department from conducting revocation proceedings at a later date if necessary.

b) Upon revocation of the certificate of registration (including all sub-certificates of registration, if any, issued under the certificate), the Department shall post notice at the place or places of business, at the front entrance and on the front windows, to which the revoked certificate applied, stating that the certificate of registration has been revoked and that it is unlawful for any person to engage in the business

of selling tangible personal property at retail in this State without a certificate of registration issued by the Department (see Illustration B).

c) The Department shall notify the Department of Financial and Professional Regulation and the Department of Public Health upon revocation of, or a decision not to renew, a certificate of registration issued to a medical cannabis dispensing organization operated under the Compassionate Use of Medical Cannabis Pilot Program.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

SUBPART H: BOOKS AND RECORDS

Section 130.801 General Requirements

a) Every person engaged in the business of selling tangible personal property at retail in this State shall keep records and books of all sales and purchases of tangible personal property, including all sales and purchase invoices, purchase orders, merchandise records and requisitions, inventory records prepared as of December 31 of each year or otherwise annually, as has been the custom in the specific trade, credit memos, debit memos, bills of lading, shipping records, and all other records pertaining to any and all purchases and sales of goods whether or not the retailer believes them to be taxable under the Act; and the retailer shall also keep summaries, recapitulations, totals, journal entries, ledger accounts, accounts receivable records, accounts payable records, statements, tax returns with all schedules or pertinent working papers used in connection with the preparation of such returns, and other documents listing, summarizing or pertaining to such sales, purchases, inventory changes, shipments or other transactions. For a description of what records constitute the minimum required, including the use of machine-sensible records and electronic data interchange, see Section 130.805 of this Part.

b) Retailers must maintain complete books and records covering receipts from all sales and distinguishing taxable from nontaxable receipts.

c) Such books and records must clearly indicate and explain all the information (deductions as well as gross receipts) required for tax returns and shall, at all times during business hours of the day, be subject to inspection and audit by the

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Department or its duly authorized agents and employees.

d) If a taxpayer retains records required to be retained under this Section in both machine-sensible and hard-copy formats, the taxpayer shall, upon request, make the records available to the Department in machine-sensible format in accordance with Section 130.805(b)(5).

e) Such books and records must be kept in the English language.

f) Such books and records must be kept within Illinois except in instances where a business has several branches, with the head office being located outside Illinois, and where all books and records have been regularly kept outside the State at such head office. Under such circumstances, upon written permission from the Department, books and records may be kept outside Illinois, but the taxpayer must, within a reasonable time after notification by the Department, make all pertinent books, records, papers and documents available at some point within Illinois for the purpose of such inspection and audit as the Department may deem necessary.

g) It shall be presumed that all sales of tangible personal property are subject to tax under the Act until the contrary is established, and the burden of proving that a transaction is not taxable shall be upon the person who would be required to remit the tax to the Department if such transaction is taxable. In the course of any audit or investigation or hearing by the Department with reference to a given taxpayer, if the Department finds that the taxpayer lacks documentary evidence needed to support the taxpayer's claim to exemption from tax, the Department is authorized to notify the taxpayer in writing to produce such evidence, and the taxpayer shall have 60 days subject to the right in the Department to extend this period either on request for good cause shown or on its own motion from the date when such notice is sent to the taxpayer by certified or registered mail (or delivered to the taxpayer if the notice is served personally) in which to obtain and produce such evidence for the Department's inspection and audit, failing which the matter shall be closed, and the transaction shall be conclusively presumed to be taxable.

h) All books and records kept by a medical cannabis dispensing organization under the Compassionate Use of Medical Cannabis Pilot Program Act pursuant to rules adopted by the Illinois Department of Financial and Professional Regulation to implement the Compassionate Use of Medical Cannabis Pilot Program Act shall,

at all times during business hours of the day, be subject to inspection by the Department or its duly authorized agents and employees.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED RULES

1) Heading of the Part: Medical Cannabis Cultivation Privilege Tax Law

2) Code Citation: 86 Ill. Adm. Code 429

3)

Section Numbers:	Proposed Action:
429.105	New
429.110	New
429.115	New
429.120	New
429.125	New
429.130	New
429.135	New
429.140	New
429.145	New

4) Statutory Authority: 410 ILCS 130/215

5) A Complete Description of the Subjects and Issues Involved: The proposed Part 429 implements PA 98-122, the Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130], which includes the Medical Cannabis Cultivation Privilege Tax Law ("Law"), codified at Sections 190-215 of the Act. The Law is effective January 1, 2014, and automatically sunsets on January 1, 2018. Section 429.105 provides the definitions used in Part 429. Section 429.110 explains the nature and the rate of tax imposed on persons cultivating medical cannabis. Section 429.115 explains the registration requirements for persons operating cultivation centers. Section 429.120 explains the process of revoking certificates of registration of cultivation centers that are not complying with the Law. Section 429.125 explains the obligations of cultivation centers to file returns and pay the tax. Section 429.130 identifies sections of the Retailers' Occupation Tax Act that address the filing of claims for taxes. Section 429.135 identifies the books and records that must be maintained by cultivation centers. Section 429.140 states that the Uniform Penalty and Interest Act and Section 13 of the Retailers' Occupation Tax Act (criminal penalties) apply to the extent they are not inconsistent with the Law. Section 429.145 addresses the Department of Revenue's authority to administer and enforce the Law and identifies the sections of the Retailers' Occupation Tax Act that are incorporated by reference into the Law.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

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7) Will this rulemaking replace any emergency rule currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporation by reference? No

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Richard S. Wolters
Associate Counsel
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield IL 62794

217/782-2844

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Cultivation centers subject to the Law

B) Reporting, bookkeeping or other procedures required for compliance: General bookkeeping

C) Types of professional skills necessary for compliance: Bookkeeping; simple computer skills

14) Regulatory Agenda on which this rulemaking was summarized: January 2014

The full text of the Proposed Rules begins on the next page:

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 429
MEDICAL CANNABIS CULTIVATION PRIVILEGE TAX LAW

Section
429.105 Definitions
429.110 Nature and Rate of the Tax
429.115 Registration
429.120 Revocation of Certificate of Registration
429.125 Returns
429.130 Claims and Credit Memoranda
429.135 Books and Records
429.140 Penalties and Interest
429.145 Department's Authority to Administer the Law

AUTHORITY: Implementing the Medical Cannabis Cultivation Privilege Tax Law [410 ILCS 130/190 through 215] and authorized by Section 215 of that Law.

SOURCE: Adopted at 38 Ill. Reg. _____, effective _____.

Section 429.105 Definitions

"Act" means the Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130].

"Cannabis" has the meaning given that term in Section 3 of the Medical Cannabis Control Act [720 ILCS 550/3(a)] [410 ILCS 130/10(b)].

"Cultivation center" means a facility operated by an organization or business that is registered by the Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis [410 ILCS 130/10(e)].

"Department" means the Department of Revenue [410 ILCS 130/195].

"Designated caregiver" means a person who:

is at least 21 years of age;

has agreed to assist with a patient's medical use of cannabis;

has not been convicted of an excluded offense; and

assists no more than one registered qualifying patient with his or her medical use of cannabis [410 ILCS 130/10(i)].

"Dispensing organization" means a facility operated by an organization or business that is registered by the Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients [410 ILCS 130/10(o)].

"Law" means the Medical Cannabis Cultivation Privilege Tax Law [410 ILCS 130/190 through 215].

"Medical cannabis" means cannabis and its constituent cannabinoids, such as tetrahydrocannabinol (THC) and cannabidiol (CBD), used as an herbal remedy or therapy to treat disease or alleviate symptoms. Medical cannabis can be administered by a variety of routes, including, but not limited to: vaporizing or smoking dried buds; administering tinctures or tonics; applying topicals such as ointments or balms; consuming infused food products, such as soda or teas; or taking capsules.

"Medical cannabis container" means a sealed, traceable, food compliant, tamper resistant, tamper evident container, or package used for the purpose of containment of medical cannabis from a cultivation center to a dispensing organization [410 ILCS 130/10(n)].

"Medical cannabis infused product" means food, oils, ointments, or other products containing usable cannabis that are not smoked [410 ILCS 130/10(q)].

"Ounce" means 28.35 grams.

"Person" means an individual, partnership, corporation, or public or private organization [410 ILCS 130/195].

"Qualifying patient" means a qualifying patient registered under the Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130/195].

"Sales price" means the consideration for a sale valued in money, whether received in money or otherwise, including cash, credits, property, and services, and shall be determined without any deduction on account of the cost of the property sold, the cost of materials used, labor or service cost, or any other expense whatsoever.

"Usable cannabis" means the seeds, leaves, buds, and flowers of the cannabis plant and any mixture or preparation thereof, but does not include the stalks, and roots of the plant. It does not include the weight of any non-cannabis ingredients combined with cannabis, such as ingredients added to prepare a topical administration, food, or drink [410 ILCS 130/10(w)].

Section 429.110 Nature and Rate of the Tax

a) *Beginning January 1, 2014, a tax is imposed upon the privilege of cultivating medical cannabis at a rate of 7% of the sales price per ounce. The tax is paid by a cultivation center and is not the responsibility of a dispensing organization, qualifying patient or designated caregiver* [410 ILCS 130/200(a)].

b) *The tax imposed under the Law shall be in addition to all other occupation or privilege taxes imposed by the State of Illinois or by any municipal corporation or political subdivision thereof* [410 ILCS 130/200(b)].

c) The cultivation center may seek reimbursement of the tax. The charge for reimbursement may not be identified on the invoice as a tax.

d) Tax Base

1) The tax is calculated based on the sales price of the number of ounces or partial ounces of usable medical cannabis sold by a cultivation center. For example, a cultivation center sells 500 ounces of medical cannabis to a dispensing organization for $100,000. The tax is 7% of $100,000, or $7,000.

2) The sales price is determined without any deduction on account of the cost of the property sold, the cost of materials used, labor or service cost or any other

expense whatsoever. See 86 Ill. Adm. Code 130.415 for rules regarding the treatment of transportation and delivery charges. For example, a cultivation center sells 500 ounces of medical cannabis to a dispensing organization for $100,000 plus a delivery charge of $250 and a fuel surcharge of $50. The cultivation center delivers the medical cannabis to the dispensing organization. The cultivation center and the dispensing organization do not agree upon the delivery charges separately from the sales price of the medical cannabis that is sold. As a result, the cost of the delivery service is part of the "sales price" of the medical cannabis. The sales price for purposes of determining the tax is $100,300.

3) The tax is computed on the sales price of the medical cannabis sold after the application of any applicable discounts. For example, a cultivation center sells 500 ounces of medical cannabis to a dispensing organization for $200 an ounce. The cultivation center provides a nondiscriminatory 10% discount for sales over 300 ounces. The total price with the discount is $90,000. The tax is computed on the sales price of $90,000.

4) There is no tax on free samples of medical cannabis given to a dispensing organization by a cultivation center. However, the cultivation center will incur Use Tax liability on the cost price of the free samples of medical cannabis given to the dispensing organization. (See 86 Ill. Adm. Code 150.305(c).)

5) The tax on a package or unit of medical cannabis infused product shall be based on the weight in ounces of usable cannabis as shown on the label required by 8 Ill. Adm. Code 1000.420.

e) A cultivation center may not either directly or indirectly discriminate in price between different dispensing organizations that are purchasing a like grade, strain, brand, and quality of cannabis or cannabis-infused product. Nothing in this Part prevents cultivation centers from pricing medical cannabis differently based on differences in the cost of manufacture, the quantities sold, such as volume discounts, or the way the products are delivered.

f) The Law does not exempt any sales of medical cannabis cultivated by a cultivation center. All sales of medical cannabis are taxable.

Section 429.115 Registration

a) It is unlawful for any person to engage in the business of cultivating medical cannabis in this State without a certificate of registration from the Department.

b) *Every person subject to the tax under the Law shall apply to the Department (upon a form prescribed and furnished by the Department) for a certificate of registration under the Law. Application for a certificate of registration shall be made to the Department upon forms furnished by the Department.* [410 ILCS 130/205(a)]

c) *The certificate of registration which is issued by the Department to a retailer under the Retailers' Occupation Tax Act* [35 ILCS 120] *shall permit a person to engage in a business of cultivating medical cannabis under the Law without registering separately with the Department* [410 ILCS 130/205(a)]. If a retailer holding a certificate of registration under the Retailers' Occupation Tax Act engages in the business of cultivating medical cannabis at another location in this State, *the Department shall furnish him* or her *with a sub-certificate of registration for* that *place of business, and the applicant shall display the appropriate sub-certificate of registration at* that *place of business*. The *sub-certificate of registration shall bear the same registration number as that appearing upon the certificate of registration to which the sub-certificate relates*. [35 ILCS 120/2a] A certificate of registration or sub-certificate of registration issued under the Retailers' Occupation Tax Act waives the registration requirements process under subsection (d). However, the Department may require the retailer to provide such other information as the Department may reasonably require to administer and enforce the provisions of the Law. A retailer may not engage in the business of cultivating medical cannabis until he or she is issued a certificate of registration under subsection (f).

d) Each application shall be signed and verified and shall state:

1) the name and social security number of the applicant;

2) the address of his or her principal place of business;

3) the address of the place of business from which he or she engages in the business of cultivating medical cannabis in this State and the addresses of all other places of business, if any (enumerating such addresses, if any, in a separate list attached to and made a part of the application), from which he or she engages in the business of cultivating medical cannabis in this State;

4) the name and address of the person or persons who will be responsible for filing returns and payment of taxes due under the Law;

5) in the case of a publicly traded corporation, the FEIN of the corporation, and the name and title of the Chief Financial Officer, Chief Operating Officer, and any other officer or employee with responsibility for preparing tax returns under the Law, along with the last 4 digits of each of their social security numbers; and, in the case of all other corporations, the FEIN of the corporation and the name, title and social security number of each corporate officer;

6) in the case of a limited liability company, the name, social security number and FEIN of each manager and member; and

7) such other information as the Department may reasonably require.

e) The Department may, in accordance with Section 2a of the Retailers' Occupation Tax Act, require an applicant for a certificate of registration under subsection (d), at the time of filing the application, to furnish a bond. No certificate of registration under the Law will be issued by the Department until the applicant provides the Department with satisfactory security, if required.

f) Upon receipt of the application for certificate of registration in proper form, and upon approval by the Department of the security furnished by the applicant, if required, the Department will issue to the applicant a certificate of registration that shall permit the person to whom it is issued to engage in the business of cultivating medical cannabis in this State at the location identified on the certificate, and the certificate of registration shall be conspicuously displayed at the location. No certificate of registration issued to an applicant shall be valid after the expiration of 5 years from the date of its issuance or last renewal. For retailers possessing a certificate of registration under the Retailers' Occupation Tax Act, after review of the certificate of registration issued under the Retailers' Occupation Tax Act, the issuance of a sub-certificate of registration, if necessary, and receipt of any additional information the Department may reasonably require, the Department will issue to the applicant a certificate of registration under the Law that shall permit the person to whom it is issued to engage in the business of cultivating medical cannabis in this State at the location identified on the certificate, and the certificate of registration shall be conspicuously displayed at that location. A certificate of registration issued to a retailer shall be valid until the expiration of the certificate of

registration issued to the retailer under the Retailers' Occupation Tax Act. A cultivation center must also possess a Cultivation Center License issued by the Illinois Department of Agriculture for the location prior to commencement of any activities. (See 8 Ill. Adm. Code 1000.100.)

g) Any person aggrieved by any decision of the Department under this Section may, within 20 days after notice of the decision, protest and request for a hearing. After receipt of the request for a hearing, the Department shall give notice to the person of the time and place fixed for the hearing, shall hold a hearing, and shall issue its final administrative decision in the matter to the person. In the absence of a protest within 20 days, the Department's decision shall become final without any further determination being made or notice given.

Section 429.120 Revocation of Certificate of Registration

a) The Department may, after notice and a hearing, revoke the certificate of registration of any person who violates any of the provisions of the Law. Before revocation of a certificate of registration, the Department shall, within 90 days after non-compliance and at least 7 days prior to the date of the hearing, give the person so accused notice in writing of the charge against him or her, and on the date designated shall conduct a hearing upon this matter. The lapse of the 90 day period shall not preclude the Department from conducting revocation proceedings at a later date if necessary.

b) A person permitted by Section 429.115(c) to operate a cultivation center under a certificate of registration issued pursuant to the Retailers' Occupation Tax Act must cease selling medical cannabis if the certificate of registration is revoked unless and until the person obtains a certificate of registration issued pursuant to the Retailers' Occupation Tax Act or obtains a separate certificate of registration under the Law.

Section 429.125 Returns

a) *On or before the 20th day of each calendar month, every person subject to the tax imposed under the Law during the preceding calendar month shall file a return with the Department stating:*

1) *The name and address of the taxpayer;*

2) The taxpayer's registration number*;*

3) *The number of ounces of medical cannabis sold to dispensary organizations during the preceding calendar month;*

4) The total consideration received from the sale of medical cannabis;

5) The amount of any credits*;*

6) *The amount of tax due*;

7) *The signature of the taxpayer*; and

8) *Such other reasonable information as the Department may require.* [410 ILCS 130/210]

b) *The taxpayer shall remit the amount of the tax due to the Department at the time the taxpayer files his or her return* [410 ILCS 130/210]. Taxpayers may be required to use electronic funds transfer to pay their tax liability. (See 20 ILCS 2505/2505-210.)

c) *If a taxpayer fails to sign a return within 30 days after the proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed* [410 ILCS 130/210].

Section 429.130 Claims and Credit Memoranda

Persons operating cultivation centers may file claims in accordance with Sections 6, 6a and 6b of the Retailers' Occupation Tax Act.

Section 429.135 Books and Records

a) Every cultivation center *shall keep books and records of all sales* of medical cannabis, *together with invoices, bills of lading, sales records, copies of bills of sale, monthly* inventories, *inventories prepared as of December 31 of each year, and other pertinent papers and* documents. [35 ILCS 120/7]

b) *All books and records and other papers and documents* that *are required by this* Section and the Law *to be kept shall be kept in the English language and shall, at*

all times during business hours of the day, be subject to inspection by the Department or its duly authorized agents and employees. [35 ILCS 120/7] Records shall be maintained at the physical location of the cultivation center. All books and records kept by a cultivation center pursuant to rules adopted by the Illinois Department of Agriculture to implement the Act shall, at all times during business hours of the day, be subject to inspection by the Department or its duly authorized agents and employees. The Department shall also have access to the cultivation center's automated data processing and/or point of sale system.

c) *Books and records and other papers reflecting gross receipts received* during any *period with respect to which the Department is authorized to issue notices of tax liability shall, for purposes of* this Part, *be preserved until* the expiration of that *period unless the Department, in writing, authorizes their destruction or disposal prior to* that *expiration*. [35 ILCS 120/7] However, if the Department allows a cultivation center to destroy books and records prior to the expiration of the preservation period, the cultivation center is not relieved of any obligation to maintain books and records under any rule or regulation adopted by another State agency to implement the Act.

Section 429.140 Penalties and Interest

a) All provisions of the Uniform Penalty and Interest Act [35 ILCS 735] that are not inconsistent with the Act shall apply.

b) The criminal penalties contained in Section 13 of the Retailers' Occupation Tax Act that are not inconsistent with the Law shall apply.

Section 429.145 Department's Authority to Administer the Law

a) *The Department shall have full power to administer and enforce the Law, to collect all taxes and penalties due under the Law, to dispose of taxes and penalties so collected in the manner provided in the Law* and this Part, *and to determine all rights to credit memoranda, arising on account of the erroneous payment of tax or penalty* [410 ILCS 130/205(b)].

b) *In the administration of, and compliance with, the Law, the Department and persons who are subject to the Law shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties and definitions of terms, and employ the same modes of*

procedure, as are prescribed in Sections 1, 1a, 2 through 2-65 (in respect to all provisions therein other than the State rate of tax), 2a, 2b, 2c, 3 (except provisions relating to transaction returns and quarter monthly payments, and except for provisions that are inconsistent with the Law), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, 12 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act as fully as if those provisions were set forth in the Law [410 ILCS 130/205(b)].

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Issuance of Licenses

2) Code Citation: 92 Ill. Adm. Code 1030

3) Section Number: 1030.7 Proposed Action: Amendment

4) Statutory Authority: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)]

5) Complete Description of the Subjects and Issues Involved: The proposed amendment limits the number of appointments to apply for an undocumented immigrant driver's license made by any one individual or entity or from any one internet protocol address within a 24-hour period, and allows the Secretary to cancel any appointments made in excess of those limitations.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rule currently in effect? Yes

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? Yes

Section Numbers:	Proposed Action:	*Illinois Register* Citation:
1030.1	Amend	37 Ill. Reg. 20117; December 20, 2013
1030.85	Amend	37 Ill. Reg. 20117; December 20, 2013
1030.App.A	Amend	37 Ill. Reg. 20117; December 20, 2013
1030.App.B	Amend	37 Ill. Reg. 20117; December 20, 2013
1030.1	Amend	38 Ill. Reg. 5163; February 21, 2014
1030.5	Amend	38 Ill. Reg. 5163; February 21, 2014
1030.6	Amend	38 Ill. Reg. 5163; February 21, 2014
1030.7	Amend	38 Ill. Reg. 5163; February 21, 2014
1030.65	Amend	38 Ill. Reg. 5163; February 21, 2014

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

1030.66 New 38 Ill. Reg. 5163; February 21, 2014

11) Statement of Statewide Policy Objective: The proposed rulemaking does not require expenditures by units of local government.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days to:

Nathan Maddox
Senior Legal Advisor
Office of the General Counsel
98 Howlett Building
Springfield IL 62756

217/785-3094
nmaddox@ilsos.net

The Department will consider all written comments it receives during the First Notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

13) Initial Regulatory Flexibility Analysis: None

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the most recent regulatory agendas because the Department did not anticipate this rulemaking at the time the agendas were filed.

The full text of the Proposed Amendment is identical to that of the Emergency Amendment of this Part, and can be found in this issue of the *Illinois Register* on Page 8429.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Office of Inspector General Adults with Disabilities Abuse Project

2) Code Citation: 59 Ill. Adm. Code 51

3)

Section Numbers:	Adopted Action:
51.10	Repeal
51.20	Repeal
51.30	Repeal
51.40	Repeal
51.50	Repeal
51.59	Repeal
51.60	Repeal
51.65	Repeal
51.70	Repeal
51.80	Repeal
51.90	Repeal

4) Statutory Authority: Implementing and authorized by the Abuse of Adults with Disabilities Intervention Act [20 ILCS 2435]

5) Effective date of repealer: April 1, 2014

6) Does this repealer contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notices of proposal published in *Illinois Register*: November 8, 2013; 37 Ill. Reg. 17331

10) Has JCAR issued a Statement of Objection to this repealer? No

11) Differences between proposal and final version: None

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? There were no agreements issued by JCAR.

13) Will this rulemaking replace an emergency rule currently in effect? No

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED REPEALER

14) Are there any proposed rulemakings pending on this Part? No

15) Summary and purpose of repealer: This rulemaking is necessary to comply with the provisions of PA 98-49 that repealed the Abuse of Adults with Disabilities Intervention Act and created the Adult Protective Services Act that awarded the Department on Aging the sole responsibility of receiving and disbursing State and federal funds for providing adult protective services in domestic living situations.

16) Information and questions regarding this adopted repealer shall be directed to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762

217/785-9772

17) Does this repealer require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Gifted Education

2) Code Citation: 23 Ill. Adm. Code 227

3) Section Number: 227.25 — Adopted Action: Amendment

4) Statutory Authority: 105 ILCS 5/Art. 14A

5) Effective Date of Rulemaking: April 1, 2014

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? Yes; see Section 227.25(b)(1).

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: December 6, 2013; 37 Ill. Reg. 19525

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: Sections 227.25(c)(3) and (e) were amended to acknowledge both the Gifted Institute offered before October 1, 2009 and the Gifted Seminar offered beginning October 1, 2009.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace any emergency rule currently in effect? No

14) Are there any other proposed rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: PA 97-607, effective August 26, 2011, changes the current system of teacher, administrator and school service personnel certification set forth in Article 21 of the School Code to a licensure system (Article 21B of the School Code). References to certification and related terms have been changed to align this set of rules to the licensure system, which became effective July 1, 2013. Additionally,

standards upon which the self-assessment are based were updated to reflect the most current version available.

16) Information and questions regarding this adopted rule should be directed to:

Marcia Johnson
Office of the Chief Education Officer/Deputy Superintendent
Illinois State Board of Education
100 North First Street, N-242
Springfield, Illinois 62777-0001

217/524-4832

The full text of the Adopted Amendment begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 227
GIFTED EDUCATION

Section

227.10 Purpose and Applicability
227.20 Submission of Proposal; Plan
227.25 Required Qualifications
227.30 Criteria for the Review of Initial Applications
227.40 Allocation of Funds
227.50 Statewide Activities

AUTHORITY: Implementing Article 14A of the School Code [105 ILCS 5/Art. 14A] and authorized by Section 14A-55 of the School Code [105 ILCS 5/14A-55].

SOURCE: Adopted at 31 Ill. Reg. 2449, effective January 16, 2007; amended at 38 Ill. Reg. 8335, effective April 1, 2014.

Section 227.25 Required Qualifications

As a means of demonstrating that he or she *understands the characteristics and educational needs of children and is able to differentiate the curriculum and apply instructional methods to meet the needs of the children* as required by Section 14A-30(16) of the School Code [105 ILCS 14A-30(16)], and subject to the provisions of Section 227.20(a)(6) of this Part, each teacher who is assigned to provide instruction in a program funded pursuant to this Part shall have completed, or shall be required to complete:

a) Nine semester hours of college credit from a regionally accredited institution of higher education and demonstrably related to the education of gifted and talented students; or

b) Both the State and national assessment instruments, namely:

1) the self-assessment developed by the Illinois Association for Gifted Children (IAGC) (which shall be based on the "Professional Teaching Standards for Educators Working with Gifted/Talented Learners"

(2012~~2002~~), published by IAGC, 800 E. Northwest Highway, Suite 610, Palatine, Illinois 60074 and posted at www.iagcgifted.org; no later editions of or revisions to these standards are incorporated) with a rating of "experienced" or "expert"; and

2) the PRAXIS examination for gifted education (Test Code 0357, Educational Testing Service, Rosedale Road, Princeton, New Jersey 08541 (2006)); or

c) Six semester hours of college credit from a regionally accredited institution of higher education and demonstrably related to the education of gifted and talented students and any one of the following additional choices:

1) the self-assessment referred to in subsection (b)(1)~~ of this Section~~; or

2) the PRAXIS examination referred to in subsection (b)(2)~~ of this Section~~; or

3) the applicable gifted education course of instruction~~Gifted Education Institute~~ offered by the State Board of Education in cooperation with IAGC:

A) for those successfully completing the course before October 1, 2009, the Gifted Education Institute; or

B) for those successfully completing the course on or after October 1, 2009, the Gifted Education Seminar; or

4) two years of experience teaching in, coordinating, or directing a program for gifted students; or

5) participation in no fewer than two state or national conferences on gifted education, such as those offered by IAGC or the National Association for Gifted Children (NAGC); or

6) professional development activities demonstrably related to the education of gifted and talented students that are sufficient to generate 30 continuing professional development units (CPDUs), as defined and quantified in the rules for educator license~~certificate~~ renewal (see 23 Ill. Adm. Code 25, Subpart J~~25.875~~); or

d) Three semester hours of college credit from a regionally accredited institution of higher education and demonstrably related to the education of gifted and talented students and any two of the additional choices listed in subsections (c)(1) through (6) of this Section; or

e) The gifted education training~~Gifted Education Institute~~ referred to in subsection (c)(3)~~ of this Section~~ and any two of the additional choices listed in subsection (c) ~~of this Section~~.

(Source: Amended at 38 Ill. Reg. 8335, effective April 1, 2014)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Summer Bridges Program

2) Code Citation: 23 Ill. Adm. Code 232

3) Section Number: 232.60 — Adopted Action: Amendment

4) Statutory Authority: 105 ILCS 5/2-3.6

5) Effective Date of Rule: April 1, 2014

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: December 6, 2013; 37 Ill. Reg. 19530

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: None

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR, and no agreement letter was issued.

13) Will this rulemaking replace any emergency rule currently in effect? No

14) Are there any other proposed rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: PA 97-607, effective August 26, 2011, changes the current system of teacher, administrator and school service personnel certification set forth in Article 21 of the School Code to a licensure system (Article 21B of the School Code). References to certification and related terms were changed to align this set of rules to the licensure system, which became effective July 1, 2013.

16) Information and questions regarding this adopted rule should be directed to:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

Melina Wright, Division Administrator
Division of Title Grant Administration
Illinois State Board of Education
100 West Randolph Street, Suite 14-300
Chicago, Illinois 60602

217/524-4832

The full text of the Adopted Amendment begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 232
SUMMER BRIDGES PROGRAM

Section
232.10 Purpose and Applicability
232.20 Eligible Applicants
232.30 Application Procedure
232.40 Allocation of Funds
232.50 Program Specifications
232.60 Local Match; Use of State Funds
232.70 Reporting Requirements
232.APPENDIX A Curriculum and Instruction Frameworks
232.APPENDIX B Required Materials for the Program

AUTHORITY: Implementing Section 10-20.9a of the School Code [105 ILCS 5/10-20.9a] and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.6].

SOURCE: Adopted at 31 Ill. Reg. 2461, effective January 16, 2007; amended at 32 Ill. Reg. 2386, effective January 22, 2008; amended at 38 Ill. Reg. 8340, effective April 1, 2014.

Section 232.60 Local Match; Use of State Funds

The Summer Bridges Program is typically operated in the very late portion of one fiscal year and sometimes concludes in the early weeks of the subsequent fiscal year. The required components of each year's program (e.g., instructional materials, staff time, professional development) shall be paid for out of the later fiscal year's appropriation.

a) Each district that receives funding pursuant to this Part shall be required to contribute a matching share equivalent to 20 percent of the amount awarded by the State Board of Education (ISBE). The district's share may consist of funds, in-kind contributions, or a combination of these, provided that all amounts are related to delivery of the program (e.g., transportation expenses, janitorial services, expenditures for utilities, salary and benefits for an administrator or coordinator, or food service).

b) Each district shall allocate the State funds provided for the program within the range specified in this subsection (b) unless an exception is granted as discussed in subsection (c) of this Section.

1) It is expected that between 45 and 55 percent of the funds provided by ISBE will be used for salaries and benefits related to the employment of instructional and support personnel for the program.

2) It is expected that approximately 20 percent of the funds provided by ISBE will be needed for supplies and materials directly related to the curriculum delivered and not otherwise readily available within the district. Each district shall use no less than $1,000 of its grant allocation per classroom for this purpose.

3) It is expected that approximately 20 percent of the funds provided to each recipient will be used for professional development of staff holding educator licensure, including~~the certified and~~ paraprofessional educators,~~staff~~ who provide instruction and instructional support in the program. All professional development shall be delivered by providers approved for purposes of educator licensure~~certificate~~ renewal (see 23 Ill. Adm. Code 25, Subpart J).

4) Up to ten percent of the funds provided to each recipient may be used to offset expenses for administration or program coordination, provided that no support under this program shall be provided for personnel expenditures relative to any staff member employed on an 11- or 12-month contract with the recipient district.

c) A district may expend more than 55 percent of the funds provided under this Part for personnel-related costs only if approved by the State Superintendent of Education based upon evidence of other resources that will be used to ensure the availability of the materials required under Appendix B of this Part and the provision of the professional development required under Section 232.50(f) of this Part.

d) Limitations on Specific Expenditures

1) Grant funds shall not be used to provide more than 130 hours' compensation for any teacher in the program.

2) Grant funds shall not be used for costs associated with employing more than one support staff member (clerical or paraprofessional educator) for each four teachers in the program.

3) A full-time program coordinator shall be supported only for programs enrolling at least 1,000 students.

4) Grant funds may be used only to support classroom-based instruction and shall not be used for field trips or experiences.

5) No food or food service expenditures shall be supported with funds provided under this Part.

6) No equipment, software, or software licenses shall be purchased with funds provided under this Part.

(Source: Amended at 38 Ill. Reg. 8340, effective April 1, 2014)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Alternative Learning Opportunities Program

2) Code Citation: 23 Ill. Adm. Code 240

3)

Section Numbers:	Adopted Action:
240.20	Amendment
240.30	Amendment
240.50	Amendment
240.60	Amendment
240.100	Amendment

4) Statutory Authority: 105 ILCS 5/Art. 13B

5) Effective Date of Rules: April 1, 2014

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: December 6, 2013; 37 Ill. Reg. 19535

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: The statutory citation in Section 240.20(p) was changed from Section 10-22.6(b) of the School Code to Section 10-22.6 of the School Code [105 ILCS 5/10-22.6].

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace any emergency rule currently in effect? No

14) Are there any other proposed rulemakings pending on this Part? No

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Rulemaking: PA 97-495, effective January 1, 2012, amended Sections 10-22.6 and 13B-20.25 of the School Code (105 ILCS 5/10-22.6 and 13B-20.25) to authorize school districts to "administratively transfer" students who have been expelled or suspended “in excess of 20 school days” to an Alternative Learning Opportunities Program (ALOP). The law further requires that a school district may not deny a "transfer" of a suspended or expelled student to the ALOP program except in cases in which that student's enrollment in the ALOP "is deemed to cause a threat to the safety of students or staff".

New Section 240.20(p) acknowledges that a school district may enroll a student who has been suspended or expelled from one of the district's schools into its ALOP and that the provision of both educational and other support services must meet the requirements of Article 13B and Part 240. Additional changes in Sections 240.20(p), and 240.30(d) and (e) further recognize that while a parent of the suspended or expelled student may withdraw consent for the child's enrollment in the ALOP or the ALOP may determine the student has met the goals of his or her student success plan, that student cannot be returned to or be re-enrolled in his or her home school until the term of the suspension or expulsion is completed.

Finally, the change in Section 240.30(a)(4), which defines a "recognized entity" for the purpose of a non-profit or for-profit educational entity providing an instructional program for an ALOP, updates the rule, in that approval of private business and vocational schools and of state-chartered charter schools is no longer the responsibility of the State Board of Education but rather of the Illinois Community College Board and the State Charter School Commission, respectively.

The amendments also respond to PA 97-607, effective August 26, 2011, which changed the current system of teacher, administrator and school service personnel certification set forth in Article 21 of the School Code to a licensure system (Article 21B of the School Code). References to certification and related terms are being changed to align Part 240 rules to the licensure system, which became effective July 1, 2013.

16) Information and questions regarding these adopted rules should be directed to:

David Andel, Division Administrator
Division of Special Education Services
Illinois State Board of Education
100 North First Street, N-253
Springfield, Illinois 62777

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

217/782-5589

The full text of the Adopted Amendments begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 240
ALTERNATIVE LEARNING OPPORTUNITIES PROGRAM

SUBPART A: PROGRAM APPROVAL

Section
240.10 Purpose
240.20 Requirements for Student Participation
240.25 Enrollment of Students with Individualized Education Programs
240.30 Program Requirements
240.40 Student Success Plan
240.50 Requirements for Returning the Student to the Regular School Program
240.60 Supplemental Services and Instructional Time
240.70 Application for Program Approval
240.75 Program Approval Criteria
240.80 Application for Program Continuation
240.90 Program Funding
240.100 Suspension and Revocation of Program Approval
240.110 Terms and Conditions of Approval

SUBPART B: ALTERNATIVE LEARNING OPPORTUNITIES PROGRAM GRANTS

240.200 Purpose (Repealed)
240.210 Eligible Applicants (Repealed)
240.220 Planning Grants (Repealed)
240.230 Implementation Grants (Repealed)
240.240 Supplemental Grants (Repealed)
240.250 Grant Awards (Repealed)
240.260 Terms of the Grant (Repealed)

AUTHORITY: Implementing and authorized by Article 13B of the School Code [105 ILCS 5/Art. 13B].

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

SOURCE: Adopted at 26 Ill. Reg. 11888, effective July 22, 2002; amended at 27 Ill. Reg. 10004, effective June 23, 2003; amended at 29 Ill. Reg. 18451, effective October 31, 2005; amended at 33 Ill. Reg. 9427, effective June 22, 2009; amended at 38 Ill. Reg. 8345, effective April 1, 2014.

SUBPART A: PROGRAM APPROVAL

Section 240.20 Requirements for Student Participation

Students in grades 4 through 12 who meet enrollment criteria established by the school district and who meet the definition of "at risk of academic failure" are eligible to participate in an Alternative Learning Opportunities Program [105 ILCS 5/13B-20.25] approved under this Part.

a) A student shall be considered "at risk of academic failure" if he or she:

1) *is at risk of failing to meet the Illinois Learning Standards or failing to graduate from elementary or high school;* and

2) *demonstrates a need for educational support or social services beyond those provided by the regular school program* [105 ILCS 5/13B-15.10].

b) For purposes of this Section, "poor academic performance" is defined as the student's:

1) scoring in the 50th percentile or below on district-administered standardized tests; or

2) receiving a score on the State assessment that does not meet standards in one or more of the fundamental learning areas defined in Section 27-1 of the School Code [105 ILCS 5/27-1], as applicable for the student's grade level; or

3) not meeting grade-level expectations on a district-designed assessment.

c) In determining whether a particular student is at risk of academic failure, a school district shall at least consider whether any of the following applies.

1) The student demonstrates poor academic performance lasting for more than a semester, which has not responded to interventions routinely

employed by the school.

2) The student exhibited poor academic performance on district and State assessments in the previous school year that may be due to factors other than the student's academic ability (e.g., social, emotional, or behavioral problems; substance abuse; poor health and/or nutrition; changes in life circumstances that affect the student's ability to succeed or motivation to participate in the educational program).

3) The student's poor academic performance has resulted in his or her not meeting district requirements for promotion in the current school year; however, the student could meet these~~such~~ requirements with modifications~~a modification(s)~~ made to the instructional program that would include the provision of educational supports and/or other support services not currently available in the regular school program.

4) The student's poor academic performance has resulted in the student's lacking sufficient high school credits for his or her grade level to such a degree that he or she is likely to drop out of high school or otherwise fail to graduate as a consequence of this credit deficiency.

d) Each district's specific admission criteria shall conform to the following requirements.

1) The criteria used to determine a student's need for an Alternative Learning Opportunities Program shall be nondiscriminatory in purpose and effect (i.e., without regard to race, national origin, gender, religion or disability).

2) The performance of a student recommended for enrollment in the program must be deficient in one or more of the fundamental learning areas (see Section 27-1 of the School Code) and not have shown improvement with interventions currently available at the student's school or within the student's school district. The district shall document the interventions that it employed and the results of those~~such~~ interventions before determining that the student would be served best in the Alternative Learning Opportunities Program.

3) Indicators in addition to academic performance (e.g., family stress, problems with classmates, teachers' evaluations, excessive absences,

information received from family members and other school personnel) should be considered when assessing the student's inability to successfully complete school work and achieve learning objectives for his or her grade level.

4) The home school must be unable to provide, as part of its regular program, the educational supports and/or other support services (as identified by a review of evidence pursuant to subsection (c)(2) of this Section) needed by the student to improve his or her academic achievement. (See Section 240.70(c)(6) of this Part.)

5) In instances where the student considered for enrollment in the program has an Individualized Education Program (IEP), the district has followed the procedures specified in Subpart E of the State Board of Education's rules for Special Education (23 Ill. Adm. Code 226, Subpart E).

e) Each school district that establishes an Alternative Learning Opportunities Program shall provide information about the program to the parents or guardians of all students enrolled in grades 4 through 12 and shall identify a staff member who may be contacted for information or assistance.

f) When school district personnel believe that a student is eligible for and would benefit from enrollment in an Alternative Learning Opportunities Program, the district shall send a written notification to the student and the student's parent or guardian to attend a conference about the program (see 105 ILCS 5/13B-60.10). This notification also shall contain a statement of the rights of the parent or guardian (e.g., requirement for written parental permission to enroll in the program, ability to withdraw consent for enrollment, participation in development of the Student Success Plan).

1) The conference shall be designed to help the parent or guardian determine whether the student's participation in the Alternative Learning Opportunities Program would be beneficial.

2) Relevant educational records and information yielded by diagnostic assessments (e.g., academic, behavioral, risk) shall be available at the time of the conference.

3) The district shall provide documentation identifying the interventions

available in the school district and demonstrate that these have already been provided to the student.

4) If the parent or guardian fails to participate in the conference (i.e., either attendance at the conference or participation through a telephone conference call), the student shall not be enrolled in the program (see 105 ILCS 5/13B-60.5).

5) If the parent or guardian attends the conference and determines that the program would be beneficial to the student, the parent or guardian may request the student's enrollment by providing written consent.

g) If a student's parent or guardian believes that the student is eligible for and would benefit from enrollment in an Alternative Learning Opportunities Program, the parent or guardian may initiate the conference described in subsection (f) of this Section by sending a written request to the contact person identified by the district pursuant to subsection (e) of this Section.

1) The district shall conduct the conference requested by a parent or guardian no later than ten school days after receipt of the written request.

2) The requirements of subsection (f) of this Section shall apply to any conference held pursuant to this subsection (g).

3) The district may limit the frequency with which a parent or guardian may request a conference in a given school year, provided that the limit imposed does not exceed 45 calendar days.

h) *No student shall be enrolled in the Alternative Learning Opportunities Program without the consent of the student's parent or guardian* (Section 13B-60.10 of the School Code). In the case of an existing alternative education program that receives approval to operate as an Alternative Learning Opportunities Program, the program shall provide written notification to the parent or guardian of each student enrolled in the existing program that:

1) the program has been changed to an Alternative Learning Opportunities Program;

2) the parent or guardian has a right to attend a conference about the

program, held pursuant to the requirements of subsection (f) of this Section;

3) consent for the student's continued participation in the program shall be deemed granted unless the parent or guardian requests, within ten school days after receiving notification, that the student be returned to the regular school program; and

4) the parent or guardian has a right to participate in the development of the Student Success Plan (see Section 240.40 of this Part).

i) In no instance shall a student in grade 4 or 5 who is enrolled in an Alternative Learning Opportunities Program participate in that program or receive services outside of his or her home school. Every effort should be made to ensure that the educational supports and other services are provided to the student as part of his or her activities in the classroom~~classroom(s)~~ to which he or she is originally assigned, unless the nature of the services dictates otherwise (e.g., due to a need for privacy, services would cause a disruption for other students or interrupt instruction, one-on-one intervention is required).

j) A student enrolled in an Alternative Learning Opportunities Program shall be returned to the regular school program no later than ten school days after the district receives a written request to that effect from the parent or guardian (see 105 ILCS 5/13B-60.15). If notice is received within two weeks before the end of a grading period (i.e., a quarter or semester), then the student shall remain in the Alternative Learning Opportunities Program until the start of the next grading period.

k) A student may be enrolled both in an Alternative Learning Opportunities Program and in the regular school program (see 105 ILCS 13B-20.20).

l) A student enrolled in an Alternative Learning Opportunities Program with the intention of graduating from high school or qualifying to participate in the High School Equivalency Testing Program pursuant to Section 3-15.12 of the School Code [~~(see~~ 105 ILCS 5/3-15.12]~~)~~ may receive services up to the age of 21 (see Section 13B-15.10 of the School Code).

m) An approved Alternative Learning Opportunities Program may enroll nonresident students in accordance with Section 13B-55 of the School Code [~~(see~~ 105 ILCS

5/13B-55].

n) The enrollment of students with Individualized Education Programs in Alternative Learning Opportunities Programs shall be subject to the additional requirements set forth in Section 240.25 of this Part.

o) In accordance with Section 13B-20.25 of the School Code, all rights granted under Article 13B of the School Code and this Part to the student's parent or guardian shall become those of the student once the student reaches 18 years of age, subject to the provisions of the Emancipation of Mature Minors Act [750 ILCS 5/Art. 11a].

p) Notwithstanding the eligibility criteria stated in Section 13B-20.25 of the School Code, a school district may enroll in its Alternative Learning Opportunities Program any student it has suspended or expelled, in accordance with the provisions of Section 10-22.6 or 34-19 of the School Code [105 ILCS 5/10-22.6 or 34-19].

1) The enrolling school district shall ensure that the educational program and other services provided for the suspended or expelled student meet each of the requirements set forth in this Part.

2) A suspended or expelled student shall not be permitted to return to or re-enroll in his or her home school pursuant to subsection (j) of this Section until the term of the suspension or expulsion is completed.

(Source: Amended at 38 Ill. Reg. 8345, effective April 1, 2014)

Section 240.30 Program Requirements

Each Alternative Learning Opportunities Program approved by the State Board of Education shall conform to the following program requirements.

a) The program of instruction of an Alternative Learning Opportunities Program shall be consistent with State standards and provide innovative and varied instructional strategies designed to improve the educational achievement of the students enrolled in the program (see 105 ILCS 5/13B-20).

1) Instructional programs shall offer services and activities that provide

educational options, such as evening high school, in-school tutoring or mentoring, and high school completion programs (see 105 ILCS 5/13B-20.5), to improve the student's academic performance and facilitate the student's successful completion of an elementary school program or graduation from high school. These services and activities may be in addition to and/or vary in sequence, pace or mode of delivery from what is currently offered in the regular school program.

2) The curriculum shall enable a student to receive credit towards completion of required courses and/or promotion to the next grade level in accordance with the criteria of the student's resident district.

3) School districts must award academic credit for work completed in accordance with Section 13B-80 of the School Code [(see 105 ILCS 5/13B-80]).

4) If the instructional program is provided by a non-profit or for-profit educational entity, then that entity shall be recognized by the State Board of Education (see 105 ILCS 5/13B-75). A recognized entity is one that:

A) is established by the State to provide education-related services or instruction (e.g., Regional Offices of Education, Intermediate Service Centers, public community colleges or universities); or

B) is a nonpublic elementary or secondary school recognized by the State Board of Education pursuant to 23 Ill. Adm. Code 425 (Voluntary Registration and Recognition of Nonpublic Schools); or

C) is designated for operation through a standardized approval process administered by the State Board of Education (e.g., public university laboratory schools, private business and vocational schools, alternative schools, charter schools, area vocational centers); or

D) is designated for operation through a standardized approval process administered by another State entity (e.g., private business and vocational schools, charter schools); or

E) meets the requirements of a national or regional accrediting body (e.g., private colleges and universities, nonpublic elementary or secondary schools).

b) Support services shall be provided for each student enrolled in the Alternative Learning Opportunities Program (see 105 ILCS 5/13B-15.20). The particular services provided shall be those that are determined to be necessary for the student's academic success.

c) A Student Success Plan shall be developed for each student enrolled in the Alternative Learning Opportunities Program in accordance with Section 240.40 of this Part. Existing alternative education programs that receive approval pursuant to Sections 240.70 and 240.75 of this Part to become an Alternative Learning Opportunities Program shall develop a Student Success Plan for each student enrolled.

d) Progress reports for students enrolled in the Alternative Learning Opportunities Program shall be provided at least in the same manner and with the same frequency as progress reports that are sent to parents and guardians of students enrolled in the regular school program (see 105 ILCS 5/13B-60.15).

1) The school district operating the program shall establish procedures for reviewing the progress of each student enrolled.

A) If the review determines that the student has met all of the objectives established in his or her Student Success Plan, then the district shall begin the process of transferring the student back to the regular school program (see Section 240.50 of this Part), except that a suspended or expelled student shall not be permitted to return to or re-enroll in his or her home school pursuant to this subsection (d)(1)(A) until the term of the suspension or expulsion is completed.

B) If the district determines that the student has met all of the identified objectives but should continue to be enrolled in the Alternative Learning Opportunities Program, then it shall:

i) provide to the student and his or her parent or guardian a written rationale as to why the student should remain in the

program;

ii) project the length of time the student would be expected to remain in the program before returning to the regular school program; and

iii) amend the student's Student Success Plan to include revised goals and objectives that address the reasons why the district recommended the student's continuation in the program.

2) A student's parent or guardian may request a meeting anytime during the school year to review the student's progress, in accordance with procedures developed by the district (see 105 ILCS 5/13B-60.15). The school district shall respond to this type of~~such a~~ request within seven school days after the parent or guardian submits the request.

e) Each Alternative Learning Opportunities Program shall have in place procedures, developed in accordance with Section 240.50 of this Part, to provide for the transition of students enrolled in the program back to the regular school program.

f) Each Alternative Learning Opportunities Program shall employ staff who hold the appropriate educator licensure~~are appropriately certified~~.

1) Teachers shall hold a valid and active Illinois professional educator license with the endorsement (i.e., elementary, secondary, special K-12 or special preschool-age 21) ~~Illinois teaching certificate~~ required for the grade levels to which they will be assigned (see 105 ILCS 5/13B-65).

2) Professional personnel who provide other services for students enrolled in the program shall hold the professional educator license endorsed in the area~~certificates~~ appropriate to their roles pursuant to State Board of Education rules for Educator Licensure~~Certification~~ (23 Ill. Adm. Code 25), except that:

A) personnel providing professional nursing services shall meet the requirements of Section 10-22.23 of the School Code [105 ILCS 5/10-22.23],

B) personnel providing school counseling services shall meet the requirements of Section 10-22.24b of the School Code [105 ILCS 5/10-22.24b],

C) personnel providing noninstructional services shall meet the requirements of Section 10-22.34 of the School Code [105 ILCS 5/10-22.34],

D) personnel providing school psychological services shall meet the requirements of Section 14-1.09.1 of the School Code [105 ILCS 5/14-1.09.1], and

E) personnel providing school social work services shall meet the requirements of Section 14-1.09.2 of the School Code [105 ILCS 5/14-1.09.2].

(Source: Amended at 38 Ill. Reg. 8345, effective April 1, 2014)

Section 240.50 Requirements for Returning the Student to the Regular School Program

a) It shall be the goal of the Alternative Learning Opportunities Program (ALOP) to assist students in successfully completing their education, including, but not limited to, returning to the regular school program, or to a postsecondary or adult education program, as soon as appropriate. In establishing procedures for the transition of students to the regular or another program, districts shall ensure that:

1) an assessment is conducted prior to the student's leaving the ALOP~~Alternative Learning Opportunities Program~~ to identify the educational supports and/or other support services the student would need to successfully progress in the regular school curriculum;~~, and~~

2) a staff member is assigned to monitor the student's progress in the regular school program for not less than two semesters after the student leaves the ALOP~~Alternative Learning Opportunities Program~~; and~~.~~

3) for a student who has been suspended or expelled from his or her home school and enrolled by a district in its ALOP, the student shall not be permitted to return to or re-enroll in his or her home school until the term of the suspension or expulsion is completed.

b) The requirements of subsection (a) of this Section apply in instances where a student is removed from the ALOP~~Alternative Learning Opportunities Program~~ by his or her parent or guardian before completion of the objectives stated in his or her Student Success Plan.

(Source: Amended at 38 Ill. Reg. 8345, effective April 1, 2014)

Section 240.60 Supplemental Services and Instructional Time

The proposed calendar for the program shall be in conformance with the requirements of Section 13B-45 of the School Code [105 ILCS 5/13B-45]. A calendar that varies in the number of days or length of the instructional day (i.e., five clock-hours of school work) from those requirements shall be approved under the following conditions.

a) The calendar meets all of the exceptions enumerated in Section 13B-45(1) through (4) of the School Code.

b) The supplemental services, provided pursuant to Section 13B-45(3) of the School Code, that are noninstructional in nature (e.g., student assistance programs, counseling services, case management, life skills or conflict resolution training, career counseling, community service) shall be:

1) directly linked to a need identified in the student's Student Success Plan developed pursuant to Section 240.40 of this Part and necessary to remove barriers to learning for that student (see 105 ILCS 5/13B-15.15(ii));

2) provided by qualified personnel with the experience and skills appropriate to the service being provided; and

3) monitored by Alternative Learning Opportunities Program staff to ensure that the services provided are effective in improving the student's academic achievement, as specified in his or her Student Success Plan, so that the student can be returned to the regular school program.

c) Activities that are instructional in nature (e.g., work-based learning activities, service learning, physical fitness and health programs) shall not be considered supplemental services for the purposes of this Section. These shall be considered to be part of the five clock-hours of school work required under Section 18-8.05

of the School Code [105 ILCS 5/18-8.05], provided that:

1) the activity is an integral and regular part of the academic instruction that the student is receiving and is tied to one or more of the fundamental learning areas (see Section 27-1 of the School Code);

2) the student receives academic credit, in accordance with his or her district's policies for awarding ~~such~~ credit, upon successful completion of the activity; and

3) the activity is provided under the direction of a ~~certified~~ teacher who holds the appropriate educator licensure (see Section 240.30(f)(1) of this Part).

(Source: Amended at 38 Ill. Reg. 8345, effective April 1, 2014)

Section 240.100 Suspension and Revocation of Program Approval

a) The State Board of Education shall investigate an Alternative Learning Opportunities Program when any of the following occurs:

1) the school district fails to receive approval to continue operating the program, in accordance with the requirements of Section 240.80 of this Part;

2) a parent or guardian files a written complaint with the school district or State Board of Education alleging that the program meets one or more of the conditions set forth in Section 13B-30.20 of the School Code for suspension or revocation of program approval;

3) the State Board receives information or becomes aware of allegations that the program meets one or more of the conditions set forth in Section 13B-30.20 of the School Code for suspension or revocation of program approval; or

4) for programs serving minority students, low-income students, or students with IEPs, a review of the continuation application shows a disproportionate number of these types of~~such~~ students being served in the program.

b) If the State Board of Education, at the conclusion of the investigation, identifies deficiencies in the program that meet any of the conditions specified in Section 13B-30.20 of the School Code, then it shall provide to each~~the~~ school district~~district(s)~~ that established the program written notification of the specific deficiencies found.

1) The school district~~district(s)~~ shall submit to the State Board of Education, within 30 calendar days after receiving the notification, a time-specific plan that addresses the specific steps to be taken and staff responsible to remedy each of the deficiencies cited. In no case shall the time needed to correct deficiencies exceed 120 days.

2) The State Board shall approve the corrective action plan no later than 15 days after receiving the plan if it meets all of the following requirements.

A) The timeframe is reasonable to correct the cited deficiencies.

B) The proposed steps to be taken to remedy the problems have a high likelihood of correcting the cited deficiencies.

C) A sufficient number of staff are proposed to implement the corrective action plan, and their expertise relates to the areas in which the deficiencies were found.

3) The school district shall provide a copy of the deficiencies and of the approved corrective action plan to any entity with which it has entered into a cooperative agreement, intergovernmental agreement, contract or subcontract in order to operate the program or to provide services for students enrolled.

4) If the school district provides evidence that it has corrected the deficiencies within the timeframe specified in the corrective action plan approved pursuant to subsection (b)(2) of this Section, then no change in the program's approved status shall be made.

c) A school district that is unable to correct all of the deficiencies within the timeframe specified in its corrective action plan and after the provision of technical assistance by the State Board of Education may submit to the State Board an amended corrective action plan.

1) The amended corrective action plan shall be submitted no later than 30 calendar days prior to the time the affected deficiencies were to be corrected.

2) The amended plan shall identify the deficiencies that are still unresolved, specifying the reasons~~reason(s)~~ for the delay and describing the steps to be taken to remedy the problems~~problem(s)~~ and the timeline for completing each. In no case shall the time needed to correct the remaining deficiencies exceed 30 additional calendar days.

3) The State Board of Education will accept the amended corrective action plan, provided the remaining deficiencies can be corrected within 30 calendar days and that none of the deficiencies:

A) presents an immediate health hazard or danger to students and staff;

B) severely affects the program's ability to provide a program appropriate to the needs of the students enrolled (i.e., addresses the Illinois Learning Standards, employs ~~certified~~ staff with the appropriate educator licensure, provides the services identified as necessary to assist with students' academic improvement); and

C) represents prolonged or repeated problems to a degree that indicates the program's intention not to correct the deficiencies.

d) If the school district fails to demonstrate that all of the deficiencies have been corrected within the timeframe specified in the amended corrective action plan, or fails to submit an amended corrective action plan that meets the requirements of subsection (c) of this Section, then approval to operate the program shall be suspended upon written notification from the State Board of Education.

1) The program may serve the students enrolled in the program during the time of its suspension, provided it continues to make progress as specified in its plan and no additional students are enrolled in the program.

2) The school district shall provide a copy of the notice of suspension to any entity with which it has entered into a cooperative agreement,

intergovernmental agreement, contract or subcontract in order to operate the program or to provide services for students enrolled.

3) If the school district fails to correct all remaining deficiencies within 30 calendar days after receiving the notice of suspension, then approval to operate the program shall be revoked.

e) Notification to revoke program approval shall be sent by certified mail, return receipt requested to each~~the~~ school district~~district(s)~~ that established the program. A school district shall have ten calendar days after receipt of this~~such~~ notice of revocation to submit a written request for a hearing pursuant to the Illinois Administrative Procedure Act [5 ILCS 100] and Subpart B of the State Board of Education's rules for Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475). The receipt of notification shall be determined by the date of receipt shown on the return receipt form.

f) Once approval for a program has been revoked:

1) a school district, or a regional office of education operating a program on behalf of a school district, shall be ineligible to file any claim upon the common school fund with regard to the program;

2) a school district shall not collect any tuition from another school district for students enrolled in the program~~ or receive the remaining payments of a grant awarded pursuant to Subpart B of this Part~~;

3) pursuant to Section 13B-30.35 of the School Code [105 ILCS 5/13B-30.35], the State Board of Education shall recover grant funds from a school district in accordance with the provisions of the Illinois Grant Funds Recovery Act [30 ILCS 705]; and

4) all students enrolled in the program shall be returned to the regular school program no later than ten school days following receipt of the notification that approval has been revoked.

g) Compliance with the requirements of Article 13B of the School Code and this Part shall be a factor in determining a school district's recognition status pursuant to 23 Ill. Adm. Code 1 (Public Schools Evaluation, Recognition and Supervision).

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 38 Ill. Reg. 8345, effective April 1, 2014)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Grants for Arts Education and Foreign Language Education

2) Code Citation: 23 Ill. Adm. Code 265

3)

Section Numbers:	Adopted Action:
265.210	Amendment
265.220	Amendment

4) Statutory Authority: 105 ILCS 5/2-3.6

5) Effective Date of Rules: April 1, 2014

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: December 6, 2013; 37 Ill. Reg. 19555

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: None

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR, and no agreement letter was issued.

13) Will this rulemaking replace any emergency rule currently in effect? No

14) Are there any other proposed rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: PA 97-607, effective August 26, 2011, changes the current system of teacher, administrator and school service personnel certification set forth in Article 21 of the School Code to a licensure system (Article 21B of the School Code). References to certification and related terms were changed to align this set of rules to the licensure system, which became effective July 1, 2013.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

16) Information and questions regarding these adopted rules should be directed to:

Dora Welker, Division Administrator
Division of College and Career Readiness
Illinois State Board of Education
100 North First Street, C-215
Springfield, Illinois 62777

217/524-4832

The full text of the Adopted Amendments begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER g: SPECIAL COURSES OF STUDY

PART 265
GRANTS FOR ARTS EDUCATION AND FOREIGN LANGUAGE EDUCATION

SUBPART A: GENERAL PROVISIONS

Section
265.10 Purpose and Applicability
265.20 Eligible Applicants
265.30 Application Procedure
265.40 Allocation of Funds

SUBPART B: PLANNING GRANTS

Section
265.110 Program Specifications
265.120 Criteria for the Review of Proposals

SUBPART C: IMPLEMENTATION GRANTS

Section
265.210 Program Specifications
265.220 Criteria for the Review of Initial Proposals

AUTHORITY: Implementing Section 2-3.65a of the School Code [105 ILCS 5/2-3.65a] and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.6].

SOURCE: Adopted at 30 Ill. Reg. 17464, effective October 23, 2006; amended at 38 Ill. Reg. 8365, effective April 1, 2014.

SUBPART C: IMPLEMENTATION GRANTS

Section 265.210 Program Specifications

a) Implementation grant funds provided under this Subpart C shall be used for the purpose of introducing or expanding instruction in the fine arts or foreign

language, as applicable, and for developing means of perpetuating the funded program with local resources after the conclusion of the grant period.

b) If an implementation grant is received after use of planning grant funds under this Part, the implementation grant funds shall be used to support the specific program to which the planning grant pertained.

c) Receipt of a planning grant shall not be a prerequisite to eligibility for implementation funding. However, each applicant not having received a planning grant under this Part shall demonstrate that a comprehensive planning process conforming to the requirements of Section 265.110(b) of this Part occurred with respect to the program for which funding is sought. Each ~~such~~ applicant of this type shall present a plan as discussed in Section 265.110(d) of this Part.

d) Grant funds provided under this Subpart C shall generally be used for expenditures directly related to the delivery of the instructional program, including salaries, professional development, curriculum planning and development, supplies and materials, and necessary technology or equipment.

1) No more than five percent of the grant funds may be used for general administrative expenses.

2) No more than 50 percent of the salaries of ~~certified~~ staff members who hold educator licensure and who are involved in the program shall be paid out of funds under this grant program. Salaries of nonlicensed~~noncertificated~~ personnel shall not be allowable.

3) At least 10 percent of the grant funds shall be used for professional development of ~~the certified~~ staff who hold educator licensure and who are associated with the program~~, which may include the services of "teaching artists"~~.

4) Grant funds may be expended in connection with the utilization of community resources to the extent that these directly affect the delivery of instruction or the availability of resources for the instructional program.

(Source: Amended at 38 Ill. Reg. 8365, effective April 1, 2014)

Section 265.220 Criteria for the Review of Initial Proposals

a) Applications for implementation grants shall be evaluated in accordance with the following criteria:

1) Quality of the Plan (40 points)

A) The proposal demonstrates that the program to be implemented is based on information derived from the planning process.

B) The proposal identifies the aspects of the program that cannot currently be implemented in the absence of grant funding and demonstrates that plans exist to ensure the availability or redeployment of resources to sustain the program with declining reliance on State funding.

C) The proposal demonstrates that ~~appropriately certified~~ teachers with the appropriate educator licensure are available to deliver instruction in the program and that their specific needs are reflected in the professional development that has been chosen.

D) The proposal demonstrates that the affected students will have systematic access to relevant linguistic, artistic, or cultural resources as an integral part of their participation in the instructional program.

2) Sustainability (30 points)
The proposal presents a portfolio of available local resources for which commitments have been secured so that the program can be sustained in future years when no further State funding will be provided.

3) Need (20 points)

A) The proposal describes the status of the applicant's instructional programs in the arts or foreign languages, as applicable, and demonstrates that students' access to educational opportunities in this curricular area is limited to an undesirable degree.

B) The proposal demonstrates that other sources of funding are limited to such an extent that the applicant is unable to conduct or expand the program as proposed without funding under this Part.

4) Cost-Effectiveness (10 points)
The scope of the proposed activities is reasonable in light of the amount of funding to be provided, and the project will be cost-effective considering the number of students to be served.

b) The rankings of all implementation proposals will form one distribution.

(Source: Amended at 38 Ill. Reg. 8365, effective April 1, 2014)

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: General Procedures

2) Code Citation: 80 Ill. Adm. Code 1100

3) Section Number: 1100.130 — Adopted Action: New

4) Statutory Authority: 115 ILCS 5/5(i); 5 ILCS 120/2.05, 120/2.06, 120/7

5) Effective Date of Rule: April 1, 2014

6) Does this rule contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the IELRB's Chicago and Springfield offices and is available for public inspection. No material is incorporated by reference.

9) Notice of Proposal published in the *Illinois Register*: 37 Ill. Reg. 15559; October 4, 2013

10) Has JCAR issued a Statement of Objection to this rule? No

11) Differences between Proposal and Final Version: None

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? There were no changes agreed upon by the Agency and JCAR.

13) Will this rulemaking replace any emergency rule currently in effect? No

14) Are there any proposed rulemakings pending on this Part? No

15) Summary and Purpose of Rule: This rule will provide for procedures at Board meetings in accordance with the requirements of the Open Meetings Act.

16) Information and questions regarding this adopted rule shall be directed to:

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT

Susan J. Willenborg
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago IL 60601-3103
312/793-3170
Susan.Willenborg@illinios.gov

The full text of the Adopted Amendment begins on the next page:

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE C: LABOR RELATIONS
CHAPTER III: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

PART 1100
GENERAL PROCEDURES

Section

1100.10 Definitions
1100.20 Filing and Service of Documents
1100.30 Computation and Extensions of Time
1100.40 Hearing Officers
1100.50 Recording of Hearings
1100.60 Representation of Parties
1100.70 Subpoenas
1100.80 Limitation on Practice Before the Board by Former Employees
1100.90 Amicus Curiae
1100.100 Gender Usage
1100.105 Qualifications of Administrative Law Judges
1100.110 Conflict of Interest
1100.120 Oral Argument
1100.130 Board Meeting Procedures

AUTHORITY: Implementing and authorized by Section 5(i) of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i)] and by Sections 2.05, 2.06 and 7 of the Open Meetings Act [5 ILCS 120/2.05, 120/2.06, 120/7]

SOURCE: Emergency rules adopted at 8 Ill. Reg. 8638, effective June 6, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 22548, effective November 5, 1984; amended at 14 Ill. Reg. 1270, effective January 5, 1990; amended at 26 Ill. Reg. 11472, effective July 23, 2002; emergency amendment at 28 Ill. Reg. 971, effective January 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7932, effective May 28, 2004; amended at 35 Ill. Reg. 14438, effective August 12, 2011; amended at 38 Ill. Reg. 8371, effective April 1, 2014.

Section 1100.130 Board Meeting Procedures

a) If a quorum of Board members is physically present at a Board meeting, a Board

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT

member may be allowed to attend by video or audio conferencing if that Board member cannot be physically present at the meeting because of personal illness or disability; employment purposes or the business of the public body; or a family or other emergency. The Board member must provide advance notice to the Chair of the Board unless advance notice is impractical.

b) After the Board has considered pending cases, members of the public shall be permitted to address the Board during the open portion of a Board meeting on subjects relevant to the Board's functions. The comments by each member of the public shall be limited to a reasonable period of time, not to exceed five minutes unless the Board gives permission.

c) Any person shall be permitted to photograph, tape, film or otherwise record the open portions of Board meetings. Persons may be required to locate their cameras or other recording devices at a sufficient distance from the Board members as is necessary to avoid interference with the Board's discussion.

(Source: Added at 38 Ill. Reg. 8371, effective April 1, 2014)

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Representation Procedures

2) Code Citation: 80 Ill. Adm. Code 1110

3) Section Number: 1110.90 — Adopted Action: Amendment

4) Statutory Authority: 115 ILCS 5/5(i), 5/9

5) Effective Date of Amendment: April 1, 2014

6) Does this amendment contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in IELRB's Chicago and Springfield offices and is available for public inspection. No material is incorporated by reference.

9) Notice of Proposal Published in *Illinois Register*: 37 Ill. Reg. 15563; October 4, 2013

10) Has JCAR issued a Statement of Objection to this amendment? No

11) Differences between Proposal and Final Version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? There were no changes agreed upon by the agency and JCAR.

13) Will this rulemaking replace any emergency rule currently in effect? No

14) Are there any proposed rulemakings pending on this Part? No

15) Summary and Purpose of Amendment: This amendment will provide for a required length of posting of the notice of the petition in majority interest cases.

16) Information and questions regarding this adopted amendment shall be directed to:

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT

Susan J. Willenborg
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103

312/793-3170
Susan.Willenborg@illinios.gov

The full text of the Adopted Amendment begins on the next page:

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE C: LABOR RELATIONS
CHAPTER III: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

PART 1110
REPRESENTATION PROCEDURES

Section
1110.10 General Statement of Purpose
1110.15 Investigations
1110.20 Employee Organizations Seeking Recognition
1110.30 Employer Responses to Recognition Requests
1110.40 Voluntary Recognition Procedures
1110.50 Representation Petitions
1110.60 Decertification Petitions
1110.70 Timeliness of Petitions and Bars to Elections
1110.80 Showing of Interest
1110.90 Posting of Notice
1110.100 Processing of Petitions Seeking an Election
1110.105 Processing of Majority Interest Petitions
1110.110 Consent Elections
1110.120 Bargaining Unit Determinations
1110.130 Eligibility of Voters
1110.140 Conduct of the Election
1110.150 Objections to the Election
1110.160 Petitions for Clarification of the Bargaining Unit
1110.170 Petitions to Amend Certification
1110.180 Petitions for Self-Determination
1110.APPENDIX A Model Authorization Card

AUTHORITY: Implementing and authorized by Sections 5(i) and 9 of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i) and 9].

SOURCE: Emergency rules adopted at 8 Ill. Reg. 4526, effective March 26, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 16300, effective August 27, 1984; amended at 14 Ill. Reg. 1297, effective January 5, 1990; emergency amendment at 28 Ill. Reg. 975, effective January 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7938, effective May 28,

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

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2004; amended at 35 Ill. Reg. 14447, effective August 12, 2011; amended at 38 Ill. Reg. 8375, effective April 1, 2014.

Section 1110.90 Posting of Notice

Following the filing of a representation or decertification petition, the Board shall provide the employer with a notice that shall be posted, by the day after the employer receives the notice, on bulletin boards and other places where notices for employees in the bargaining unit are customarily posted, or in conspicuous places in the absence of a customary posting location. If the posting would occur during a seasonal break or other period when a substantial number of bargaining unit members are not working, notice shall be provided to bargaining unit members through alternative means agreed to by the parties and the Executive Director or Board agent. If the parties and the Executive Director or Board agent are not able to agree on the alternative means of posting, the Executive Director or Board agent shall determine the alternative means of posting. In the case of majority interest petitions, the notice shall be posted for at least 21 days.

(Source: Amended at 38 Ill. Reg. 8375, effective April 1, 2014)

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Collective Bargaining and Impasse Resolution

2) Code Citation: 80 Ill. Adm. Code 1130

3)

Section Numbers:	Adopted Action:
1130.20	Amendment
1130.30	Amendment
1130.35	New
1130.40	Amendment
1130.55	New

4) Statutory Authority: 115 ILCS 5/5(i)

5) Effective Date of Amendments: April 1, 2014

6) Do these amendments contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the IELRB's Chicago and Springfield offices and is available for public inspection. No material is incorporated by reference.

9) Notice of Proposal Published in *Illinois Register*: 37 Ill. Reg. 15567; October 4, 2013

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between Proposal and Final Version: The reference to the mediator declaring impasse is being changed to the mediator initiating the public posting process. Section 1130.30, concerning mediation, is being reorganized slightly to clarify the difference between when the IELRB may choose whether to invoke mediation and when the IELRB is required to invoke mediation.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace any emergency rule currently in effect? No

14) Are there any proposed rulemakings pending on this Part? No

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Amendments: These amendments address the new public posting and strike procedures in the Illinois Educational Labor Relations Act (Act). These amendments make the Sections on notices and timetables for bargaining and mediation internally consistent and consistent with the Act. These amendments eliminate the distinction between bargaining units that contain professional instructional personnel and those that do not. These amendments remove references to 15 day notices and a 15 day period for the IELRB to invoke mediation. These amendments provide for the fact that there is not a regional superintendent in all cases in the context of when a strike may take place. These amendments provide separate procedures for school districts organized under Article 34 of the School Code consistent with the recent amendments to the Act.

16) Information and questions regarding these adopted amendments shall be directed to:

Susan J. Willenborg
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103

312/793-3170
Susan.Willenborg@illinios.gov

The full text of the Adopted Amendments begins on the next page:

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE C: LABOR RELATIONS
CHAPTER III: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

PART 1130
COLLECTIVE BARGAINING AND IMPASSE RESOLUTION

Section
1130.10 General Statement of Purpose
1130.20 Notices and Timetable for Bargaining
1130.30 Mediation
1130.35 Notification and Public Posting Procedures
1130.40 Notice of Intent to Strike
1130.50 Fact Finding and Interest Arbitration
1130.55 Collective Bargaining and Impasse Resolution Rules for School Districts Organized under Article 34 of the School Code
1130.60 Filing of Agreements
1130.70 Grievance Arbitration and No Strike Clauses
1130.80 Illinois Educational Labor Mediation Roster

AUTHORITY: Implementing Sections 10, 12 and 13, and authorized by Section 5(i), of the Illinois Educational Labor Relations Act [115 ILCS 5/10, 12, 13 and 5(i)].

SOURCE: Emergency adoption at 8 Ill. Reg. 8645, effective June 6, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 22538, effective November 5, 1984; amended at 28 Ill. Reg. 7989, effective May 28, 2004; amended at 38 Ill. Reg. 8379, effective April 1, 2014.

Section 1130.20 Notices and Timetable for Bargaining

a) Newly Certified Representatives
In~~With respect to collective bargaining in~~ units for which exclusive representatives have been newly certified, with respect to collective bargaining between an educational employer that is not a public school district organized under Article 34 of the School Code [105 ILCS 5/Art. 34] and an exclusive representative of its employees, ~~the rules in~~ this subsection (a) shall apply. For purposes of this subsection (a), newly certified representatives are representatives that~~which~~ have not yet reached a collective bargaining agreement after their certification under the Illinois Educational Labor Relations Act [115 ILCS 5].

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

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1) *Upon demand of either party, collective bargaining between the employer and an exclusive collective bargaining representative must begin within 60 days after~~of~~ the date of certification of the* exclusive~~*exclusive*~~ *representative by the Board. Once commenced, collective bargaining must continue for at least a 60 day period, unless a contract is entered into.* [115 ILCS 5/12(a)]

2) If no agreement has been reached within 90 days prior to the scheduled start of the forthcoming school year, the exclusive representative and the employer shall file a notice with the Board. In addition to the requirements of subsection (d), this notice shall include a statement on whether mediation has been used.

3)~~2)~~ If no agreement has been reached within 45 days after bargaining was initiated, the parties shall file a ~~second~~ notice with the Board. In addition to the requirements of subsection~~Section 1130.20~~(d~~e~~), this notice shall state that no agreement has been reached and whether the parties have agreed to mediation using privately selected *individuals or organizations such as the Federal Mediation and Conciliation Service or the American Arbitration Association* [115 ILCS 5/12(a)]. If, by this date, mediation has not been initiated, the Board shall invoke mediation.

4) If no agreement has been reached 45 days prior to the scheduled start of the forthcoming school year, the parties shall file a notice with the Board. In addition to the requirements of subsection (d), this notice shall state that no agreement has been reached and whether the parties have agreed to mediation using privately selected *individuals or organizations such as the Federal Mediation and Conciliation Service or the American Arbitration Association* [115 ILCS 5/12(a)]. If, by this date, mediation has not been initiated, the Board shall invoke mediation.

b) Existing Representatives

In~~With respect to collective bargaining in~~ units ~~that contain professional instructional personnel~~ represented by existing exclusive representatives, with respect to collective bargaining between an educational employer that is not a public school district organized under Article 34 of the School Code and an exclusive representative of its employees, the rules in this subsection (b) shall apply:

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Upon demand of either party, collective bargaining must begin within 60 days after the receipt of the demand to bargain by the other party. *Once commenced, collective bargaining must continue for at least a 60 day period, unless a contract is entered into* [115 ILCS 5/12(a)].

2)~~1)~~ If no agreement has been reached within 90 days prior to the scheduled start of the forthcoming school year, the exclusive representative and the employer shall file a notice with the Board. In addition to the requirements of subsection (d), this notice shall include a statement on whether mediation has been used.

3)~~2)~~ If no agreement has been reached 45 days prior to the scheduled start of the forthcoming school year, the parties shall file a second notice with the Board. In addition to the requirements of subsection (d), this notice shall state that no agreement has been reached and whether the parties have agreed to mediation using privately selected *individuals or organizations such as the Federal Mediation and Conciliation Service or the American Arbitration Association* [115 ILCS 5/12(a)]. If, by this date, mediation has not been initiated, ~~either party may request the Board to invoke mediation, or~~ the Board shall~~may~~ invoke mediation~~ on its own motion~~.

~~3) If no agreement has been reached 15 days prior to the scheduled start of the forthcoming school year, the parties shall file a notice with the Board. In addition to the requirements of Section 1130.20(e), this notice shall state that no agreement has been reached and whether the parties have agreed to mediation using privately selected *individuals or organizations such as the Federal Mediation and Conciliation Service or the American Arbitration Association*. If by this date, mediation has not been initiated, the Board shall invoke mediation.~~

~~e) With respect to collective bargaining in units that do not contain professional instructional personnel but are represented by existing exclusive representatives, the rules in this subpart shall apply:~~

~~1) If no agreement has been reached 45 days prior to the date that the existing collective bargaining agreement is scheduled to expire, the exclusive representative and the employer shall file a notice with the Board.~~

~~2) If no agreement has been reached 45 days prior to the scheduled expiration~~

~~date of the existing collective bargaining agreement, either party may request the Board to invoke mediation, or the Board may invoke mediation on its own motion during this period.~~

~~3) If no agreement has been reached 15 days prior to the scheduled expiration date of the existing collective bargaining agreement parties shall file a notice with the Board. In addition to the requirements of Section 1130.20(e), this notice shall state that no agreement has been reached and whether the parties have agreed to mediation using privately selected *individuals or organizations such as the Federal Mediation and Conciliation Service or the American Arbitration Association*. If by this date, mediation has not been initiated, the Board shall invoke mediation.~~

c)~~d)~~ All notices filed under this Section may be filed jointly, signed by both parties. If the notice is not filed jointly, each party shall file a separate notice and serve a copy on the other party. Notices under this Section will be considered filed on the date they are received by the Board.

d)~~e)~~ All notices filed under this Section shall be on a form developed by the Board~~,~~ and shall contain the following:

1) the name, affiliation, if any, and address of the exclusive representative;

2) the name and address of the employer;

3) the expiration date of the existing collective bargaining agreement, if any;

4) ~~where the unit contains professional instructional personnel,~~ the date of the scheduled start of the forthcoming school year; and

5) a brief report on the status of negotiations, including the date negotiations began.

(Source: Amended at 38 Ill. Reg. 8379, effective April 1, 2014)

Section 1130.30 Mediation

a) This Section shall apply to collective bargaining between an educational employer that is not a public school district organized under Article 34 of the School Code

and an exclusive representative of its employees.

b)~~a)~~ Mediation services will be provided at any time upon joint request of the parties.

c)~~b)~~ Mediation may be invoked~~ as follows: 1)~~upon request of one party or upon the Board's own motion *if, after a reasonable period of negotiation and within 90 days* prior to *the scheduled start of the forthcoming school year, the parties engaged in collective bargaining have reached an impasse* [115 ILCS 5/12(a)]~~; within 45 days prior to the scheduled start of the forthcoming school year for units containing professional instructional personnel or within 45 days prior to the scheduled expiration date of the collective bargaining agreement for units not containing professional instructional personnel;~~.

d)~~2)~~ Mediation will automatically be invoked by the Board if not requested by the parties~~,~~ 45 days after bargaining has begun in units for which exclusive representatives have been newly certified or 45 days prior to the scheduled start of the forthcoming school year~~15 days prior to the scheduled start of the forthcoming school year in units that contain professional instructional personnel and are represented by existing exclusive representatives or 15 days prior to the expiration date of the existing collective bargaining agreement for units that do not contain professional instructional personnel but are represented by existing exclusive representatives. Within two days after the Board automatically invokes mediation, the parties may submit a stipulation to defer selection of a mediator. The stipulation shall be on a form developed by the Board and shall include a provision that the parties will maintain the status quo with respect to existing terms and conditions of employment and will not engage in a strike until at least ten days after the stipulation is withdrawn. Either party may withdraw the stipulation at any time by giving notice to the other party and to the Board~~.

e) Within two days after the Board invokes mediation, the parties may submit a stipulation to defer selection of a mediator. The stipulation shall be on a form developed by the Board and shall include a provision that the parties will maintain the status quo with respect to existing terms and conditions of employment and will not engage in a strike while the stipulation is in effect. Either party may withdraw the stipulation at any time by giving notice to the other party and to the Board.

f)~~e)~~ Requests for mediation shall be in writing and shall be submitted~~. Joint requests for mediation may be made by telephone~~ to the Board's Chicago~~Springfield~~ office

at the following address:

Illinois Educational Labor Relations Board
160 N. LaSalle St., Suite N-400
Chicago IL 60601

The request shall be~~, but a written request,~~ signed by the requesting party or by both parties, if joint~~shall follow as soon as physically possible~~.

g)~~d)~~ Requests and joint requests for mediation shall be on a form developed by the Board and shall include:

1) the name, affiliation, if any, and address of the requesting party;

2) the name, affiliation, if any, and address of the other party to collective bargaining;

3) the date collective bargaining began;

4) the date the existing contract, if any, is scheduled to expire; and

5) ~~where the unit contains professional instructional personnel,~~ the date of the scheduled start of the forthcoming school year.

h)~~e)~~ When the Board receives a request from one party, it shall investigate the request. If the Board's investigation discloses that the request was properly filed under this Part~~these rules~~, and that the bargaining has not resulted in an agreement and the Board concludes that mediation would assist the parties, the Board shall invoke mediation. In determining whether mediation would assist the parties, the Board shall consider such factors as the number of meetings that have occurred, the number of issues in dispute, the significance of the issues in dispute, the degree of experience of the representatives of the parties in the bargaining process, and the collective bargaining history of the parties.

i)~~f)~~ Whenever the Board receives a joint request for mediation, or whenever the Board invokes mediation~~ pursuant to Section 1130.30(b)(1)~~, or whenever the Board has not approved a stipulation to defer selection of a mediator within two days after ~~automatic~~ invocation of mediation, or whenever such a stipulation has been withdrawn, the Board shall submit to the parties~~,~~ a panel of three proposed

mediators selected from the Illinois Educational Labor Mediation Roster. Within three days following receipt of the panel, the parties shall select one of the names on the panel or any other person they choose to serve as mediator. Whenever the parties agree to select a mediator through the Federal Mediation and Conciliation Service, the American Arbitration Association, or any other source, they shall notify the Board of their selection. If the parties fail to agree on a mediator within the three day period, the Board shall appoint a mediator.

j)~~g)~~ The mediator may hold joint and separate conferences with the parties. The conferences shall be private unless the mediator and the parties agree otherwise.

k)~~h)~~ Information disclosed by a party to a mediator in the performance of mediation functions shall not be disclosed voluntarily or by compulsion. All files, records, reports, documents, or other papers prepared by a mediator shall be confidential. The mediator shall not produce any confidential records of, or testify in regard to, any mediation conducted by the mediator~~,~~ on behalf of any party to any cause pending in any type of proceeding.

(Source: Amended at 38 Ill. Reg. 8379, effective April 1, 2014)

Section 1130.35 Notification and Public Posting Procedures

a) This Section applies only to *collective bargaining between a public school district or a combination of public school districts, including, but not limited to, joint cooperatives, that is not organized under Article 34 of the School Code and an exclusive representative of its employees*. [115 ILCS 5/12(a-5)] This Section does not apply to other educational employers as defined in Section 2(a) of the Act, specifically, public community college districts, State colleges or universities, any State agency whose major function is providing educational services, School Finance Authorities created under Article 1E or 1F of the School Code [105 ILCS 5/Art. IE or Art. IF], or school districts organized under Article 34 of the School Code.

b) *At any time more than 15 days after mediation has commenced, either party may initiate the public posting process* set forth in Section 12(a-5) of the Act. [115 ILCS 5/12(a-5)] For the purposes of this subsection (b), the date that mediation has commenced shall be the date upon which the parties first meet with a mediator. *The mediator may initiate the public posting process at any time 15*

days after mediation has commenced during the mediation process. [115 ILCS 5/12(a-5)]

c) Initiation of the public posting process must be filed with the Board. Copies of the filing with the Board must be served on the parties in such a manner that the parties will receive the filing on the same date the Board receives it. The filing shall be in writing and shall include:

1) if a party is initiating the public posting process, the name, affiliation, if any, and address of the party initiating the public posting process and the name, affiliation, if any, and address of the other party to collective bargaining;

2) if the mediator is initiating the public posting process, the name of the mediator and the names, affiliations, if any, and addresses of the parties to collective bargaining;

3) the expiration date of the existing collective bargaining agreement, if any; and

4) the date of the scheduled start of the forthcoming school year.

d) The initiation of the public posting process will be considered to have occurred on the date the Board receives the filing.

e) Within seven days after the initiation of the public posting process, each party shall submit, both electronically and in hard copy, to the mediator, the Board and the other party, a document that includes:

1) the most recent offer of the party;

2) a cost summary dealing with those issues on which the parties have failed to reach agreement;

3) the date of the expiration of the existing collective bargaining agreement, if any; and

4) the date of the scheduled start of the forthcoming school year.

f) The employees of the public school district, or combination of public school districts, shall not engage in a strike until at least 14 days have elapsed after the Board has made the most recent offers and cost summaries public on its website (www.illinois.gov/elrb).

g) Once an agreement has been ratified, the parties shall jointly notify the Board unless the mediator notifies the Board. Notification that an agreement has been ratified shall be in writing. Notification may be made by telephone to the Board's Chicago office, but a written notification must follow as soon as possible, and in no event later than two business days after the notification by telephone.

h) On the date the most recent offers and cost summaries are posted on the Board's website, the school district or combination of public school districts shall, at a minimum, provide notification that the offers and cost summaries are available on the Board's website to all news media that have filed an annual request for notices from the school district or combination of school districts pursuant to Section 2.02 of the Open Meetings Act [5 ILCS 120/2.02].

i) After the Board has received written notification from both parties that an agreement has been ratified, the Board shall remove from its website the parties' submissions, including the offers, cost summaries, date of expiration of any existing collective bargaining agreement, and date of the scheduled start of the forthcoming school year.

(Source: Added at 38 Ill. Reg. 8379, effective April 1, 2014)

Section 1130.40 Notice of Intent to Strike

a) In addition to the limitations imposed by Section 1130.35(f) or Section 1130.55(f) and (g), *educational*~~*Educational*~~ *employees shall not engage in a strike* unless *at least 10 days have elapsed after a notice of intent to strike has been given by the exclusive bargaining representative to the educational employer, the regional superintendent* (if one exists with jurisdiction over the educational employer) *and the Illinois Educational Labor Relations Board.* [115 ILCS 5/13(b)(3)]~~(Section 13 of the Act)~~

b) For purposes of this Section, 10 days shall mean 10 calendar days. Intervening Saturdays, Sundays or legal holidays shall be included. The day on which the notice of intent to strike is given shall not be included. The last day of the period

shall be included regardless of whether the last day falls on a Saturday, Sunday or legal holiday.

c) Notice of intent to strike must~~shall~~ be in writing and must~~shall~~ include:

1) the name, address and affiliation, if any, of the exclusive representative;

2) the name and address of the employer;

3) a description of the bargaining unit; and

4) a statement of intent to strike.

d) Notice of intent to strike shall be considered given to the Board on the date written notice is received by the Board, unless telephonic notice is given to the Board's Executive Director or his designee during the Board's regular office hours, and confirmed immediately by written notice personally delivered to the Board's office or mailed to the Board's office by certified or registered mail.

(Source: Amended at 38 Ill. Reg. 8379, effective April 1, 2014)

Section 1130.55 Collective Bargaining and Impasse Resolution Rules for School Districts Organized under Article 34 of the School Code

a) *If the parties fail to reach agreement after a reasonable period of mediation, the dispute shall be submitted to fact-finding in accordance with* this Section. *Either the educational employer or the exclusive representative may initiate fact-finding by submitting a written demand to the other party with a copy of the demand submitted simultaneously to the Board.* [115 ILCS 5/12(a-10)(l)]

b) *Within 3 days following a party's demand for fact-finding, each party shall appoint one member of the fact-finding panel, unless the parties agree to proceed without a tri-partite panel. Following these appointments, if any, the parties shall select a qualified impartial individual to serve as the fact-finder and chairperson of the fact-finding panel, if applicable. An individual shall be considered qualified to serve as the fact-finder and chairperson of the fact-finding panel, if applicable, if he or she was not the same individual who was appointed as the mediator and if he or she satisfies the following requirements:*

1) *membership in good standing with the National Academy of Arbitrators, Federal Mediation and Conciliation Service, or American Arbitration Association for a minimum of 10 years;*

2) *membership on the mediation roster for the Illinois Labor Relations Board or the Illinois Educational Labor Relations Board;*

3) *issuance of at least 5 interest arbitration awards arising under the Illinois Public Labor Relations Act* [5 ILCS 315]; *and*

4) *participation in impasse resolution processes arising under private or public sector collective bargaining statutes in other states.* [115 ILCS 5/12(a-10)(2)]

c) *If the parties are unable to agree on a fact-finder, the parties shall request a panel of fact-finders who satisfy the requirements in* subsection (b) *from either the Federal Mediation and Conciliation Service or the American Arbitration Association and shall select a fact-finder from such panel in accordance with the procedures established by the organization providing the panel.* [115 ILCS 5/12(a-10)(2)]

d) *The fact-finder shall have the following duties and powers:*

1) *to require the parties to submit a statement of disputed issues and their positions regarding each issue, either jointly or separately;*

2) *to identify disputed issues that are economic in nature;*

3) *to meet with the parties either separately or in executive sessions;*

4) *to conduct hearings and regulate the time, place, course, and manner of the hearings;*

5) *to request the Board to issue subpoenas requiring the attendance and testimony of witnesses or the production of evidence;*

6) *to administer oaths and affirmations;*

7) *to examine witnesses and documents;*

8) *to create a full and complete written record of the hearings;*

9) *to attempt mediation or remand a disputed issue to the parties for further collective bargaining;*

10) *to require the parties to submit final offers for each disputed issue either individually or as a package or as a combination of both; and*

11) *to employ any other measures deemed appropriate to resolve the impasse.* [115 ILCS 5/12(a-10)(3)]

e) *If the dispute is not settled within 75 days after the appointment of the fact-finding panel, the fact-finding panel shall issue a private report to the parties that contains advisory findings of fact and recommended terms of settlement for all disputed issues and that sets forth a rationale for each recommendation. The fact-finding panel, acting by a majority of its members, shall base its findings and recommendations on the following criteria, as applicable:*

1) *the lawful authority of the employer;*

2) *the federal and State statutes or local ordinances and resolutions applicable to the employer;*

3) *prior collective bargaining agreements and the bargaining history between the parties;*

4) *stipulations of the parties;*

5) *the interests and welfare of the public and the students and families served by the employer;*

6) *the employer's financial ability to fund the proposals based on existing available resources, provided that such ability is not predicated on an assumption that lines of credit or reserve funds are available or that the employer may or will receive or develop new sources of revenue or increase existing sources of revenue;*

7) *the impact of any economic adjustments on the employer's ability to pursue its educational mission;*

8) *the present and future general economic conditions in the locality and State;*

9) *a comparison of the wages, hours and conditions of employment of the employees involved in the dispute with the wages, hours and conditions of employment of employees performing similar services in public education in the 10 largest U.S. cities;*

10) *the average consumer prices in urban areas for goods and services, which is commonly known as the cost of living;*

11) *the overall compensation presently received by the employees involved in the dispute, including:*

A) *direct wage compensation;*

B) *vacations, holidays, and other excused time;*

C) *insurance and pensions;*

D) *medical and hospitalization benefits;*

E) *the continuity and stability of employment and all other benefits received; and*

F) *how each party's proposed compensation structure supports the educational goals of the district;*

12) *changes in any of the circumstances listed in* subsection (e)(1) through (11) *during the fact-finding proceedings;*

13) *the effect that any term the parties are at impasse on has or may have on the overall educational environment, learning conditions, and working conditions within the school district; and*

14) *the effect that any term the parties are at impasse on has or may have in promoting the public policy of this State.* [115 ILCS 5/12(a-10)(4)]

f) *The fact-finding panel's recommended terms of settlement shall be deemed agreed upon by the parties as the final resolution of the disputed issues and incorporated into the collective bargaining agreement executed by the parties, unless either party tenders to the other party and the chairperson of the fact-finding panel a notice of rejection of the recommended terms of settlement with a rationale for the rejection, within 15 days after the date of issuance of the fact-finding panel's report. If either party submits a notice of rejection, the chairperson of the fact-finding panel shall* promptly release *the fact-finding panel's report and the notice of rejection for public information by delivering a copy to all newspapers of general circulation in the community with simultaneous written notice to the parties.* [115 ILCS 5/12(a-10)(5)]

g) *Educational employees in a school district organized under Article 34 of the School Code shall not engage in a strike* until *at least 30 days have elapsed after a fact-finding report has been released for public information.* [115 ILCS 5/13(b)]

h) *Educational employees in a school district organized under Article 34 of the School Code shall not engage in a strike* unless *at least three-fourths of all bargaining unit employees who are members of the exclusive bargaining representative have affirmatively voted to authorize the strike; provided, however, that all members of the exclusive bargaining representative at the time of a strike authorization vote shall be eligible to vote.* [115 ILCS 5/13(b)]

(Source: Added at 38 Ill. Reg. 8379, effective April 1, 2014)

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: University of Illinois Bargaining Units

2) Code Citation: 80 Ill. Adm. Code 1135

3) Section Number: 1135.20 — Adopted Action: Amendment

4) Statutory Authority: 115 ILCS 5/5(i), 5/9

5) Effective Date of Amendment: April 1, 2014

6) Does this amendment contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the IELRB's Chicago and Springfield offices and is available for public inspection. No material is incorporated by reference.

9) Notice of Proposal Published in *Illinois Register*: 37 Ill. Reg. 15584; October 4, 2013

10) Has JCAR issued a Statement of Objection to this amendment? No

11) Differences between Proposal and Final Version: The presumptively appropriate bargaining units for nontenure-track faculty will now include all full-time nontenure-track faculty at that campus of the University of Illinois, rather than only those who possess a terminal degree appropriate to the academic unit in which the faculty member is employed and those who do not have the appropriate terminal degree but have been employed for four consecutive semesters, excluding summer terms.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? There were no changes agreed upon by the agency and JCAR.

13) Will this rulemaking replace any emergency rule currently in effect? No

14) Are there any proposed rulemakings pending on this Part? No

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT

15) Summary and Purpose of Amendment: This amendment creates separate presumptively appropriate bargaining units for tenured and tenure-track and for nontenure-track faculty at each campus of the University of Illinois. This amendment defines the presumptively appropriate nontenure-track faculty bargaining units and the presumptively appropriate bargaining units for faculty at the University's professional schools. This amendment creates presumptively appropriate bargaining units for faculty at the Springfield campus of the University of Illinois.

16) Information and questions regarding this adopted amendment shall be directed to:

Susan J. Willenborg
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103

312/793-3170
Susan.Willenborg@illinios.gov

The full text of the Adopted Amendment begins on the next page:

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE C: LABOR RELATIONS
CHAPTER III: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

PART 1135
UNIVERSITY OF ILLINOIS BARGAINING UNITS

Section
1135.10 General Statement of Purpose
1135.20 Presumptively Appropriate Bargaining Units
1135.30 Bargaining Unit Determinations

AUTHORITY: Implementing Section 7 and authorized by Sections 5(i) and 9 of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i), 7, 9].

SOURCE: Adopted at 13 Ill. Reg. 14969, effective September 8, 1989; amended at 28 Ill. Reg. 7993, effective May 28, 2004; amended at 38 Ill. Reg. 8395, effective April 1, 2014.

Section 1135.20 Presumptively Appropriate Bargaining Units

a) With respect to educational employees employed at the Urbana-Champaign campus or employed in units located outside Urbana-Champaign which report administratively to the Urbana-Champaign campus, the following units shall be presumptively appropriate for collective bargaining:

1) Unit 1: All full-time (i.e., employees who have .51 or greater appointment as a faculty member) tenured or tenure-track faculty~~; all full-time, nontenure-track faculty who possess a terminal degree appropriate to the academic unit in which the faculty member is employed; and all full-time, nontenure-track faculty without the appropriate terminal degree who have been employed for four consecutive semesters, excluding summer terms~~, but excluding all faculty members of the College of Law and the College of Veterinary Medicine. ~~A terminal degree is the highest degree attainable in a discipline.~~

2) Unit 2: All full-time (i.e., employees who have .51 or greater appointment as a faculty member) nontenure-track faculty, but excluding all faculty members of the College of Law and the College of Veterinary Medicine.

32) Unit 32: All full-time (i.e., employees who have .51 or greater appointment as a faculty member) tenuredtenure, or tenure-track or nontenure-track faculty members of the College of Law.

43) Unit 43: All full-time (i.e., employees who have .51 or greater appointment as a faculty member) tenuredtenure, or tenure-track or nontenure-track faculty members of the College of Veterinary Medicine.

54) Unit 54: All full-time non-visiting academic professionals exempted as Principal Administrative Employees from Section 36e of the State Universities Civil Service Act [110 ILCS 70/36e] who have a .50 or greater appointment in that position.

65) Unit 65: All full-time and regular part-time professional employees, as that term is defined in Section 2(k) of the Illinois Educational Labor Relations Act [115 ILCS 5/2(k)] who are not exempt from the State Universities Civil Service Act.

76) Unit 76: All full-time and regular part-time technical and paraprofessional employees not exempt from the State Universities Civil Service Act [110 ILCS 70/36e]. A technical and paraprofessional employee is a person who performs work that is typically laboratory or field work.

87) Unit 87: All full-time and regular part-time non-professional administrative and clerical employees not exempt from the State Universities Civil Service Act.

98) Unit 98: All full-time and regular part-time service and maintenance employees not exempt from the State Universities Civil Service Act.

b) With respect to educational employees employed at the Chicago campus or employed in units located outside Chicago thatwhich report administratively to the Chicago campus, the following units shall be presumptively appropriate for collective bargaining:

1) Unit 1: All full-time (i.e., employees who have .51 or greater appointment as a faculty member) tenured or tenure-track faculty; all full-time, nontenure-track faculty who possess a terminal degree appropriate to the academic unit in which the faculty member is employed; and all full-time,

~~nontenure-track faculty without the appropriate terminal degree who have been employed for four consecutive semesters, excluding summer terms~~, but excluding all faculty members of the College of Pharmacy, the College of Medicine and the College of Dentistry.

2) Unit 2: All full-time (i.e., employees who have .51 or greater appointment as a faculty member) nontenure-track faculty, but excluding all faculty members of the College of Pharmacy, the College of Medicine and the College of Dentistry.

3~~2~~) Unit 3~~2~~: All full-time (i.e., employees who have .51 or greater appointment as a faculty member) tenured,~~tenure or~~ tenure-track or nontenure-track faculty members of the College of Dentistry.

4~~3~~) Unit 4~~3~~: All full-time (i.e., employees who have .51 or greater appointment as a faculty member) tenured,~~tenure or~~ tenure-track or nontenure-track faculty members of the College of Medicine.

5~~4~~) Unit 5~~4~~: All full-time (i.e., employees who have .51 or greater appointment as a faculty member) tenured,~~tenure or~~ tenure-track or nontenure-track faculty members of the College of Pharmacy.

6~~5~~) Unit 6~~5~~: All full-time non-visiting academic professionals exempted as Principal Administrative Employees from Section 36e of the State Universities Civil Service Act who have a .50 or greater appointment in that position.

7~~6~~) Unit 7~~6~~: All full-time and regular part-time professional employees, as that term is defined in Section 2(k) of the Illinois Educational Labor Relations Act ~~[115 ILCS 5/2(k)]~~ who are not exempt from the State Universities Civil Service Act.

8~~7~~) Unit 8~~7~~: All full-time and regular part-time technical and paraprofessional employees not exempt from the State Universities Civil Service Act.

9~~8~~) Unit 9~~8~~: All full-time and regular part-time non-professional administrative and clerical employees not exempt from the State Universities Civil Service Act.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT

10~~9~~) Unit 10~~9~~: All full-time and regular part-time service and maintenance employees not exempt from the State Universities Civil Service Act.

c) With respect to educational employees employed at the Springfield campus or employed in units located outside Springfield that report administratively to the Springfield campus, the following units shall be presumptively appropriate for collective bargaining:

1) Unit 1: All full-time (i.e., employees who have .51 or greater appointment as a faculty member) tenured or tenure-track faculty.

2) Unit 2: All full-time (i.e., employees who have a .51 or greater appointment as a faculty member) nontenure-track faculty.

(Source: Amended at 38 Ill. Reg. 8395, effective April 1, 2014)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Lobbyist Registration and Reports

2) Code Citation: 2 Ill. Adm. Code 560

3)

Section Numbers:	Adopted Action:
560.100	Amend
560.310	Amend

4) Statutory Authority: Implementing and authorized by the Lobbyist Registration Act [25 ILCS 170]

5) Effective Date of Rule: April 3, 2014

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporation by reference? No

8) A copy of the adopted amendment including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposed published in the *Illinois Register*: December 27, 2013; 37 Ill. Reg. 20628

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: No substantive changes were made during the First Notice period. All technical changes recommended by JCAR were made.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace any emergency rule currently in effect? No

14) Are there any proposed rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: The rule updates definitions and requirements to comply with amendments to the Lobbyist Registration Act effective January 1, 2014.

16) Information and questions regarding these adopted rules shall be directed to:

Michelle Nijm
Assistant General Counsel
100 W. Randolph, Ste. 5-400
Chicago IL 60601

312/814-7246

17) Does this rulemaking require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

The full text of the Adopted Amendments begins on the next page:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE C: CONSTITUTIONAL OFFICERS
CHAPTER III: SECRETARY OF STATE

PART 560
LOBBYIST REGISTRATION AND REPORTS

SUBPART A: DEFINITIONS

Section
560.100 Definitions
560.105 Designated Officials

SUBPART B: LOBBYIST REGISTRATION

Section
560.200 Persons Required to Register
560.205 Designation and Duties of Authorized Agent
560.210 Persons Not Required to Register
560.220 Registration Requirements
560.225 Ethics Training
560.230 Failure to Register (Repealed)

SUBPART C: REPORTING REQUIREMENTS

Section
560.300 Persons Required to File Semi-monthly Reports
560.301 Affirmations
560.305 Time, Place and Manner for Filing Semi-monthly Reports
560.310 Categorizing Expenditures
560.315 Allocating Expenditures
560.320 Large Gatherings and Giveaways
560.325 Reporting Expenditures by Participants in Grass Roots Lobbying Events
560.326 Registrant's Duties for Grass Roots Lobbying Events
560.330 Expenditures for Immediate Family Members of Officials
560.340 Travel and Lodging Accommodations for Officials
560.345 Members of Legislative or State Study Committees
560.350 Personal and Office Expenses
560.355 Registrant's Duties for Grass Roots Lobbying Events (Repealed)
560.360 Salaries, Fees and Compensation

560.365 Contributions Reported Under the Election Code
560.370 Returned Expenditures/Reimbursement by Official
560.371 Lobbyist Notifications to Officials
560.372 Official's Clarification Notice
560.375 Reports in the Absence of Reportable Expenditures
560.380 Amending Reports
560.385 Termination of Lobbying Activities
560.390 Failure to File Registration Statements and Semi-monthly Reports
560.395 Preservation of Records

SUBPART D: PUBLIC DISCLOSURE

Section
560.400 Requests for Reports
560.402 Location and Business Hours
560.405 Official Forms
560.410 List of Officials
560.420 Fees
560.430 Enforcement

560.APPENDIX A Lobbyist Registration Statements
560.ILLUSTRATION A Form R1: Lobbyist Registration Statement − For Individual/Firm/Partnership/Committee/ Association/Corporation or any Other Organization Employing a Lobbyist on Their Own Behalf (Repealed)
560.ILLUSTRATION B Form R2: Lobbyist Registration Statement − For Individual/Firm/Partnership/Committee/Association/Corporation or any Other Organization Who Performs Lobbying Services on Behalf of Another (Repealed)
560.ILLUSTRATION C Attachment R1/R2: Lobbyist Registration Attachment − For Individual Lobbyist (Repealed)
560.ILLUSTRATION D Form R3: Lobbyist Registration Attachment − For Addition or Deletion of Affiliated Lobbyists (Repealed)
560.ILLUSTRATION E Form R4: Lobbyist Registration Attachment − For Addition or Deletion of Affiliated Clients (Repealed)
560.APPENDIX B Lobbyist Semi-monthly Reports
560.ILLUSTRATION A Form S1: Lobbyist Semi-monthly Report − Summary of Reportable Expenditures (Repealed)
560.ILLUSTRATION B Schedule 1A/2A: Lobbyist Expenditure Report − Itemized Expenditures for Travel and Lodging or Meals, Beverages and

	Entertainment (Repealed)
560.ILLUSTRATION C	Schedule 1B/2B: Lobbyist Expenditure Report − Non-Itemized Expenditures for Travel and Lodging or Meals, Beverages and Entertainment (Repealed)
560.ILLUSTRATION D	Schedule 2C/3C: Lobbyist Expenditure Report − Expenditures for Large Gatherings (Repealed)
560.ILLUSTRATION E	Schedule 3A/4A: Lobbyist Expenditure Report − Itemized Expenditures for Gifts or Honoraria (Repealed)
560.ILLUSTRATION F	Schedule 3B/4B: Lobbyist Expenditure Report − Non-Itemized Expenditures for Gifts and Honoraria (Repealed)
560.ILLUSTRATION G	Schedule GR1: Lobbyist Expenditure Notification − Expenditures Notification in Connection with a Grass Roots Lobbying Event (Repealed)

AUTHORITY: Implementing and authorized by the Lobbyist Registration Act [25 ILCS 170].

SOURCE: Adopted at 18 Ill. Reg. 22532, effective January 1, 1994; amended at 21 Ill. Reg. 405, effective January 1, 1997; emergency amendment at 22 Ill. Reg. 22419, effective December 8, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 5856, effective May 3, 1999; amended at 24 Ill. Reg. 6708, effective April 14, 2000; emergency amendment at 35 Ill. Reg. 2424, effective January 21, 2011, for a maximum of 150 days; emergency expired June 19, 2011; amended at 35 Ill. Reg. 12761, effective July 18, 2011; emergency amendment at 37 Ill. Reg. 20784, effective December 16, 2013, for a maximum of 150 days; emergency repeal of emergency amendment at 38 Ill. Reg. 5395, effective February 7, 2014, for the remainder of the 150 days; amended at 38 Ill. Reg. 8401, effective April 3, 2014.

SUBPART A: DEFINITIONS

Section 560.100 Definitions

The following definitions shall apply to this Part:

"Act" means the Lobbyist Registration Act [25 ILCS 170].

"Administrative Action~~action~~" means the execution or rejection of any rule, regulation, legislative rule, standard, fee, rate, contractual arrangement, purchasing agreement or other delegated legislative or quasi-legislative action to be taken or withheld by any executive agency, department, board or commission of the State. (Section 2(i) of the Act) It shall not include any correspondence or direct lobbying communication to an official providing a response to an official's

request.

"Allocation" means the proration of the expenditure made for lobbying an official when the expenditure is made for more than one official, but fewer than 25 officials.

"Authorized Agent" means the person designated by *an entity or lobbyist registered under* the *Act as the person responsible for* the accurate *submission and retention of reports required under* the *Act.* (Section 2(l) of the Act) The authorized agent need not register unless he or she is a lobbyist, as defined in this Section.

"Client" means *any person or entity that provides compensation to or employs a lobbyist to lobby State government as provided in the Act.*~~an individual, firm, partnership, committee, association, corporation or any other organization on whose behalf a lobbyist influences officials with respect to executive, administrative and legislative action.~~

"Client Registrant" means a client who is required to register under the Act.

"Compensation" means any money, thing of value or financial benefits received or to be received in return for services rendered or to be rendered, for lobbying, as defined in this Section. *Monies paid to* officials *by the State as remuneration for performance or reimbursement of expenses in connection with their constitutional and statutory duties* as officials *shall not constitute compensation.* (Section 2 of the Act)

"Complete Report" means a statement or report to be filed with the Secretary of State Index Department in apparent and substantial conformity with the requirements of this Part that shall contain the electronic acknowledgement of the authorized agent, the completion of all applicable sections of the statement or report, and the attachment of all appropriate schedules.

"Direct Lobbying Communication" means any activity concerning the direct contact of officials in person or by means of correspondence, telephone or other electronic medium for the purpose of influencing executive, legislative or administrative action. Any correspondence or contact of a routine nature with an official's office, or by a citizen lawfully petitioning a public official pursuant to Section 9 of the Act, shall not be considered direct lobbying communication, unless the communication is made by a hired lobbyist or is in conjunction with a

reportable expenditure.

"Due Diligence" means when a lobbyist or authorized agent for any registered entity shows that best efforts have been used to obtain, maintain and submit the information required by the Act. With regard to filing complete reports, the authorized agent will not be deemed to have exercised due diligence unless he or she has access to the expense records of the entity's lobbyists, and has made at least one written request to obtain information required by the Act from the lobbyist that informs the lobbyist that the reporting of that information to the authorized agent is required by law or regulation. This definition should not be construed as a requirement that the authorized agent review the lobbyist's expense records if the lobbyist certifies their accuracy to the authorized agent.

"Employer" means the individual, firm, partnership, committee, association, corporation or any other organization or group of persons by whom a lobbyist is employed, and not the name of the lobbyist's supervisor.

"Executive Action~~action~~" means the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection or postponement by a State entity of a rule, regulation, order, decision, determination, contractual arrangement, purchasing agreement or other quasi-legislative or quasi-judicial action or proceeding. (Section 2(g) of the Act) It shall not include any correspondence or communication to an official providing a response to an official's request.

"Expenditure" means a payment, distribution, loan, advance, deposit or gift of money or anything of value, and includes a contract, promise or agreement, whether or not legally enforceable, to make an expenditure, for the ultimate purpose of influencing executive, legislative or administrative action, other than compensation as defined in this Section. (Section 2(b) of the Act) For the purposes of this Part, "expenditure" refers to a reportable expenditure made on behalf of an official in one of the 6 categories described in Section 6 of the Act and Section 560.310 of this Part.

"File", "Filed" and "Filing" means the submission of a complete report, as defined in this Section, to the Secretary of State Index Department by the close of business on the prescribed filing date. Registration statements, semi-monthly reports, and any other required reports or correspondence shall be completed online, using the Secretary of State Index Department website (http://www.cyberdriveillinois.com/departments/index/home.html) unless

otherwise instructed. If the filing deadline falls on a weekend or a holiday, the deadline will be extended to the next business day unless otherwise instructed. The Index Department shall notify any lobbying entity who has failed to submit a complete report and pay proper fees as required by Sections 560.220 and 560.390. An entity that fails to file a complete entity registration statement, semi-monthly report, or other required report or correspondence and/or pay proper fees shall not be considered a registered lobbying entity by the Secretary of State.

"Goodwill" means, for reporting purposes, any expenditure made on behalf of officials that has no direct relation to a specific executive, legislative or administrative action, regardless of whether the lobbyist making the expenditure is reimbursed by his or her employing registered entity or client. Goodwill should be reported as the subject matter when no specific action is discussed.

"Grass Roots Lobbying Communication" means:

correspondence by a representative (a lobbyist or a non-lobbyist) of a registered entity to the general public, or any segment thereof, encouraging correspondence to an official's office in support of, or opposition to, an executive, legislative or administrative action;

correspondence by a member of the general public, or any segment thereof, to an official's office in support of, or opposition to, an executive, legislative or administrative action when such correspondence is a result of a communication described above in this definition. A reportable expenditure made for or on behalf of an official by a member of the general public as a result of a grass roots lobbying communication shall constitute lobbying activity requiring that individual to register as a lobbyist unless that person reports the expenditure to the registered entity pursuant to Section 560.325.

"Grass Roots Lobbying Event" means:

any organized activity sponsored by a registered entity that is intended to influence the actions of officials by inviting or transporting participants (e.g., members, employees, constituents or the general public) to a specific site on the grounds of, or in the proximity of, public offices or other meeting places where officials are expected to be accessible for grass roots lobbying; or

any event to which officials are invited that is sponsored by a non-lobbyist member or employee of a registered entity, e.g., an on-site inspection of, or reception at, the member's or employee's place of business, or a social gathering at any location. Reportable expenditures incurred as a result of the event shall be reported to the registered entity pursuant to Section 560.325.

"Honorarium" means a payment of money to a member of the General Assembly for an appearance or speech, excluding any actual and necessary travel expenses incurred by the member (and one relative) to the extent that those expenses are paid by any other person. [5 ILCS 420/2-110]

"Influencing" means any communication, action, or reportable expenditure or other means used to promote, support, affect, modify, oppose or delay any executive, legislative or administrative action or to promote goodwill with officials, as defined in this Section. (Section 2(f) of the Act)

"Legislative Action~~action~~" means the development, drafting, introduction, consideration, modification, adoption, rejection, review, enactment or passage or defeat of any bill, amendment, resolution, report, nomination, administrative rule, or other matter by either house of the General Assembly or a committee thereof, or by a legislator. Legislative action also means the action of the Governor in approving or vetoing any bill or portion thereof, and the action of the Governor or any agency in the development of a proposal for introduction in the legislature. (Section 2(h) of the Act) It shall not include any correspondence or communication to an official providing a response to an official's request.

"Lobby" and "Lobbying" means any communication with an official of the executive or legislative branch of State government as defined in this Section *for the ultimate purpose of influencing* any *executive, legislative or administrative action*. (Section 2(e) of the Act) Lobbying shall not be construed to infringe in any way the right of a citizen to lawfully petition any public official by any means of communication. The following are excluded from the definition of "lobbying":

Any grass roots lobbying communication as defined in this Section;

Any communication by a candidate or political committee, as defined in Article 9 of the Election Code [10 ILCS 5/9], in relation to the candidate's campaign, or other communications by a political party committee registered with the Illinois State Board of Elections or Federal Election

Commission;

Any communication by a political committee registered with the Illinois State Board of Elections or Federal Election Commission in connection with a question of public policy referendum to be presented to the electors; and

Any professional or technical assistance or ministerial function (a function in which nothing is left to discretion) as a normal course of business (see Section 560.210(c), (d), and (n)~~ of this Part~~).

"Lobbyist" means any natural person who undertakes to lobby State government as defined in this Section. (Section 2(j) of the Act)

"Lobbying Entity~~*entity*~~*" means any entity that hires, retains, employs or compensates a natural person to lobby State government as provided* in this Section. (Section 2(k) of the Act)

"Official" means:

The~~the~~ Governor, Lieutenant Governor, Secretary of State, Attorney General, State Treasurer and State Comptroller and their Chiefs of Staff;

Cabinet members of any elected constitutional officer, including Directors, Assistant Directors and Chief Legal Counsel or General Counsel, and other position titles of comparable ranking that are deemed by their employing Constitutional Officer to be an official under this Part; ~~and~~

Members of the General Assembly; and

Members of any board, commission, authority, or task force of the State authorized or created by State law or by executive order of the Governor that has authority to make binding recommendations or determinations. (Section 2(c) of the Act) (See Section 560.105 for additional information.)

"Official" shall not be construed to include those individuals possessing power of attorney on behalf of an official.

"Person" means any individual, firm, partnership, committee, association,

corporation or any other organization or group of persons. (Section 2(a) of the Act)

"Picture" means an original or photocopied photograph of a lobbyist to be affixed to the lobbyist's registration attachment.

"Professional Services and Technical Skills" shall be limited to advice and analysis directly applying any professional or technical discipline (see Section 560.210(c) and (d)~~ of this Part~~). Being a professional or technical person does not in itself exempt a person from registering if that person undertakes a direct lobbying communication or makes a reportable expenditure.

"Vendor" means any person who sells or leases commodities, equipment, or real estate to the State of Illinois.

(Source: Amended at 38 Ill. Reg. 8401, effective April 3, 2014)

SUBPART C: REPORTING REQUIREMENTS

Section 560.310 Categorizing Expenditures

a) *Expenditures attributable to lobbying officials shall be listed and reported according to the following categories:*

1) *travel and lodging on behalf of others, including, but not limited to, all travel and living accommodations made for or on behalf of State officials during sessions of the General Assembly;*

2) *meals, beverages and other entertainment;*

3) *gifts;*

4) gifts on the basis of personal friendship;

5) *honoraria.*

NOTE~~Note~~: Public Act 89-405 added Section 2-110 of the Governmental Ethics Act [5 ILCS 420/2-110] to prohibit members of the General Assembly from accepting any honorarium. This amendment to the Governmental Ethics Act applies only to members of the General

Assembly and contains no similar prohibition with respect to the acceptance of honoraria by other officials;

6) *any other thing or service of value not listed under* subsections (a)(1) through (5), *setting forth a description of the expenditure*. (Section 6(b-2) of the Act)

b) *The report shall itemize each individual expenditure or transaction and shall include the name of the* lobbyist, *the name of the official on whose behalf the expenditure was made, the name of the client on whose behalf the expenditure was made,* if applicable, *the total amount of the expenditure, a description of the expenditure,* the seller, *purveyor* or other provider *to whom the expenditure was made (including the address or location of the expenditure), the date on which the expenditure occurred and the subject matter of the lobbying activity, if any. For those expenditures made on behalf of a client, if the client is a client registrant, the report shall also include the name and address of the client or clients of the client registrant and the official or officials on whose behalf the expenditures ultimately were made.* (Section 6(b) of the Act)~~.~~ For purposes of expenditure reporting, the address of an expenditure may be listed as a landmark, if applicable. If there is no subject matter pertaining to the lobbying activity in connection with an expenditure, the term "goodwill" should be reported as the subject matter. Allocation is permitted for determining the itemization threshold (see Section 560.315).

c) Client Information

1) Subject to the qualifications in subsection (c)(2), the semi-monthly report shall include the names and addresses of all the clients and clients of client registrants required to be identified under Section 6(b) of the Act~~who retained the lobbyist or lobbying entity~~, together with an itemized description for each client of the following:

A) lobbying regarding executive action, including the name of any executive agency lobbied and the subject matter;

B) lobbying regarding any legislative action, including the General Assembly and any other agencies lobbied and the subject matter;

C) lobbying regarding administrative action, including the agency lobbied and the subject matter.

2) Registrants who made no reportable expenditures during a reporting period shall file a report stating that they had no expenditures. If, however, changes in lobbying activities that are reportable under Section 5 of the Act have taken place, a registrant shall amend its registration pursuant to Section 560.220.

(Source: Amended at 38 Ill. Reg. 8401, effective April 3, 2014)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Supplemental Nutrition Assistance Program (SNAP)

2) Code Citation: 89 Ill. Adm. Code 121

3) Section Number: 121.63 — Emergency Action: Amend

4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13] and PL 113-79

5) Effective Date of Amendment: April 1, 2014

6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rulemaking will expire at the end of the 150-day period, or upon adoption of permanent rules, whichever comes first.

7) Date filed with the Index Department: April 1, 2014

8) A copy of the emergency rulemaking, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.

9) Reason for Emergency: This emergency rulemaking is necessary to comply with provisions of Section 4006 of PL 113-79 that require the Department to revise the provisions allowing households to qualify for the Standard Utility Allowances effective March 10, 2014.

10) A Complete Description of the Subject and Issues Involved: The Supplemental Nutrition Assistance Program (SNAP) was recently authorized as part of the Agriculture Act of 2014 (the Act) (PL 113-79). As a result, Section 4006 of the Act no longer allows a SNAP household to qualify for the air conditioning/heating standard allowance based on the expected receipt of Low Income Home Energy Assistance Program (LIHEAP) payments.

Effective March 10, 2014, SNAP applicants and recipients must receive a LIHEAP payment of $21 or more in the current month of application or in the immediately preceding 12 months in order to qualify for the Standard Utility Allowance (SUA) based on receipt of LIHEAP. This provision was intended to prevent the issuance of nominal LIHEAP payments in order to automatically qualify SNAP households for the SUA. In

addition, it strengthens the LIHEAP/SUA link by requiring that the households must have received an actual LIHEAP payment in order to use LIHEAP participation as the basis for the household's qualification for the SUA.

Households with actual utility expenses remain eligible for the SUA, if the household qualifies for the SUA based on their actual utility expenses. The benefit amount of some SNAP recipients may decrease slightly at reapplication if the household was previously receiving the air conditioning/heating standard allowance based on anticipated receipt of LIHEAP and did not receive an actual payment.

11) Are there any other proposed rulemakings pending on this Part? No

12) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

13) Information and questions regarding this emergency rulemaking should be directed to:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Bldg., 3rd Floor
Springfield IL 62762

217/785-9772

The full text of the Emergency Amendment begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)

SUBPART A: APPLICATION PROCEDURES

Section
121.1 Application for Assistance
121.2 Time Limitations on the Disposition of an Application
121.3 Approval of an Application and Initial Authorization of Assistance
121.4 Denial of an Application
121.5 Client Cooperation
121.6 Emergency Assistance
121.7 Expedited Service
121.8 Express Stamps Application Project
121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
121.18 Work Requirement
121.19 Ending a Voluntary Quit Disqualification (Repealed)
121.20 Citizenship
121.21 Residence
121.22 Social Security Numbers
121.23 Work Registration/Participation Requirements
121.24 Individuals Exempt from Work Registration Requirements
121.25 Failure to Comply with Work Provisions
121.26 Periods of Sanction
121.27 Voluntary Job Quit/Reduction in Work Hours
121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours
121.29 Exemptions from Voluntary Quit/Reduction in Work Hours Rules

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

121.30 Unearned Income
121.31 Exempt Unearned Income
121.32 Education Benefits (Repealed)
121.33 Unearned Income In-Kind
121.34 Lump Sum Payments and Income Tax Refunds
121.40 Earned Income
121.41 Budgeting Earned Income
121.50 Exempt Earned Income
121.51 Income from Work/Study/Training Programs
121.52 Earned Income from Roomers or Boarders
121.53 Income From Rental Property
121.54 Earned Income In-Kind
121.55 Sponsors of Aliens
121.57 Assets
121.58 Exempt Assets
121.59 Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section
121.60 Net Monthly Income Eligibility Standards
121.61 Gross Monthly Income Eligibility Standards
121.62 Income Which Must Be Annualized
121.63 Deductions from Monthly Income
EMERGENCY
121.64 Supplemental Nutrition Assistance Program (SNAP) Benefit Amount

SUBPART E: HOUSEHOLD CONCEPT

Section
121.70 Composition of the Assistance Unit
121.71 Living Arrangement
121.72 Nonhousehold Members
121.73 Ineligible Household Members
121.74 Strikers
121.75 Students
121.76 Categorically Eligible Households

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

Section
121.80 Fraud Disqualification (Renumbered)
121.81 Initiation of Administrative Fraud Hearing (Repealed)
121.82 Definition of Fraud (Renumbered)
121.83 Notification To Applicant Households (Renumbered)
121.84 Disqualification Upon Finding of Fraud (Renumbered)
121.85 Court Imposed Disqualification (Renumbered)
121.90 Monthly Reporting and Retrospective Budgeting (Repealed)
121.91 Monthly Reporting (Repealed)
121.92 Budgeting
121.93 Issuance of Food Stamp Benefits
121.94 Replacement of the EBT Card or SNAP Benefits
121.95 Restoration of Lost Benefits
121.96 Uses for SNAP Benefits
121.97 Supplemental Payments
121.98 Client Training Brochure for the Electronic Benefits Transfer (EBT) System
121.105 State Food Program (Repealed)
121.107 New State Food Program
121.108 Transitional Food Stamp (TFS) Benefits
121.117 Farmers' Market Technology Improvement Program
121.120 Redetermination of Eligibility
121.125 Simplified Reporting Redeterminations
121.130 Residents of Shelters for Battered Women and their Children
121.131 Fleeing Felons and Probation/Parole Violators
121.135 Incorporation By Reference
121.136 Food and Nutrition Act of 2008
121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers
121.145 Quarterly Reporting (Repealed)

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section
121.150 Definition of Intentional Violations of the Program
121.151 Penalties for Intentional Violations of the Program
121.152 Notification To Applicant Households
121.153 Disqualification Upon Finding of Intentional Violation of the Program
121.154 Court Imposed Disqualification

DEPARTMENT OF HUMAN SERVICES

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SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section
121.160 Persons Required to Participate
121.162 Program Requirements
121.163 Vocational Training
121.164 Orientation (Repealed)
121.165 Community Work
121.166 Assessment and Employability Plan (Repealed)
121.167 Counseling/Prevention Services
121.170 Job Search Activity
121.172 Basic Education Activity
121.174 Job Readiness Activity
121.176 Work Experience Activity
121.177 Illinois Works Component (Repealed)
121.178 Job Training Component (Repealed)
121.179 JTPA Employability Services Component (Repealed)
121.180 Grant Diversion Component (Repealed)
121.182 Earnfare Activity
121.184 Sanctions for Non-cooperation with Food Stamp Employment and Training
121.186 Good Cause for Failure to Cooperate
121.188 Supportive Services
121.190 Conciliation
121.200 Types of Claims (Recodified)
121.201 Establishing a Claim for Intentional Violation of the Program (Recodified)
121.202 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
121.203 Collecting Claim Against Households (Recodified)
121.204 Failure to Respond to Initial Demand Letter (Recodified)
121.205 Methods of Repayment of Food Stamp Claims (Recodified)
121.206 Determination of Monthly Allotment Reductions (Recodified)
121.207 Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
121.208 Suspension and Termination of Claims (Recodified)

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section
121.220 Work Requirement Components (Repealed)

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121.221 Meeting the Work Requirement with the Earnfare Component (Repealed)
121.222 Volunteer Community Work Component (Repealed)
121.223 Work Experience Component (Repealed)
121.224 Supportive Service Payments to Meet the Work Requirement (Repealed)
121.225 Meeting the Work Requirement with the Illinois Works Component (Repealed)
121.226 Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at

8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days;

amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; peremptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; peremptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; peremptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; peremptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; peremptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; peremptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. 6991, effective April 30, 2007; amended at 31 Ill. Reg. 10482, effective July 9, 2007; amended at 31 Ill. Reg. 11318, effective July 23, 2007; peremptory amendment at 31 Ill. Reg. 14372, effective October 1, 2007; amended at 32 Ill. Reg. 2813, effective February 7, 2008; amended at 32 Ill. Reg. 4380, effective March 12, 2008; amended at 32 Ill. Reg. 4813, effective March 18, 2008; amended at 32 Ill. Reg. 9621, effective June 23, 2008; peremptory amendment at 32 Ill. Reg. 16905, effective October 1, 2008; peremptory amendment to Sections 121.94(c), 121.96(d)(2) and 121.150(b) suspended at 32 Ill. Reg. 18908, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 200, effective February 5, 2009; peremptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 3514, effective February 5, 2009, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 18092, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4187, effective February 24, 2009, for a maximum

of 150 days; emergency expired July 23, 2009; peremptory amendment at 33 Ill. Reg. 5537, effective April 1, 2009; emergency amendment at 33 Ill. Reg. 11322, effective July 20, 2009, for a maximum of 150 days; emergency expired December 16, 2009; amended at 33 Ill. Reg. 12802, effective September 3, 2009; amended at 33 Ill. Reg. 14121, effective September 22, 2009; emergency amendment at 33 Ill. Reg. 14627, effective October 13, 2009, for a maximum of 150 days; emergency expired March 11, 2010; amended at 33 Ill. Reg. 16875, effective November 30, 2009; amended at 33 Ill. Reg. 17350, effective December 14, 2009; amended at 34 Ill. Reg. 4777, effective March 17, 2010; amended at 34 Ill. Reg. 5295, effective April 12, 2010; amended at 34 Ill. Reg. 5823, effective April 19, 2010; emergency amendment at 34 Ill. Reg. 6967, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 7265, effective May 10, 2010; amended at 34 Ill. Reg. 7685, effective May 18, 2010; amended at 34 Ill. Reg. 12547, effective August 11, 2010; peremptory amendment at 34 Ill. Reg. 15543, effective October 1, 2010; amended at 35 Ill. Reg. 1042, effective December 28, 2010; amended at 35 Ill. Reg. 7688, effective April 29, 2011; amended at 35 Ill. Reg. 10119, effective June 7, 2011; peremptory amendment at 35 Ill. Reg. 16118, effective October 1, 2011; peremptory amendment at 35 Ill. Reg. 16904, effective October 1, 2011; amended at 35 Ill. Reg. 17120, effective October 5, 2011; amended at 35 Ill. Reg. 18780, effective October 28, 2011; amended at 35 Ill. Reg. 19278, effective November 8, 2011; amended at 35 Ill. Reg. 19778, effective December 5, 2011; peremptory amendment at 36 Ill. Reg. 15148, effective October 1, 2012; emergency amendment at 37 Ill. Reg. 15423, effective September 9, 2013, for a maximum of 150 days; peremptory amendment at 37 Ill. Reg. 16016, effective October 1, 2013; emergency amendment at 37 Ill. Reg. 16845, effective October 1, 2013, for a maximum of 150 days; peremptory amendment at 37 Ill. Reg. 17983, effective November 1, 2013; amended at 38 Ill. Reg. 5382, effective February 7, 2014; emergency amendment at 38 Ill. Reg. 8414, effective April 1, 2014, for a maximum of 150 days.

SUBPART D: ELIGIBILITY STANDARDS

Section 121.63 Deductions from Monthly Income
EMERGENCY

a) The deductions described in this Section shall be allowed in the determination of the adjusted net monthly SNAP income.

b) Earned Income Deduction. Eighty percent of total gross earned income is considered. See Sections 121.40 through 121.54 for a description of earned income.

c) Standard Deduction. The standard deduction for a household size of one through

three persons is $152. The standard deduction for a household size of four persons is $163. The standard deduction for a household size of five persons is $191. For households of six or more persons, the standard deduction is $219. Due to the Standard Medical Deduction Demonstration Project, the standard deduction will be adjusted as explained in subsection (h) of this Section.

d) Dependent Care Deduction

1) The dependent care deduction consists of payments for the care of a child or other dependent when necessary for a household member to accept or continue employment or to seek employment in compliance with the job search criteria or to attend training or pursue education which is preparatory for employment (see 89 Ill. Adm. Code 112.70 through 112.83).

2) The amount of the deduction is to be determined by the actual costs for care per month for each dependent household member.

e) Child Support Deduction. The child support deduction is the amount of legally obligated child support paid by a household member to or for a nonhousehold member.

f) Shelter Costs Deduction

1) The shelter deduction is the amount of shelter costs that exceeds 50% of the household's total income after the allowable deductions in subsections (b), (c), (d), and (e) of this Section have been made. The shelter deduction shall not exceed $478.

2) If the household contains a member who is elderly or disabled, as defined at 7 CFR 271.2 (2013~~2012~~) and Section 121.61, there is no limit on the amount of the excess shelter deduction.

3) Shelter costs include only the following:

A) continuing charges for the shelter occupied by the household (rent, mortgage and other charges leading to the ownership of the shelter, including interest on such charges);

B) property taxes, State and local assessments and insurance on the structure itself; and

C) utility costs, as described in subsection (g) of this Section.

4) Shelter costs for a home temporarily unoccupied by the household because of employment or training away from home, illness or abandonment caused by a natural disaster or casualty loss, if:

A) the household intends to return to the home;

B) the current occupants of the home, if any, are not claiming the shelter costs for SNAP purposes; and

C) the home is not leased or rented during the absence of the household.

5) Charges for repair of a home which was damaged or destroyed due to a natural disaster. Shelter costs shall not include repair charges which have been or will be reimbursed by private or public relief agencies, insurance companies or any other source.

g) Utility Costs

1) Utility costs include:

A) the cost of heating and cooking fuel, air conditioning, electricity, water, sewerage, garbage and trash collection;

B) basic service fee for one telephone (including tax on the basic fee) of $28; and

C) fees charged by the utility provider for initial installation.

2) Utility deposits are not considered to be utility costs.

3) A standard must be used if the household is billed for utilities. Federal regulations require an annual review of the State's utility standards and approval of the utility standard amounts by Food and Nutrition Service

(FNS). See Section 121.63(g)(7) for households that claim utility expenses for an unoccupied home. Households that are billed for heating or air conditioning, or both, or heating, air conditioning and electricity, must use the air conditioning/heating standard allowance of $380. Those households that are not billed for air conditioning or heating but are billed for at least two other utilities must use the limited utility standard allowance of $226. Those households that are not billed for air conditioning or heating but are billed for a single utility, other than telephone, must use the single utility standard allowance of $50. If only a separately-billed telephone expense is claimed, the basic telephone standard allowance of $28 per month will be allowed. Households living in rental housing who are billed on a regular basis by a landlord for costs for utilities must use the appropriate standard.

4) A household that is billed less often than monthly for its costs for utilities must continue to use the appropriate standard between billing months.

5) Households in public housing or privately-owned rental units that receive a bill for over-usage are entitled to use the air conditioning/heating standard allowance. When households (as defined at 7 CFR 273.1(a) (2013~~2012~~)) live together, the air conditioning/heating standard allowance, the limited utility standard allowance, or the single utility standard allowance, whichever is appropriate, shall be allowed for each household that contributes toward the utility costs whether or not each household participates in the program.

6) Households whose expense for heat or electricity, or both, is covered by indirect energy assistance payments under the Low Income Home Energy Program (89 Ill. Adm. Code 109) shall be entitled to the air conditioning/heating standard allowance (7 CFR 273.9 and 273.10(d)(6) (2013~~2012~~)). Households who receive~~, or reasonably expect to receive,~~ a Low Income Energy Assistance Program (LIHEAP) (89 Ill. Adm. Code 109) payment of $21 or more during the month of application or the preceeding 12-month period~~, beginning with the date of the SNAP application,~~ shall be allowed the air conditioning/heating standard allowance (7 CFR 273.9 (2013~~2012~~)). The provisions of subsection (f)(3) of this Section are applicable to households whose expenses for heating or electricity, or both, are covered by indirect energy assistance payments.

7) A household that has both an occupied home and an unoccupied home is entitled to only one standard. The appropriate utility standard may be used for the home the household chooses.

h) Excess Medical Deduction. A deduction for excess medical expenses shall be allowed for households which contain an elderly or disabled member as defined at 7 CFR 271.2 (2013~~2008~~) and Section 121.61. When a qualifying household member incurs medical expenses that are over $35, the household will be given a Standard Medical Deduction if the expenses will not be reimbursed by insurance or a third party. The Standard Medical Deduction is a result of a Demonstration Project authorized by USDA FNS. The Standard Medical Deduction is $450 a month for residents of Group Homes or Supportive Living Facilities and $210 a month for all other eligible households. Households whose medical expenses exceed $485 and $245 a month, respectively, may opt to claim actual documented medical expenses in lieu of the Standard Medical Deduction and the amount over $35 will be allowed as a deduction. To ensure federal costs do not increase, the Standard Deduction in subsection (c) of this Section will be reduced by $4 per month for all SNAP households.

(Source: Amended by emergency rulemaking at 38 Ill. Reg. 8414, effective April 1, 2014, for a maximum of 150 days)

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Issuance of Licenses

2) Code Citation: 92 Ill. Adm. Code 1030

3) Section Number: 1030.7 Emergency Action: Amendment

4) Statutory Authority: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)]

5) Effective Date of Amendment: April 4, 2014

6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will expire at the end of the 150-day period or upon adoption of the permanent rule, whichever comes first.

7) Date Filed with the Index Department: April 4, 2014

8) A copy of the emergency rulemaking, including any material incorporated by reference, is on file in the Department's Springfield office and is available for public inspection.

9) Reason for Emergency: As described below, the Secretary of State's office requires undocumented immigrants applying for drivers licenses to make an appointment prior to coming to SOS facilities and applying and testing for the license. Several private, for-profit entities are charging fees to make appointments for undocumented immigrants. These entities then utilize sophisticated computer programs that dominate the SOS online appointment process, make it more difficult for other, non-paying applicants to get appointments, and adversely affect the operations of the Secretary of State's overall computer system.

In December of 2013 the Secretary of State's office began issuing drivers licenses to undocumented immigrants pursuant to Section 6-105.1(a-5) of the Illinois Vehicle Code. 625 ILCS 5/6-105.1(a-5). Research conducted for the planning and implementation of this licensing program indicated there would be tremendous initial demand for the licenses, with the total number of potential applicants ranging from 250,000 to 500,000. In order to manage this demand, and limit the impact on the other operations of SOS

facilities, applicants for these new licenses were required to make appointments for their initial application and testing. Appointments can be made either over the Internet or by telephone. Appointments can be made up to 90 days in advance. Therefore the dates on which appointments are available increases by one day every day (e.g., on March 1 appointments can be made through May 30; on March 2 appointments can be made through May 31). Available appointments are rapidly scheduled, particularly for facilities in metropolitan areas. As a result, each day there is great demand for the new day of appointments that has been made available.

Several private entities are charging undocumented immigrants to make appointments for them. These entities charge up to $65 and assert that they are able to make appointments when others are unable to access our system and make appointments. These entities are utilizing sophisticated computer programs to dominate our online appointment making process. These entities run scripts against our program that enable them to make dozens of appointments in the first few minutes that the appointment making program becomes available for each day. This is causing major disturbances and interruptions with the Secretary of State's daily workflow. The multiple transactions (scripting) have caused SOS to temporarily stop services to the general public. This has also adversely affected other SOS Internet applications, including commercial drivers license testing, processing drivers education instructors, emergency contact database, facility finder tool, organ donation link and registry, parental access, and safe driver renewal process.

In addition to the interruptions of the Internet applications listed, the scripting caused major resource shortages and degradation of service to the office's mainframe (enterprise server). Processor usage shot to 100% several times during this period and responses to all mainframe users including facilities and law enforcement were degraded.

10) Complete Description of the Subjects and Issues Involved: The amended rule limits the number of appointments to apply for an undocumented immigrant driver's license made by any one individual or entity or from any one internet protocol address within a 24-hour period, and allows the Secretary to cancel any appointments made in excess of those limitations.

11) Are there any other proposed rulemakings pending on this Part? Yes

Section Number:	Proposed Action:	Illinois Register Citation:
1030.1	Amendment	37 Ill. Reg. 20117; December 20, 2013
1030.85	Amendment	37 Ill. Reg. 20117; December 20, 2013
1030.App.A	Amendment	37 Ill. Reg. 20117; December 20, 2013

1030.App.B	Amendment	37 Ill. Reg. 20117; December 20, 2013
1030.1	Amendment	38 Ill. Reg. 5163; February 21, 2014
1030.5	Amendment	38 Ill. Reg. 5163; February 21, 2014
1030.6	Amendment	38 Ill. Reg. 5163; February 21, 2014
1030.7	Amendment	38 Ill. Reg. 5163; February 21, 2014
1030.65	Amendment	38 Ill. Reg. 5163; February 21, 2014
1030.66	New	38 Ill. Reg. 5163; February 21, 2014

12) Statement of Statewide Policy Objectives: This does not create or expand an existing State mandate, nor does it require expenditures by units of local government.

13) Information and questions regarding this emergency rule shall be directed to:

Nathan Maddox
Senior Legal Advisor
Office of the General Counsel
298 Howlett Building
Springfield, IL 62756

217/785-3094

nmaddox@ilsos.net

The full text of the Emergency Amendment begins on the next page:

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1030
ISSUANCE OF LICENSES

Section

1030.1 Definitions
1030.5 Procedure for Obtaining a Driver's License
1030.6 Procedure for Obtaining a Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a)
1030.7 Procedure for Obtaining a Non-Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a-5)
EMERGENCY
1030.10 What Persons Shall Not be Licensed or Granted Permits
1030.11 Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License (Renumbered)
1030.12 Identification Cards for the Homeless
1030.13 Denial of License or Permit
1030.14 Emergency Contact Database
1030.15 Cite for Re-testing
1030.16 Physical and Mental Evaluation
1030.17 Errors in Issuance of Driver's License/Cancellation
1030.18 Medical Criteria Affecting Driver Performance
1030.20 Classification of Drivers – References (Repealed)
1030.22 Medical Examiner's Certificate − CDL Holders
1030.25 Safe Driver License Renewals
1030.30 Classification Standards
1030.40 Fifth Wheel Equipped Trucks
1030.50 Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55 Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60 Third-Party Certification Program
1030.63 Religious Exemption for Social Security Numbers (Repealed)
1030.65 Instruction Permits
1030.70 Driver's License Testing/Vision Screening
1030.75 Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
1030.80 Driver's License Testing/Written Test
1030.81 Endorsements

1030.82 Charter Bus Driver Endorsement Requirements
1030.83 Hazardous Material Endorsement
1030.84 Vehicle Inspection
1030.85 Driver's License Testing/Road Test
1030.86 Multiple Attempts − Written and/or Road Tests
1030.88 Exemption of Facility Administered Road Test
1030.89 Temporary Driver's Licenses and Temporary Instruction Permits
1030.90 Requirement for Photograph and Signature of Licensee on Driver's License
1030.91 Person with a Disability Identification Card
1030.92 Restrictions
1030.93 Restricted Local Licenses
1030.94 Duplicate or Corrected Driver's License or Instruction Permit
1030.95 Consular Licenses (Repealed)
1030.96 Seasonal Restricted Commercial Driver's License
1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
1030.98 School Bus Endorsement or Instruction Permit
1030.100 Anatomical Gift Donor (Repealed)
1030.110 Emergency Medical Information Card
1030.115 Change-of-Address
1030.120 Issuance of a Probationary License
1030.130 Grounds for Cancellation of a Probationary License
1030.140 Use of Captured Images
1030.APPENDIX A Questions Asked of a Driver's License Applicant
1030.APPENDIX B Acceptable Identification Documents – Applicants for a Driver's License, Instruction Permit, Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a) or Visa Status Temporary Visitor's Instruction Permit
1030.APPENDIX C Acceptable Identification Documents – Applicants for a Non-Visa Status Temporary Visitor's Driver's License or Non-Visa Status Temporary Visitor's Instruction Permit Pursuant to IVC Section 6-105.1(a-5)

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February

20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 15130, effective September 2, 1986; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days;

emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007; amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6544, effective April 4, 2008; amended at 33 Ill. Reg. 2391, effective January 21, 2009; amended at 33 Ill. Reg. 8489, effective June 5, 2009; amended at 33 Ill. Reg. 9794, effective June 29, 2009; amended at 33 Ill. Reg. 11620, effective July 22, 2009; amended at 33 Ill. Reg. 14185, effective September 28, 2009; amended at 34 Ill. Reg. 563, effective December 22, 2009; amended at 34 Ill. Reg. 9457, effective June 23, 2010; amended at 34 Ill. Reg. 15418, effective September 22, 2010; amended at 34 Ill. Reg. 19071, effective November 22, 2010; amended at 35 Ill. Reg. 2197, effective January 21, 2011; amended at 35 Ill. Reg. 4692, effective March 3, 2011; amended at 35 Ill. Reg. 19664, effective November 23, 2011; amended at 36 Ill. Reg. 3924, effective February 27, 2012; amended at 36 Ill. Reg. 7255, effective April 26, 2012; amended at 36 Ill. Reg. 14755, effective September 18, 2012; amended at 37 Ill. Reg. 7776, effective May 22, 2013; amended at 37 Ill. Reg. 14176, effective September 1, 2013; amended at 37 Ill. Reg. 19342, effective November 28, 2013; amended at 38 Ill. Reg. 7946, effective March 28, 2014; emergency amendment at 38 Ill. Reg. 8429, effective April 4, 2014, for a maximum of 150 days.

Section 1030.7 Procedure for Obtaining a Non-Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a-5)

NOTICE OF EMERGENCY AMENDMENT

EMERGENCY

a) An applicant who wishes to obtain an original TVDL, renew a TVDL, or obtain a corrected TVDL, pursuant to IVC Section 6-105.1(a-5), must make an appointment, via telephone or the Secretary of State's official website, to visit one of the designated TVDL Secretary of State Driver Services Facilities located throughout the State. At a later date, the Secretary of State, based on the operational needs of the office, may eliminate the requirement for appointments, or may limit the number of appointments that may be made by any one individual or entity or from any one internet protocol address within a 24-hour period. In the event the Secretary discovers appointments have been made in violation of a policy limiting the number of appointments within a 24-hour period, the Secretary may cancel the appointments exceeding the maximum number allowed. An applicant who wishes to obtain a duplicate TVDL shall visit any TVDL facility located throughout the State. An application form, provided by the Secretary of State pursuant to IVC Section 6-106, shall be completed by the applicant. The questions contained on the application form are provided in Appendix A.

b) An applicant for an original, renewal, duplicate or corrected TVDL shall provide acceptable forms of identification as defined in Appendix C to establish the applicant's name, date of birth, signature for comparison, current Illinois residence address, and residency in Illinois for a period in excess of one year. The applicant shall affirm under penalty of perjury that he/she is ineligible to obtain a social security number and shall submit either a valid, unexpired passport for the applicant's country of citizenship or a valid, unexpired consular identification document, as defined by Section 5 of the Consular Identification Document Act [5 ILCS 230/5], issued by the consulate of the applicant's country of citizenship and, if a new applicant, must submit a completed verification of residency form.

c) The applicant shall take the following tests as required in IVC Section 6-109:

1) A vision test as provided in Sections 1030.70 and 1030.75;

2) A road test, if required, as provided in Section 1030.85 (exemptions to the road test requirement are provided in Section 1030.88); and

3) A written test, if required, as provided in Section 1030.80.

d) Applicants who are 16 or 17 years of age and not legally emancipated by marriage shall not be issued a TVDL without the written consent of the applicant's parent, legal guardian or other responsible adult, regardless of whether the required written consent also accompanied the person's previous application for an instruction permit and, in accordance with IVC Section 6-107(b), the applicant has:

1) Held a valid instruction permit for a minimum of 9 months;

2) Passed an approved driver education course and submitted proof of having passed the course as may be required;

3) Submitted, on a form prepared or approved by the Secretary of State, certification by the parent of the applicant, the legal guardian having custody of the applicant, or, in the event there is no parent or legal guardian, by another responsible adult, that the applicant has had a minimum of 50 hours, at least 10 hours of which have been at night, of behind-the-wheel practice time and is sufficiently prepared and able to safely operate a motor vehicle. The 50 hours shall be in addition to the required hours spent with a driver education instructor. The person completing the certification shall, upon signing the certification, swear under penalty of perjury that everything contained within the certification is true and correct.

e) A TVDL applicant shall have his/her photograph taken, unless exempted by Section 1030.90.

f) A TVDL shall only be issued in Class D, L or M, as established in Section 1030.30.

g) A TVDL shall not be issued to the applicant at the Secretary of State Driver Services facility, but shall be centrally issued and mailed to the applicant at the address provided on the TVDL application. A dated receipt shall be issued to the applicant.

h) Each original TVDL shall expire 3 years from the date of issuance, except that a TVDL issued to an applicant 81 years of age or older shall expire in accordance with IVC Section 6-115(g).

i) An applicant for a renewal TVDL shall be retested in accordance with IVC Section 6-109.

j) Each renewal TVDL shall expire no more than 3 years from the expiration date of the current license, except that a TVDL issued to an applicant 81 years of age or older shall expire in accordance with IVC Section 6-115(g).

k) The Secretary of State shall not send a renewal notice to the holder of a TVDL.

l) The design and content of a TVDL shall be in accordance with IVC Sections 6-105.1 and 6-110 and Section 1030.90. The license shall be distinctive in nature to identify it as a TVDL and shall contain the phrase "not valid for identification".

m) The design and content of a TVDL issued to applicants under 21 years of age shall be in accordance with IVC Sections 6-107.3 and 6-110(e) and (e-1).

n) The fees collected for the issuance of an original, renewal, duplicate or corrected TVDL shall be in accordance with IVC Section 6-118.

o) An applicant for a TVDL that is male and is between the ages of 18 and 25 is not exempt from the requirement to register with the United States Selective Service System, in accordance with IVC Section 6-106.

(Source: Amended by emergency rulemaking at 38 Ill. Reg. 8429, effective April 4, 2014, for a maximum of 150 days)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

1) Heading of the Part: Schedule of Controlled Substances

2) Code Citation: 77 Ill. Adm. Code 2070

3)

Section Numbers:	Peremptory Action:
2070.412	New
2070.414	New
2070.530	New
2070.540	New
2070.545	New
2070.602	New
2070.604	New
2070.616	New
2070.617	New
2070.618	New

4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires this Peremptory Rulemaking: 21 CFR 1308

5) Statutory Authority: Implementing and authorized by Section 100 of the Illinois Controlled Substances Act [720 ILCS 570/100]

6) Effective Date: April 7, 2014

7) A Complete Description of the Subjects and Issues involved: These amendments are necessary to comply with 21 CFR 1308 that added ten synthetic cathinones to the Schedule I classification for controlled substances.

8) Does this rulemaking contain an automatic repeal date? No

9) Date Filed with the Index Department: April 1, 2014

10) A copy of the peremptory rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

11) This rulemaking is in compliance with Section 5-50 of the Illinois Administrative Procedure Act.

12) Are there any proposed rulemakings pending on this Part? No

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

13) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

14) Information and questions regarding these peremptory amendments shall be directed to:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield IL 62762

217/785-9772

The full text of the Peremptory Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER X: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER e: CONTROLLED SUBSTANCES ACTIVITIES

PART 2070
SCHEDULE OF CONTROLLED SUBSTANCES

SUBPART A: GENERAL

Section
2070.10 Definitions
2070.20 Designated Products
2070.30 Names Given to Listed Drugs
2070.40 Excluded Substances
2070.50 Excepted Compounds

SUBPART B: SCHEDULE OF CONTROLLED SUBSTANCES − SCHEDULE I

Section
2070.100 Schedule I − Criteria
2070.110 Schedule I − Enumeration
2070.115 Opiates
2070.120 Acetylmethadol
2070.122 Acetyl-alpha-methylfentanyl
2070.124 Alfentanil (Renumbered)
2070.125 Allylprodine
2070.130 Alphacetylmethadol
2070.135 Alphameprodine
2070.140 Alphamethadol
2070.145 Alpha-methylfentanyl
2070.146 Alpha-methylthiofentanyl
2070.147 1-methyl-4-phenyl-4-propionoxypiperdine (MPPP)
2070.148 PEPAP 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperdine
2070.150 Benzethidine
2070.155 Betacetylmethadol
2070.157 Beta-hydroxyfentanyl
2070.160 Betameprodine
2070.165 Betamethadol
2070.170 Betaprodine

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

2070.175 Clonitazene
2070.180 Dextromoramide
2070.185 Diampromide
2070.190 Diethylthiambutene
2070.195 Difenoxin
2070.200 Dimenoxadol
2070.205 Dimepheptanol
2070.210 Dimethylthiambutene
2070.220 Dioxaphetylbutyrate
2070.230 Dipipanone
2070.235 Ethylmethylthiambutene
2070.240 Etonitazene
2070.245 Etoxeridine
2070.247 3-Methylfentanyl (Renumbered)
2070.250 Furethidine
2070.255 Hydroxpethidine
2070.260 Ketobemidone
2070.265 Levomoramide
2070.270 Levophenacylmorphan
2070.272 3-Methylfentanyl
2070.273 3-Methylthiofentanyl
2070.275 Morpheridine
2070.280 Noracymethadol
2070.285 Norlevorphanol
2070.290 Normethadone
2070.295 Norpipanone
2070.297 Para-fluorofentanyl
2070.300 Phenadoxone
2070.310 Phenampromide
2070.320 Phenomorphan
2070.330 Phenoperidine
2070.340 Piritramide
2070.350 Proheptazine
2070.360 Properidine
2070.370 Propiram
2070.380 Racemoramide
2070.385 Sufentanil (Renumbered)
2070.388 Thiofentanyl
2070.390 Tilidine

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2070.395	Trimeperidine
2070.397	Beta-hydroxy-3-methylfentanyl
2070.400	Opium Derivates
2070.405	Acetorphine
2070.410	Acetyldihydrocodeine
2070.412	Alpha-pyrrolidinobutiophenone ("a-PBP")
2070.414	Alpha-pyrrolidinopentiophenone ("a-PVP")
2070.415	Benzylmorphine
2070.420	Codeine methylbromide
2070.425	Codeine-N-Oxide
2070.430	Cyprenorphine
2070.435	Desomorphine
2070.440	Diacetyldihydromorphine (Dihydroheroin)
2070.445	Dihydromorphine
2070.450	Drotebanol
2070.455	Etorphine (except hydrochloride salt)
2070.460	Heroin
2070.465	Hydromorphinol
2070.470	Methyldesorphine
2070.475	Methyldihydromorphine
2070.480	Morphine methylbromide
2070.485	Morphine methylsulfonate
2070.490	Morphine-N-Oxide
2070.495	Myrophine
2070.500	Nicocodeine
2070.505	Nicomorphine
2070.510	Normorphine
2070.515	Pholcodine
2070.520	Thebacon
2070.530	1-(1,3-benzodioxol-5-yl)-2(methylamino)butan-1-one ("butylone")
2070.540	1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one ("pentylone")
2070.545	1-(naphthalene-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one ("naphyrone")
2070.600	Hallucinogenic Substances
2070.602	2-(methylamino)-1-phenylpentan-1-one ("pentedrone")
2070.604	3-fluoro-N-methylcathinone ("3-FMC")
2070.605	3, 4 Methylenedioxyamphetamine
2070.606	Alpha-ethlytryptamine
2070.607	3,4 Methylenedioxymethamphetamine (MDMA)
2070.608	3,4-methlyenedioxy-N-ethylamphetamine

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2070.610	3-methoxy-4, 5-methylenedioxyamphetamine (MMDA)
2070.615	3, 4, 5-trimethoxyamphetamine (TMA)
2070.616	4-fluoro-N-methylcathinone ("4-FMC")
2070.617	4-methyl-N-ethylcathinone ("4MEC")
2070.618	4-methylalpha-pyrrolidinopropiophenone ("4-MePPP")
2070.620	5-hydroxydimethyltryptamine (Bufotenine)
2070.625	Diethyltryptamine (DET)
2070.630	Dimethyltryptamine (DMT)
2070.635	4-methyl, 2, 5-dimethoxyamphetamine (DOM, STP)
2070.640	Ibogaine
2070.645	Lysergic acid diethylamide
2070.650	3, 4, 5-trimethoxyphenethylamine (Mescaline)
2070.655	Peyote
2070.660	N-ethyl-3-piperidyl benzilate (JB 318)
2070.665	N-methyl-3-piperidyl benzilate
2070.667	N-hydroxy-3,4-methylenedioxyamphetamine
2070.670	Parahexyl
2070.675	Psilocybin
2070.680	Psilocyn
2070.685	Alpha-methyltryptamine (AMT)
2070.690	2,5-dimethoxyamphetamine
2070.695	4-bromo-2,5-dimethoxyamphetamine
2070.700	4-methoxyamphetamine (4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine, PMA)
2070.705	Thiophene analog of phencyclidine (TPCP)
2070.710	Ethylamine analog of phencyclidine
2070.715	Pyrrolidine analog of phencyclidine
2070.720	5-methoxy-3,4-methylenedioxy-amphetamine
2070.725	2,5-dimethoxy-4-ethylamphetamine
2070.730	1-[1-(2-thienyl) cyclohexyl] pyrrolidine
2070.735	3,4-methylenedioxy-amphetamine
2070.740	Thiophene analog of phencyclidine
2070.745	Bufotenine
2070.750	Depressants
2070.755	Mecloqualone
2070.760	Methaqualone
2070.800	Stimulants
2070.805	Fenethylline
2070.810	N-ethylamphetamine

2070.815 Aminorex
2070.820 Methcathinone
2070.825 Chathinone
2070.830 N,N-dimethylamphetamine
2070.835 (+ or -) cis-4-methlyaminorex

SUBPART C: SCHEDULE OF CONTROLLED SUBSTANCES--SCHEDULE II

Section
2070.900 Schedule II − Criteria
2070.910 Schedule II − Enumeration
2070.915 Narcotics
2070.920 Opium and Opiates
2070.925 Raw Opium
2070.930 Opium Extracts
2070.935 Opium Fluid Extracts
2070.940 Powdered Opium
2070.945 Granulated Opium
2070.950 Tincture of Opium
2070.955 Codeine
2070.960 Ethylmorphine
2070.965 Etorphine Hydrochloride
2070.970 Hydrocodone
2070.975 Hydromorphone
2070.980 Metopon
2070.985 Morphine
2070.990 Oxycodone
2070.995 Oxymorphone
2070.998 Thebaine
2070.999 Thebaine-derived butorphanol
2070.1100 Equivalencies
2070.1110 Opium poppy and poppy straw
2070.1120 Cocaine
2070.1130 Concentrate of Poppy Straw
2070.1150 Opiates
2070.1155 Alphaprodine
2070.1160 Anileridine
2070.1165 Bezitramide
2070.1170 Bulk Dextropropoxyphene

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NOTICE OF PEREMPTORY AMENDMENTS

2070.1175 Dihydrocodeine
2070.1180 Diphenoxylate
2070.1185 Fentanyl
2070.1186 Alfentanil
2070.1187 Carfentanil
2070.1190 Isomethadone
2070.1193 Levo-alphacetylmethadol
2070.1195 Levomethorphan
2070.1200 Levorphanol
2070.1205 Metazocine
2070.1210 Methadone
2070.1215 Methadone − Intermediate
2070.1220 Moramide − Intermediate
2070.1225 Meperidine
2070.1230 Pethidine-Intermediate-A
2070.1235 Pethidine-Intermediate-B
2070.1240 Pethidine-Intermediate-C
2070.1245 Phenazocine
2070.1250 Piminodine
2070.1255 Racemethorphan
2070.1260 Racemorphan
2070.1265 Sufentanil
2070.1300 Stimulants
2070.1310 Amphetamine
2070.1320 Methamphetamine
2070.1330 Methylphenidate
2070.1370 Phenmetrazine
2070.1400 Depressants
2070.1405 Methaqualone (Renumbered)
2070.1410 Amobarbital
2070.1420 Secobarbital
2070.1425 Pentobarbital
2070.1430 Phencyclidine
2070.1435 Pentazocine
2070.1438 Gluthethimide
2070.1500 Immediate Precursors
2070.1505 Amphetamine and Methamphetamine
2070.1510 Phencyclidine
2070.1520 Nabilone

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

2070.1550 Dronabinol (synthetic)

SUBPART D: SCHEDULE OF CONTROLLED SUBSTANCES--SCHEDULE III

Section
2070.1600 Schedule III − Criteria
2070.1605 Schedule III − Enumeration
2070.1610 Stimulants
2070.1615 Excepted Compounds
2070.1620 Benzphetamine
2070.1625 Chlorphentermine
2070.1630 Clortermine
2070.1635 Mazindol (Renumbered)
2070.1640 Phendimetrazine
2070.1700 Other Stimulants
2070.1750 Methylphenidate (Renumbered)
2070.1800 Depressants
2070.1805 Barbiturates
2070.1810 Barbiturates − Suppository Dosage Form
2070.1825 Derivatives of Barbituric Acid
2070.1830 Chlorhexadol
2070.1835 Glutethimide (Renumbered)
2070.1840 Methyprylon
2070.1845 Sulfondiethylmethane
2070.1850 Sulfonethylmethane
2070.1855 Sulfonmethane
2070.1860 Lysergic Acid
2070.1865 Lysergic Acid Amide
2070.1868 Tiletamine or Zolazepam or Both
2070.1870 Pentazocine and Aspirin Compound
2070.1875 Pentazocine and Acetaminophine
2070.1880 Pentazocine and Naloxone
2070.1890 Nalorphine
2070.1900 Narcotic Drugs
2070.1905 Codeine
2070.1910 Codeine
2070.1915 Dihydrocodeinone
2070.1920 Dihydrocodeinone
2070.1925 Dihydrocodeine

2070.1930 Ethylmorphine
2070.1935 Opium
2070.1940 Morphine
2070.1960 Anabolic Steroids
2070.1962 Androgen L.A.
2070.1964 Andro-Estro 90-4
2070.1966 depANDROGYN
2070.1968 DEPO-T.E.
2070.1970 depTESTROGEN
2070.1972 Duomone
2070.1974 DURATESTRIN
2070.1976 DUO-SPAN II
2070.1978 Estratest
2070.1980 Estratest H.S.
2070.1982 PAN ESTRA TEST
2070.1984 Premarin with Methyltestosterone
2070.1986 TEST-ESTRO Cypionates
2070.1988 Testosterone Cyp 50 Estradiol Cyp 2
2070.1990 Testosterone Cypionate-Estradiol Cypionate Injection
2070.1992 Testosterone Enanthate-Estradiol Valerate Injection
2070.2000 Excepted Compounds

SUBPART E: SCHEDULE OF CONTROLLED SUBSTANCES − SCHEDULE IV

Section
2070.2100 Schedule IV − Criteria
2070.2105 Schedule IV − Enumeration
2070.2110 Narcotic Drugs
2070.2115 Difenoxin and Atropine Sulfate
2070.2120 Dextropropoxyphene
2070.2200 Depressants
2070.2210 Alprazolam
2070.2215 Barbital
2070.2217 Bromazepam
2070.2218 Camazepam
2070.2220 Chloral Betaine
2070.2225 Chloral Hydrate
2070.2230 Chlordiazepoxide
2070.2232 Clobazam

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

2070.2235	Clonazepam
2070.2240	Clorazepate
2070.2241	Clotiazepam
2070.2242	Cloxazolam
2070.2244	Delorazepam
2070.2245	Diazepam
2070.2248	Estazolam
2070.2250	Ethchlorvynol
2070.2255	Ethinamate
2070.2256	Ethyl Loflazepate
2070.2258	Fludiazepam
2070.2259	Flunitrazepam
2070.2260	Flurazepam
2070.2265	Halazepam
2070.2266	Haloxazolam
2070.2268	Ketazolam
2070.2269	Loprazolam
2070.2270	Lorazepam
2070.2272	Lormetazepam
2070.2275	Mebutamate
2070.2277	Medazepam
2070.2280	Meprobamate
2070.2285	Methohexital
2070.2290	Mephobarbital
2070.2291	Midazolam
2070.2292	Nimetazepam
2070.2293	Nitrazepam
2070.2294	Nordiazepam
2070.2295	Oxazepam
2070.2297	Oxazolam
2070.2300	Paraldehyde
2070.2305	Petrichloral
2070.2310	Phenobarbital
2070.2312	Pinazepam
2070.2315	Prazepam
2070.2317	Quazepam
2070.2320	Temazepam
2070.2322	Tetrazepam
2070.2325	Triazolam

2070.2350 Zolpidam
2070.2400 Fenfuramine
2070.2500 Stimulants
2070.2503 Cathine
2070.2505 Diethylpropion
2070.2515 Fencamfamin
2070.2520 Fenproporex
2070.2540 Mazindol
2070.2545 Mefenorex
2070.2650 Stimulants
2070.2655 Ephedrine
2070.2565 Phentermine
2070.2570 Pemoline
2070.2575 Pipradrol
2070.2580 SPA
2070.2600 Excepted Compounds

SUBPART F: SCHEDULE OF CONTROLLED SUBSTANCES − SCHEDULE V

Section
2070.2700 Schedule V − Criteria
2070.2705 Schedule V − Enumeration
2070.2710 Narcotic Drugs
2070.2712 Buprenorphine
2070.2715 Codeine
2070.2720 Dihydrocodeine
2070.2725 Ethylmorphine
2070.2730 Diphenoxylate
2070.2735 Opium
2070.2740 Difenoxin
2070.2750 Pyrovalerone
2070.2800 Other Substances

AUTHORITY: Implementing and authorized by Section 100 of the Illinois Controlled Substances Act [720 ILCS 570/100].

SOURCE: Filed and effective November 19, 1975; rules repealed, new rules adopted at 2 Ill. Reg. 16, p. 151, effective April 24, 1978; amended at 2 Ill. Reg. 33, p. 63, effective August 15,

1978; amended at 2 Ill. Reg. 44, p. 127, effective October 30, 1978; amended at 2 Ill. Reg. 45, p. 19, effective November 10, 1978; amended at 2 Ill. Reg. 52, p. 283, effective January 5, 1979; amended at 3 Ill. Reg. 8, p. 112, effective February 23, 1979; amended at 3 Ill. Reg. 12, p. 246, effective March 23, 1979; amended at 4 Ill. Reg. 33, p. 193, effective August 4, 1980; amended at 5 Ill. Reg. 2987, effective March 5, 1981; amended at 5 Ill. Reg. 5156, effective April 29, 1981; amended at 5 Ill. Reg. 13454, effective November 25, 1981; amended at 6 Ill. Reg. 5176, effective April 16, 1982; amended at 6 Ill. Reg. 7200, effective June 7, 1982; amended at 7 Ill. Reg. 16142, effective December 2, 1983; amended at 7 Ill. Reg. 16639, effective December 9, 1983; transferred to the Department of Alcoholism and Substance Abuse by the Alcoholism and Substance Abuse Act (supp. to Ill. Rev. Stat. 1983, ch. 111 1/2, pars. 634 et seq.) effective July 1, 1984; amended at 8 Ill. Reg. 13138, effective July 27, 1984; amended at 8 Ill. Reg. 16760, effective September 14, 1984; codified at 8 Ill. Reg. 19319; amended at 8 Ill. Reg. 21212, effective October 19, 1984; amended at 9 Ill. Reg. 1837, effective January 29, 1985; amended at 9 Ill. Reg. 10649, effective July 2, 1985; amended at 10 Ill. Reg. 914, effective January 7, 1986; amended at 10 Ill. Reg. 11222, effective June 16, 1986; emergency amendment at 10 Ill. Reg. 15662, effective September 10, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18159, effective October 8, 1986; amended at 10 Ill. Reg. 19709, effective November 6, 1986; emergency amendment at 11 Ill. Reg. 4048, effective February 24, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 5192, effective March 17, 1987; amended at 11 Ill. Reg. 11944, effective July 2, 1987; amended at 20 Ill. Reg 3081, effective February 2, 1996; recodified from Department of Alcoholism and Substance Abuse to Department of Human Services at 21 Ill. Reg. 9319; peremptory amendment at 38 Ill. Reg. 8439, effective April 7, 2014

Section 2070.412 Alpha-pyrrolidinobutiophenone ("a-PBP")

Alpha-pyrrolidinobutiophenone ("a-PBP")

(Source: Added by peremptory rulemaking at 38 Ill. Reg. 8439, effective April 7, 2014)

Section 2070.414 Alpha-pyrrolidinopentiophenone ("a-PVP")

Alpha-pyrrolidinopentiophenone ("a-PVP")

(Source: Added by peremptory rulemaking at 38 Ill. Reg. 8439, effective April 7, 2014)

Section 2070.530 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one ("butylone")

1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one ("butylone")

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

(Source: Added by peremptory rulemaking at 38 Ill. Reg. 8439, effective April 7, 2014)

Section 2070.540 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one ("pentylone")

1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (“pentylone”)

(Source: Added by peremptory rulemaking at 38 Ill. Reg. 8439, effective April 7, 2014)

Section 2070.545 1-(naphthalene-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one ("naphyrone")

1-(naphthalene-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one ("naphyrone")

(Source: Added by peremptory rulemaking at 38 Ill. Reg. 8439, effective April 7, 2014)

Section 2070.602 2-(methylamino)-1-phenylpentan-1-one ("pentedrone")

2-(methylamino)-1-phenylpentan-1-one ("pentedrone")

(Source: Added by peremptory rulemaking at 38 Ill. Reg. 8439, effective April 7, 2014)

Section 2070.604 3-fluoro-N-methylcathinone ("3-FMC")

3-fluoro-N-methylcathinone ("3-FMC")

(Source: Added by peremptory rulemaking at 38 Ill. Reg. 8439, effective April 7, 2014)

Section 2070.616 4-fluoro-N-methylcathinone ("4-FMC")

4-fluoro-N-methylcathinone ("4-FMC")

(Source: Added by peremptory rulemaking at 38 Ill. Reg. 8439, effective April 7, 2014)

Section 2070.617 4-methyl-N-ethylcathinone ("4-MEC")

4-methyl-N-ethylcathinone ("4-MEC")

(Source: Added by peremptory rulemaking at 38 Ill. Reg. 8439, effective April 7, 2014)

Section 2070.618 4-methylapha-pyrrolidinopropiophenone ("4-MePPP")

4-methylapha-pyrrolidinopropiophenone ("4-MePPP")

(Source: Added by peremptory rulemaking at 38 Ill. Reg. 8439, effective April 7, 2014)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

1) Heading of the Part: Children's Health Insurance Program

2) Code Citation: 89 Ill. Adm. Code 125

3)

Section Numbers:	Emergency Action:
125.200	Repeal
125.220	Repeal
125.225	Repeal

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Effective Date of Repealer: April 15, 2014

6) If this emergency repealer is to expire before the end of the 150-day period, please specify the date on which it is to expire: The emergency rules that are the subject of this repeal were published in 38 Ill. Reg. 2943, effective January 10, 2014. The emergency rules being repealed are being replaced by new emergency rules that will be effective April 15, 2014 for a maximum of 150 days to be published in the *Illinois Register* on April 25, 2014. These new emergency rules will include 89 Ill. Adm. Code 125.110, 125.200, 125.220, 125.225 and 125.250.

7) Date Filed with the Index Department:

8) A copy of the emergency repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: Emergency rules, effective April 15, 2014, to be published in the *Illinois Register* on April 25, 2014 are replacing these repealed rules.

10) A Complete Description of the Subjects and Issues Involved: The emergency rules that are the subject to this repeal are Sections 125.200, 125.220 and 125.225 that were published in the *Illinois Register* at 38 Ill. Reg. 2943. The emergency rules being repealed were replaced in part by adopted rules at 38 Ill. Reg. 6006; changes to Sections 125.205 and 125.240 from the original emergency rule have been made permanent, so these Sections have been omitted from this repeal. Remaining emergency provisions will be replaced by new emergency rules effective April 15, 2014, for a maximum of 150 days, to be published in the *Illinois Register* on April 25, 2014. This emergency repeal of emergency amendments is effective on April 15, 2014 to coincide with the effective date of the new emergency rules.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

11) Are there any proposed rulemakings pending on this Part? No

12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any State mandate affecting units of local government.

13) Information and questions regarding this emergency repeal of emergency amendments shall be directed to:

Jeanette Badrov
General Counsel
Illinois Department of Healthcare and Family Servics
201 South Grand Ave e., 3rd Floor
Springfield, IL 62763-0002
HFS.Rules@illinois.gov

The full text of the Emergency Repeal of Emergency Amendments begins on the next page:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 125
CHILDREN'S HEALTH INSURANCE PROGRAM

SUBPART A: GENERAL PROVISIONS

Section
125.100 General Description
125.110 Definitions

SUBPART B: GENERAL ELIGIBILITY AND ENROLLMENT

Section
125.200 Eligibility for Children's Health Insurance Program
EMERGENCY
125.205 Eligibility Exclusions and Terminations
125.220 Application Process
EMERGENCY
125.225 Presumptive Eligibility for Children
EMERGENCY
125.230 Determination of Financial Eligibility Using Modified Adjusted Gross Income (MAGI)
125.240 Eligibility Determination and Enrollment Process
125.245 Appeals
125.250 Annual Renewals
125.260 Adding Children to the Program and Changes in Participation
125.265 Adding Eligible Adults to the Program and Changes in Participation (Repealed)

SUBPART C: ALL KIDS HEALTH PLAN

Section
125.300 Covered Services
125.305 Service Exclusions
125.310 Copayments
125.320 Premium Requirements
125.330 Non-payment of Premium

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

125.340 Provider Reimbursement

SUBPART D: ALL KIDS REBATE

Section
125.400 Minimum Coverage Requirements (Repealed)
125.420 Coverage Verification Process (Repealed)
125.430 Provision of Policyholder's Social Security Number (Repealed)
125.440 All Kids Rebate (Repealed)
125.445 Rebate Overpayments

AUTHORITY: Implementing and authorized by the Children's Health Insurance Program Act [215 ILCS 106] and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 15706, effective August 12, 1998, for a maximum of 150 days; adopted at 23 Ill. Reg. 543, effective December 24, 1998; emergency amendment at 24 Ill. Reg. 4217, effective March 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11822, effective July 28, 2000; amended at 26 Ill. Reg. 12313, effective July 26, 2002; emergency amendment at 26 Ill. Reg. 15066, effective October 1, 2002, for a maximum of 150 days; amended at 27 Ill. Reg. 4723, effective February 25, 2003 emergency amendment at 27 Ill. Reg. 10807, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18623, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 7163, effective May 3, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13632, effective September 28, 2004; emergency amendment at 30 Ill. Reg. 535, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 10328, effective May 26, 2006; emergency amendment at 36 Ill. Reg. 10298, effective July 1, 2012 through June 30, 2013; emergency amendment at 37 Ill. Reg. 5049, effective April 1, 2013 through June 30, 2013; amended at 37 Ill. Reg. 10253, effective June 27, 2013; emergency amendment at 37 Ill. Reg. 15997, effective October 1, 2013, for a maximum of 150 days; emergency amendment at 38 Ill. Reg. 1153, effective January 1, 2014, for a maximum of 150 days; emergency amendment to emergency rule at 38 Ill. Reg. 2943, effective January 10, 2014, for a maximum of 150 days; emergency amendment effective January 10, 2014 repealed by emergency rule at 38 Ill. Reg. 8454, effective April 15, 2014, for the remainder of the 150 day effective period; amended at 38 Ill. Reg. 6006, effective February 26, 2014.

SUBPART B: GENERAL ELIGIBILITY AND ENROLLMENT

Section 125.200 Eligibility for Children's Health Insurance Program
EMERGENCY

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

Effective July 1, 2012, a child may be eligible under the Program provided that all of the following eligibility criteria are met:

a) The child is not eligible for Medical Assistance, including 89 Ill. Adm. Code 120.

b) The child is under 19 years of age.

c) A ~~Effective October 1, 2013, a~~ child is a member of a family whose monthly countable income is above 133% of FPL and at or below 200% of FPL as determined using the MAGI methodology.

d) The individual is a resident of the State of Illinois.

e) The individual is either a United States citizen or included in one of the following categories of non-citizens:

1) United States veterans honorably discharged or individuals on active military duty, or the spouse or unmarried dependent children of those persons.

2) Refugees under section 207 of the Immigration and Nationality Act (8 USC 1157).

3) Asylees under section 208 of the Immigration and Nationality Act.

4) Individuals for whom deportation has been withheld under section 243(h) of the Immigration and Nationality Act.

5) Individuals granted conditional entry under section 203(a)(7) of the Immigration and Nationality Act as in effect prior to April 1, 1980.

6) Individuals lawfully admitted for permanent residence under the Immigration and Nationality Act.

7) Parolees, for at least one year, under section 212(d)(5) of the Immigration and Nationality Act.

8) Nationals of Cuba or Haiti.

9) Individuals identified by the Federal Office of Refugee Resettlement (ORR) as victims of trafficking.

10) Amerasians from Vietnam.

11) Members of the Hmong or Highland Laotian tribe when the tribe helped United States personnel by taking part in military or rescue operations.

12) American Indians born in Canada.

13) Individuals who are a spouse, widow or child of a United States citizen or a spouse or a child or a legal permanent resident (LPR) who have been battered or subjected to extreme cruelty by the United States citizen or LPR or a member of that relative's family who lived with them, who no longer live with the abuser or plan to live separately within one month after assistance and whose need for assistance is due, at least in part, to the abuse.

f) The individual's Social Security Number (SSN) is provided to the Department or, if it has not been issued or is not known, proof that application has been made for an SSN is provided.

(Source: Amended by emergency rulemaking at 38 Ill. Reg. 2943, effective January 10, 2014, for a maximum of 150 days; emergency rule repealed by emergency rulemaking at 38 Ill. Reg. 8454, effective April 15, 2014, for the remainder of the 150 day effective period; amended at 38 Ill. Reg. 6006, effective February 26, 2014)

Section 125.220 Application Process
EMERGENCY

a) An application may be made for the Program using any of the methods established at 89 Ill. Adm. Code 110.5.

b) The application will meet all requirements found at 89 Ill. Adm. Code 110.10.

c) Applicants are obligated to provide truthful and accurate information for determining eligibility and to report promptly to the Department any change in non-financial information provided on the application.

d) The Department may cease accepting or processing applications if enrollment in the Program is closed due to limited appropriations.

e) The Department shall send a notification of its determination within 45 calendar days after the date the application was received.

f) The 45 calendar days may be extended when a decision cannot be reached because:

1) information necessary for a determination is available only from a third party and the party fails to respond or delays his or her response to the request for the information; or

2) additional information is needed from the applicant.

g) Notwithstanding any other provision of this Part, no application for All Kids Rebate shall be accepted after September 30, 2013.

h) The ~~Effective October 1, 2013, the~~ application review process will comply with 89 Ill. Adm. Code 110.20 and 110.40.

(Source: Amended by emergency rulemaking at 38 Ill. Reg. 2943, effective January 10, 2014, for a maximum of 150 days; emergency rule repealed by emergency rulemaking at 38 Ill. Reg. 8454, effective April 15, 2014, for the remainder of the 150 day effective period; amended at 38 Ill. Reg. 6006, effective February 26, 2014)

Section 125.225 Presumptive Eligibility for Children
EMERGENCY

a) A child younger than 19 years of age may be presumed eligible for an All Kids Health Plan under this Part if all of the following apply:

1) an application for medical benefits has been made on behalf of the child;

2) the child is a resident of Illinois;

3) the child is not an inmate of a public institution as described in Section 125.205(a)(1);

4) ~~effective October 1, 2013,~~ the child is a member of a family whose monthly countable income, as stated on the application, is above 133% of FPL and at or below 200% of FPL as determined using the MAGI methodology;

5) the State employee who registers the application has no information that the child is not a U.S. citizen or a qualified non-citizen as described in 89 Ill. Adm. Code 125.200(e) or 89 Ill. Adm. Code 118.500; and

6) the child has not been presumed eligible under this Part 125 or 89 Ill. Adm. Code 118 or 120 within the past 12 months.

b) Entities qualified to make a determination of presumptive eligibility include State employees involved in enrolling children in programs under this Part 125 or 89 Ill. Adm. Code 118 or 120.

c) The presumptive eligibility period begins on the date of application.

d) The presumptive eligibility period ends on the date the State's determination of the child's eligibility under this Part 125 or 89 Ill. Adm. Code 118 or 120 is updated in the data system.

e) No copayment or premium requirements apply during the period of presumptive eligibility.

(Source: Amended by emergency rulemaking at 38 Ill. Reg. 2943, effective January 10, 2014, for a maximum of 150 days; emergency rule repealed by emergency rulemaking at 38 Ill. Reg. 8454, effective April 15, 2014, for the remainder of the 150 day effective period; amended at 38 Ill. Reg. 6006, effective February 26, 2014)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of April 1, 2014 through April 8, 2014. The rulemakings are scheduled for review at the Committee's May 20, 2014 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
5/16/14	Illinois Gaming Board, Video Gaming (11 Ill. Adm. Code 1800)	12/13/13 37 Ill. Reg. 19812	5/20/14
5/21/14	Department of Human Services, Partner Abuse Intervention (Repealer) (89 Ill. Adm. Code 501)	12/6/13 37 Ill. Reg. 19437	5/20/14
5/21/14	Department of Human Services, Partner Abuse Intervention (89 Ill. Adm. Code 501)	12/6/13 37 Ill. Reg. 19457	5/20/14
5/21/14	Department of Human Services, Medicaid Community Mental Health Services Program (59 Ill. Adm. Code 132)	8/16/13 37 Ill. Reg. 13045	5/20/14

PROCLAMATIONS

2014-118
Apraxia Awareness Day

WHEREAS, as one of the most severe speech and communication problems, Childhood Apraxia of Speech (CAS) is a complex neurological motor-planning disorder often accompanied by other special needs; and,

WHEREAS, children affected with CAS have extreme difficulty planning and producing the precise, highly refined and specific series of movements of the tongue, lips, jaw, and palate that are necessary for producing clear, intelligible speech; and,

WHEREAS, while the act of learning to speak comes effortlessly to most children, those with apraxia require years of intensive speech therapy and a lengthy struggle to communicate; and,

WHEREAS, although not life-threatening, the disorder alters families' lives because they are left to cope with the emotional, physical, and financial challenges of having a child diagnosed with CAS; and,

WHEREAS, every child should be afforded their best opportunity to develop speech and every child deserves a choice; and,

WHEREAS, with early intervention and appropriate therapy, most children with CAS will learn to communicate with their very own voices. These children, as well as their families, deserve our highest respect for their effort, determination and resilience in the face of such obstacles; and,

WHEREAS, on May 14, numerous organizations with take part in a local, state and national effort to increase awareness about CAS; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 14, 2014 as **APRAXIA AWARENESS DAY** in Illinois, in order to increase awareness of Childhood Apraxia of Speech.

Issued by the Governor March 10, 2014
Filed by the Secretary of State April 2, 2014

2014-119
Call Before You Dig Month

WHEREAS, each year, the nation's underground utility infrastructure is jeopardized by unintentional damage from those who fail to call 811 to have underground lines located prior to digging; and,

PROCLAMATIONS

WHEREAS, every eight minutes an underground utility line is damaged because someone decided to dig without calling 811; and,

WHEREAS, undesired consequences of this unintentional damage such as service interruption, damage to the environment, and personal injury and even death are the potential results; and,

WHEREAS, JULIE stands for Joint Utility Locating Information for Excavators; and,

WHEREAS, JULIE Inc. provides Illinois excavators and underground utility owners with a one-call message handling and delivery service committed to protecting underground utilities and the safety of people working or living near them; and,

WHEREAS, JULIE, Inc., based in Joliet, covers the entire state outside of the city limits of Chicago, represents more than 1,860 members, has nearly 100 employees and receives 1.2 million locate calls annually; and,

WHEREAS, JULIE, Inc. marks its 40th year of damage prevention this year, and since its inception in 1974 has logged more than 26 million locate requests, making it one of the most active one-call centers in the nation; and,

WHEREAS, Illinois state law requires all homeowners and contractors to call 811 prior to digging to have underground utility lines marked, regardless of whether they are planting a sapling or excavating a major surface; and,

WHEREAS, the State of Illinois and the Illinois Commerce Commission promote the national call-before-you-dig number, 811, in an effort to reduce damages; and,

WHEREAS, designated by the FCC in 2005, 811 provides potential excavators and homeowners a simple number to reach their local One Call Center to request utility line locations at the intended dig site. The call and service are free; and,

WHEREAS, through education of safe digging practices, excavators and homeowners can save time and money keeping our nation safe and connected by making a simple call to 811 in advance of any digging project; waiting the required amount of time; respecting the marked lines by maintaining visual definition throughout the course of the excavation; and finally, digging with care around the marks; and,

WHEREAS, safe digging is a shared responsibility to know what's below; always call 811 before you dig; and,

PROCLAMATIONS

WHEREAS, it is imperative that Illinois citizens follow the state law that requires all underground utility lines to be marked prior to breaking ground; and,

WHEREAS, Illinois is proud to join in the campaign to spread awareness about 811 and the importance of calling before digging; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 2014 as **CALL BEFORE YOU DIG MONTH** in Illinois, and encourage excavators and homeowners to always call 811 before digging, because Safe Digging is No Accident.

Issued by the Governor March 11, 2014
Filed by the Secretary of State April 2, 2014

2014-120
Financial Literacy Month

WHEREAS, it is essential that the people of Illinois have access to financial education and information in order to make informed and responsible decisions regarding finance, credit, and debt; and,

WHEREAS, organizations throughout Illinois are working to educate the public on personal finance issues and increase financial literacy for people of all ages in our state; and,

WHEREAS, financial literacy education helps prepare students to be informed consumers and competent financial decision-makers throughout their lives; and,

WHEREAS, 40% of adults would give themselves a grade of C, D, or F on their knowledge of personal finance; and,

WHEREAS, 70% of college graduates in 2012 had student loan debt and their average debt was more than $29,000; and,

WHEREAS, only 9% of teens in 2013 were actively saving for college; and,

WHEREAS, the financial and economic education of youth is critically important to the future of our state, as it helps prepare students to be informed consumers and competent financial decision-makers throughout their lives; and,

WHEREAS, Econ Illinois provides financial and economic education for youth across Illinois, and led planning for the Illinois Finance Learning Exchange to support related career paths for Illinois youth; and,

PROCLAMATIONS

WHEREAS, Illinois has the longest-standing consumer education mandate in the nation, which includes economic and financial literacy education; and,

WHEREAS, acquisition of financial literacy skills by citizens will improve the quality of their lives, provide them with the skills necessary for success, contribute to positive changes in the communities in which they live and work, and benefit the economy of this state; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 2014 as **FINANCIAL LITERACY MONTH** in Illinois in support of increasing financial and economic education across the Land of Lincoln.

Issued by the Governor March 11, 2014
Filed by the Secretary of State April 2, 2014

2014-121
Home Education Week

WHEREAS, the growth and development of school-age children is of paramount importance in Illinois and across the country; and,

WHEREAS, Illinois values its children and recognizes the importance of providing them with the best education possible so that they may realize their fullest potential and experience success in their future endeavors; and,

WHEREAS, Illinois presents children and families with the opportunity to explore alternatives to public and private schools by authorizing home education as a legitimate and viable educational option; and,

WHEREAS, home education allows parents the opportunity to develop and implement a learning program based on their children's individual needs; and,

WHEREAS, studies show that students who are educated at home typically score at or above the national average on standardized tests. Studies also confirm that children who are educated at home exhibit self-confidence and good citizenship, and are fully prepared academically to meet the challenges of today's society; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 7-11, 2014, as **HOME EDUCATION WEEK** in Illinois, and encourage all citizens to recognize the important role that home education plays in educating our children.

Issued by the Governor March 11, 2014

PROCLAMATIONS

Filed by the Secretary of State April 2, 2014

2014-122
Municipal Clerks Week

WHEREAS, the Office of the Municipal Clerk, a time honored and vital part of local government, exists throughout the world; and,

WHEREAS, the Office of the Municipal Clerk is the oldest among public servants; and,

WHEREAS, the Office of the Municipal Clerk provides the professional link between citizens, local governing bodies and agencies of government at other levels; and,

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and,

WHEREAS, the Municipal Clerk serves as the information center on functions of local government and community; and,

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their regional, state and international professional organizations; and,

WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 4– May 10, 2014 as **MUNICIPAL CLERKS WEEK** in Illinois, and further extend appreciation to our Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Issued by the Governor March 11, 2014
Filed by the Secretary of State April 2, 2014

2014-123
Parkinson's Disease Awareness Month

WHEREAS, Parkinson's disease is a progressive disorder of the central nervous system, affecting approximately 1.5 million Americans; and,

PROCLAMATIONS

WHEREAS, clinically, the disease is characterized by a decrease in spontaneous movements, gait difficulty, postural instability, rigidity and tremor; and,

WHEREAS, Parkinson's disease affects both men and women in almost equal numbers. The frequency of the disease is
considerably higher in the over-60 age group, although there is an alarming increase of patients of younger age; and,

WHEREAS, in consideration of the increased life expectancy in this country and worldwide, an increasing number of people are expected to be afflicted with Parkinson's disease; and,

WHEREAS, while medication may mask symptoms for a period of time, there is no known cure, therapy or drug that can slow or stop progression of the disease; and,

WHEREAS, there is no known cause of Parkinson's Disease, but scientists believe it to be both genetic and environmental; and,

WHEREAS, in 1991, The Parkinson Action Network was founded to raise awareness and advocate on behalf of patient's with this devastating disorder. The network also supports and funds ongoing research in the hope of finding a cure; and,

WHEREAS, the State of Illinois recognizes the efforts of the Illinois Chapter of the Parkinson Action Network to raise funds and promote awareness to fight Parkinson's disease, thereby improving the quality of life for those living with the disease; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 2014 as **PARKINSON'S DISEASE AWARENESS MONTH** in Illinois, to raise awareness of this devastating illness and in recognition of the work of the Parkinson Action Network.

Issued by the Governor March 11, 2014
Filed by the Secretary of State April 2, 2014

2014-124
Week of the Child

WHEREAS, the Children Center for Creative Learning, Paul Simon Job Corps Center and other local organizations, in conjunction with the National Association for the Education of Young Children, are celebrating the Week of the Young Child April 7th – April 11th; and,

PROCLAMATIONS

WHEREAS, these organizations are working to improve early learning opportunities, including early literacy programs, that can provide a foundation of learning for children in Chicago, Illinois; and,

WHEREAS, teachers and others who make a difference in the lives of young children in Chicago, Illinois deserve thanks and recognition; and,

WHEREAS, public policies that support early learning for all young children are crucial to young children's futures; and,

WHEREAS, Illinois recognizes the rights and needs of young children and their families and the early childhood programs and services that are necessary to meet those needs; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 7 – 11, 2014 as the **WEEK OF THE CHILD** in Illinois, and encourage all citizens to work together to make investments in early childhood education throughout the Land of Lincoln.

Issued by the Governor March 11, 2014
Filed by the Secretary of State April 2, 2014

2014-125
World TB Day

WHEREAS, 327 cases of active tuberculosis (TB) disease were reported in Illinois in 2013 and an estimated 650,000 Illinoisans are infected with the bacterium that causes tuberculosis; and,

WHEREAS, Illinois remains among the states reporting the highest number of TB cases; and,

WHEREAS, there is a disproportionate burden of TB in minorities and persons born outside the United States; and,

WHEREAS, each year thousands of household members, health care employees and others who share the air of tuberculosis patients are at risk of becoming infected with the tuberculosis bacterium and progressing to active TB disease; and,

WHEREAS, the Illinois Department of Public Health is working to promote prompt diagnosis and treatment of tuberculosis cases; to implement strategies to prevent tuberculosis in children; to improve working relationships between public health and private providers, hospitals, long-term care facilities, correctional facilities, managed care organizations and others; and to decrease tuberculosis transmission in health care facilities and community settings; and,

PROCLAMATIONS

WHEREAS, the number of TB cases demonstrates that maintaining control of TB in Illinois requires strengthening current TB prevention and control systems, and progress toward the elimination of TB cannot occur without maintaining infrastructure, mobilizing support, and engaging in global TB prevention and control; and,

WHEREAS, for 2014, the Stop TB Partnership's World TB Day slogan is "TB—Reach the 3 Million. Find. Treat. Cure TB," which goes with the theme of calling for a world free of TB; and,

WHEREAS, for 2014, the U.S. Centers for Disease Control and Prevention and the Illinois Department of Public Health have adopted the slogan "Find TB. Treat TB. Working together to eliminate TB" to encourage TB programs to reach out to their communities to raise awareness and to call for further collaboration to find and to treat the disease and latent TB infection; and,

THEREFORE, I, Pat Quinn, governor of the State of Illinois, do hereby proclaim March 24, 2014 as **WORLD TB DAY** in Illinois and urge all citizens to increase their awareness and understanding of tuberculosis infection and disease and to join the global effort to stop the spread of this disease.

Issued by the Governor March 11, 2014
Filed by the Secretary of State April 2, 2014

2014-126
Pediatric Stroke Awareness Month

WHEREAS, stroke occurs at a rate of 1 in 2700 live births each year and in 12 in 100,000 children per year, with stroke being the sixth leading cause of death in children; and,

WHEREAS, between 50 and 85 percent of infants and children who have a Pediatric Stroke will have serious, permanent neurological disabilities, including paralysis, seizures, speech and vision problems, attention, learning and behavioral difficulties, and may require ongoing physical therapy and surgeries; and,

WHEREAS, the life-long health concerns and treatments stemming from Pediatric Stroke result in a heavy financial and emotional toll on the child, the family, and society; and,

WHEREAS, very little is known about the cause, treatment and prevention of Pediatric Stroke; Pediatric Stroke risk factors, symptoms, prevention efforts, and treatments are often different in children than in adults; only through medical research can effective treatment and prevention strategies for Pediatric Stroke be identified and developed; and,

PROCLAMATIONS

WHEREAS, an early diagnosis and commencement of treatment of Pediatric Stroke greatly improves chances of recovery and prevention of recurrence; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 2014 as **PEDIATRIC STROKE AWARENESS MONTH** in Illinois. I urge all citizens to join me in supporting the efforts, programs, services, and advocacy the Children's Hemiplegia and Stroke Association provide as they strive to enhance public awareness of Pediatric Stroke.

Issued by the Governor March 12, 2014
Filed by the Secretary of State April 2, 2014

2014-127
Great Outdoors Month

WHEREAS, June of each year is designated as Great Outdoors Month to highlight the numerous benefits of the outdoors and the magnificent shared resources of our parks, forests, refuges, and other public lands and waters; and,

WHEREAS, Great Outdoors Month is an opportunity to celebrate the rich blessings of our nation's natural beauty, and to renew our commitment to protecting our environment so that we can leave our children and grandchildren a healthy and flourishing land; and,

WHEREAS, this month is also an opportunity to pay tribute to those whose hard work and dedication keep our country's open spaces beautiful and accessible to our citizens; and,

WHEREAS, June also opens the active summer vacation and recreation season. Through recreational activities such as fishing, skiing, biking, and nature watching, we can teach our young people about the wonders of our state's landscapes; and,

WHEREAS, experiencing Illinois' natural splendor contributes to happier and healthier lives for our citizens and a deeper appreciation for the great outdoors; and,

WHEREAS, countless citizens volunteer their time and talents to protect America's natural resources. By working together, we can help preserve our local parks, lakes, rivers, and working lands; and,

WHEREAS, it is fitting that during this month we should also acknowledge the dedicated efforts of all those who work to promote stewardship and conservation of our state's natural wonders; and,

PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 2014 as **GREAT OUTDOORS MONTH** in Illinois, and encourage all citizens to observe this month with appropriate programs and activities and to take time to experience and enjoy the great outdoors.

Issued by the Governor March 13, 2014
Filed by the Secretary of State April 2, 2014

2014-128
Jan Karski Day

WHEREAS, Illinois recognizes the importance of remembering the atrocities of the Holocaust during World War II and acknowledges those who were brave enough to stand up to the Nazis; and,

WHEREAS, Jan Karski was a Polish diplomat who served as an officer in the Polish Resistance during World War II; and,

WHEREAS, after becoming a prisoner of War of the occupying Soviets, Jan Karski managed to escape a certain death at Katyn Forest and returned to the Nazi-occupied Warsaw to join the Polish Resistance movement; and,

WHEREAS, upon entering the Warsaw ghetto and the Nazi Izbica transit camp, Jan Karski saw first-hand the atrocities against the Jews occurring under Nazi occupation; and,

WHEREAS, the Nazi atrocities committed against the Jews in occupied-Poland were first brought to the attention of the free world by Jan Karski; and,

WHEREAS, through personal eye witness accounts, Jan Karski met with diplomats to report about the horrors of the Holocaust taking place in occupied Poland; and,

WHEREAS, Jan Karski met with President Roosevelt in 1943 and was the first eye witness to recount to the President what was happening to the Jews in occupied Poland; and,

WHEREAS, after the war ended, Jan Karski published Story of a Secret State, earned a Ph.D. from Georgetown University and went on to teach at Georgetown for 40 years; and,

WHEREAS, thousands of students, including former President Bill Clinton and Governor Pat Quinn, were taught by Jan Karski in the areas of Eastern European Affairs, Comparative Government, and International Affairs; and,

PROCLAMATIONS

WHEREAS, the Polish Parliament honored Jan Karski by proclaiming 2014 "The Year of Jan Karski"; and,

WHEREAS, The Polish Consulate General in Chicago and their Jewish-American and Polish-American partners will hold a Holocaust remembrance conference in memory of Jan Karski on April 24, 2014, in the city of Chicago; and,

WHEREAS, although now deceased, Jan Karski will be remembered and honored on what would be his 100th Birthday on April 24, 2014; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 24, 2014, as **JAN KARSKI DAY** in Illinois, in recognition of his tremendous efforts to oppose the Nazi occupation of Poland and stop the Holocaust.

Issued by the Governor March 13, 2014
Filed by the Secretary of State April 2, 2014

2014-129
Scoliosis Awareness Month

WHEREAS, scoliosis is an abnormal curvature of the spine that affects 2-3 percent of the population, or an estimated 7 million people in the United States. Scoliosis impacts people of all ages, regardless of race or socio-economic status, and there is no cure; and,

WHEREAS, scoliosis is common in children with a variety of congenital and neuromuscular diseases, but it is most prevalent in seemingly healthy children, with no known cause. The primary age of onset for scoliosis is 10-15 years of age, occurring equally among both genders, but with females five to eight times more likely to progress to a curve magnitude that requires treatment; and,

WHEREAS, approximately one out of every six children diagnosed with scoliosis will have a curve that progresses to a degree that requires active treatment. Annually an estimated one million patients diagnosed with scoliosis utilize health care resources; and,

WHEREAS, scoliosis can impact a person's quality of life by limiting activity, reducing respiratory function, causing pain and diminishing self esteem; and,

WHEREAS, screening programs allow for early detection and treatment which may alleviate the worst effects of scoliosis; and,

PROCLAMATIONS

WHEREAS, increased public awareness of scoliosis can help children, parents, adults and healthcare providers understand and recognize the complexities of spinal deformities such as scoliosis*; and,*

WHEREAS, the observance of National Scoliosis Awareness Month provides an opportunity to renew our commitment to raise awareness of the societal and economic costs of musculoskeletal diseases such as scoliosis, and the need for continued research to alleviate the pain and suffering those diseases cause; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 2014 as ***SCOLIOSIS AWARENESS MONTH*** *in Illinois, to raise awareness of Scoliosis, and to recognize the need for increased research and funding to reduce the pain and suffering it causes.*

Issued by the Governor March 13, 2014
Filed by the Secretary of State April 2, 2014

2014-130
Vietnam Veterans Day

WHEREAS, as Americans, we must pledge to never forget the outstanding strength, service and sacrifices of those who have fought to defend democracy, human dignity and the right to self determination; and,

WHEREAS, serving in the United States Military requires enormous dedication, a strong sense of courage, and a willingness to sacrifice everything to protect the freedoms that we Americans hold so dear; and,

WHEREAS, we must never forget the debt we owe these men and women who have loyally served our Nation in battle. Furthermore, we must never take for granted their contributions and sacrifices, and we must remember with honor those who unselfishly put themselves in harm's way so that we may live in peace; and,

WHEREAS, the 41st Anniversary of ending the Vietnam War presents the opportunity for the people of America to honor and thank our Vietnam Veterans for all they have given in service to our country; and,

WHEREAS, in Vietnam, over 300,000 men were wounded, 75,000 severely disabled and of the over 58,000 killed, 2,934 were from the State of Illinois; and,

WHEREAS, March 29th is the anniversary of the total withdrawal of United States forces and this date also marked the actual end of military involvement in Vietnam; and,

PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim March 29, 2014 as **VIETNAM VETERANS DAY** in Illinois, and urge all the citizens of Illinois to recognize this event and participate fittingly in its observance.

Issued by the Governor March 13, 2014
Filed by the Secretary of State April 2, 2014

2014-131
Certified Government Financial Manager Month

WHEREAS, the Association of Government Accountants (AGA) is a professional organization with more than 15,000 members in 90 chapters throughout the United States and around the world, including chapters in Illinois, in Chicago and Springfield; and,

WHEREAS, since 1950, the AGA has been dedicated to addressing the issues and challenges facing government financial managers; and,

WHEREAS, there are more than 250 active members representing state, federal, municipal and private sector accountants, auditors, and financial managers in Illinois; and,

WHEREAS, AGA Chicago and Springfield Chapter members have responded to AGA's mission of Advancing Government Accountability, as it continues to broaden education efforts with emphasis on high standards of conduct, honor and character in its Code of Ethics; and,

WHEREAS, the AGA Chicago and Springfield chapters are making significant advances both in professional ability and in service to the citizens of Illinois by mastering increasingly technical and complex requirements; and,

WHEREAS, the Certified Government Financial Manager (CGFM) program of AGA provides a means of demonstrating professionalism and competency by requiring CGFM candidates to have appropriate educational and employment history and to pass a 3-part examination requiring expertise in the Government Environment, Governmental Financial Management and Control, and Governmental Accounting, Financial Reporting and Budgeting; and,

WHEREAS, each CGFM holder is required to maintain certification by completing comprehensive training sessions totaling 80 hours over a 2-year period; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim March 2014 as **CERTIFIED GOVERNMENT FINANCIAL MANAGER MONTH** in Illinois, in recognition

of the unique skills and special knowledge of the professionals who specialize in government financial management.

Issued by the Governor March 14, 2014
Filed by the Secretary of State April 2, 2014

2014-132
PANDAS/PANS Awareness Day

WHEREAS, PANDAS, Pediatric Autoimmune Neuropsychiatric Disorders Associated with Streptococcal Infections, is the sudden onset of OCD often displayed as severe anxiety and emotional disturbances plus two or more of the following symptoms: tics or other abnormal movements; severe separation anxiety, generalized anxiety; irritability, emotional lability, aggression, personality changes; ADHD, inability to concentrate; sensory sensitivities; deterioration in learning abilities and school performance; developmental and age regression (including deterioration in handwriting); sleep and nighttime difficulties; and/ or urinary frequency or daytime/ nighttime secondary enuresis;symptoms that are often debilitating and devastating for families; and,

WHEREAS, the onset of symptoms is corresponding to an infection, usually strep; children with PANDAS may have moderate to dramatic improvement with early diagnosis and swift treatment with antibiotics, however, further interventions may be needed; and,

WHEREAS, with concerted research efforts, a standard treatment protocol may be developed, however at this time many parents and doctors report use of prophylactic antibiotics and/or IVIG (intravenous immunoglobulin) treatment or plasmapheresis to be effective; and,

WHEREAS, researchers at the National Institute of Mental Health are currently engaged in extensive research and testing on how to effectively treat PANDAS/PANS; and researchers at Moleculera Labs at the University of Oklahoma have developed quality PANDAS/PANS blood testing procedures; and,

WHEREAS, the insurance industry does not recognize or cover the quality diagnosis and the full range of treatments, including but not limited to prophylactic antibiotics, IVIG (intravenous immunoglobulin) and plasmapheresis; and,

WHEREAS, PANS, Pediatric Acute-onset Neuropsychiatric Syndrome, is broader than PANDAS as it includes not only disorders associated with a preceding infection such as Mycoplasma Pneumonia, Mono, Lyme, viruses, and more, but also acute onset non-infectious triggers, such as environmental factors and metabolic dysfunction; no treatment plan for this

syndrome has been defined at this time, but treatment plans similar to PANDAS should be attempted; and,

WHEREAS, a conservative estimate of the prevalence of PANDAS/PANS cases in the United States alone is 162,000 (as compiled by the PANDAS Network); however, the true prevalence of PANDA/PANS is not known, most likely due to lack of awareness and diagnostics; and,

WHEREAS, PANDAS/PANS is likely as common as illnesses like pediatric cancer or pediatric diabetes, but is also often misdiagnosed as ADHD, sensory processing deficits, bi-polar disorder, learning disabilities, Tourette Syndrome, strict OCD, and/ or pervasive developmental disorders/autism spectrum disorders and can seriously affect the healthy outcome of a child's life; and,

WHEREAS, the families of children diagnosed with PANDAS/PANS endure many hardships medically, educationally, socialemotionally, and financially; and,

WHEREAS, The PANDAS/PANS Advocacy and Support of Illinois group strives to build public awareness of PANDAS/PANS, provide ongoing family support, as well as gather and disseminate resources to families affected by the disorder; and,

WHEREAS, it is imperative that there be greater public awareness of this serious health issue, and more must be done to increase activity at the local, state and national levels; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 9, 2014, as **PANDAS/PANS AWARENESS DAY** in Illinois, in order to raise awareness about PANDAS/PANS.

Issued by the Governor March 14, 2014
Filed by the Secretary of State April 2, 2014

2014-133
Siblings Day

WHEREAS, the citizens of the State of Illinois appreciate and join in observances that acknowledge those special relationships that enhance our lives, including ones founded upon the unique bond that exists among siblings; and,

WHEREAS, the experiences that brothers and sisters share are a cherished source of memories that last throughout one’s lifetime; and,

PROCLAMATIONS

WHEREAS, the love among siblings is enduring and passed on to future generations who nurture and preserve the precious legacy bestowed upon them; and,

WHEREAS, the observance of Siblings Day provides a wonderful opportunity to reflect upon the bonds of friendship and love that thrive among brothers and sisters and take the time to express heartfelt gratitude for the unique relationship that siblings celebrate each and every day:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 10, 2014 as **SIBLINGS DAY** in Illinois, in celebration of the special bond shared by brothers and sisters.

Issued by the Governor March 14, 2014
Filed by the Secretary of State April 2, 2014

2014-134
4p-/Wolf Hirschhorn Syndrome Awareness Day

WHEREAS, the good health and general well-being of the people of Illinois is strengthened by our awareness and understanding of a genetic disorder known as 4p- syndrome, with Wolf-Hirschhorn as the main syndrome; and,

WHEREAS, children with 4p- syndrome are usually born with low birth weight and develop slowly, both cognitively and physically, compared to their same-age peers, and experience medical complications while still maintaining pleasant and lovable personalities; and,

WHEREAS, dedicated professionals are presently involved in valuable research to explore new therapies and diagnostic tools, and to offer hope to persons with 4p- syndrome; and,

WHEREAS, the 4p- Support Group estimates that approximately 1,000 individuals in the United States have 4p- syndrome, though it is thought many remain undiagnosed; and,

WHEREAS, it is incumbent upon the citizens of Illinois to work together as a state to increase research, effective diagnostic screenings, support and development of improved therapies for early intervention and other necessary and critical treatments, as well as join in recognizing and applauding the valuable role of families and advocates; and,

WHEREAS, the state of Illinois is pleased to join people throughout our nation in promoting a special celebration which seeks to raise awareness of 4p- syndrome; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 16th 2014 as **4p-/WOLF-HIRSCHHORN SYNDROME AWARENESS DAY** and invite all citizens to duly note this occasion.

PROCLAMATIONS

Issued by the Governor March 17, 2014
Filed by the Secretary of State April 2, 2014

2014-135
Medical Laboratory Professionals Week

WHEREAS, the health and well-being of all citizens depends upon the hard work of individuals with educated minds and skilled hands; and,

WHEREAS, medical laboratory professionals, which include clinical laboratory scientists/medical technologists, clinical laboratory technicians/medical laboratory technicians, histologic technicians, cytotechnologists, phlebotomists, clinical chemists, clinical microbiologists, pathologists' assistants, pathologists, forensic scientists, and other related professionals play a critical role in providing patients with the best possible health care; and,

WHEREAS, the role of a medical laboratory professional is to perform and evaluate medical laboratory tests to detect, diagnose, monitor treatment, and help prevent diseases. In addition, they perform tests to identify and detect biohazardous substances; and,

WHEREAS, the practice of modern medicine at the exacting standards we now enjoy would be impossible without the numerous types of scientific tests performed daily in the medical laboratory; and,

WHEREAS, there are currently almost 8,000 medical technologists working in the State of Illinois, and that number is expected to grow by 15 percent by 2016; and,

WHEREAS, through their dedication, the medical laboratories of Illinois have made vital contributions to the quality of health care in our state, yet the dedicated efforts of these laboratory professionals often go unnoticed; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 20-26, 2014 as **MEDICAL LABORATORY PROFESSIONALS WEEK** in Illinois, and urge all citizens to recognize and support the vital services provided by the laboratory practitioner for the benefit of all citizens.

Issued by the Governor March 17, 2014
Filed by the Secretary of State April 2, 2014

2014-136
International Plasma Awareness Week

PROCLAMATIONS

WHEREAS, October 12-18, 2014 marks International Plasma Awareness Week with observances throughout the United States and Europe designed to raise global awareness of the need for source plasma collection, recognize the contributions of plasma donors to saving and improving lives and to increase understanding about lifesaving plasma protein therapies and rare diseases; and,

WHEREAS, lifesaving plasma-delivered and recombinant blood clotting factors, collectively known as plasma protein therapies are unique, biologic products for which no substitute therapies exist; and,

WHEREAS, plasma protein therapies exist, save and improve lives of individuals throughout the world; and,

WHEREAS, plasma protein therapies are used to treat many conditions including bleeding disorders, primary immunodeficiency diseases, Alpha-1 antitrypsin deficiency and certain rare neurological disorders; and,

WHEREAS, these therapies are also used in emergency and surgical medicine to save and improve lives; and,

WHEREAS, these therapies have significantly improved the quality of life, markedly improved patient outcomes, extended life expectancy for individuals with rare diseases, specifically those with plasma protein disorder; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 12-18, 2014 as ***INTERNATIONAL PLASMA AWARENESS WEEK*** *in Illinois, in celebration of the biological contributions of Plasma Protein Therapies.*

Issued by the Governor March 18, 2014
Filed by the Secretary of State April 2, 2014

2014-137
National Nursing Home Week

WHEREAS, living the Aloha Spirit is this year's theme for National Nursing Home Week; and,

WHEREAS, during this week, we recognize all of the people that play significant roles in the successful quality care performed at nursing facilities; and,

PROCLAMATIONS

WHEREAS, the elderly and developmentally challenged residents of long-term care facilities have led exceptional and extraordinary lives which have helped enhance the quality of life in this great State; and,

WHEREAS, the long-term care facilities in Illinois are dedicated to providing the finest in health care and rehabilitation for our convalescent, aged, and developmentally challenged citizens; and,

WHEREAS, this dedication has been forcefully demonstrated through continual striving to upgrade standards of care and improve service; and,

WHEREAS, National Nursing Homes Week is an opportunity to bring into the limelight the celebration of quality health care with residents, staff, providers, families volunteers, and members of our communities; and,

WHEREAS, the Illinois Health Care Association is contributing to activities in observance of National Nursing Home Week beginning May 11, 2014; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 11-17, 2014 as **NATIONAL NURSING HOME WEEK** in Illinois, and encourage all citizens to recognize the individuals who have continually committed themselves to quality care and services in our state's long-term care facilities.

Issued by the Governor March 18, 2014
Filed by the Secretary of State April 2, 2014

2014-138
Coalition of Labor Union Women Day

WHEREAS, The Coalition of Labor Union Women (CLUW) is a non-partisan organization within the trade union movement that was formed in 1974 to articulate the concerns of working women; and,

WHEREAS, the four principles of CLUW are: to encourage activism and leadership of women in their unions and the labor movement; to organize women workers who are not represented by a union; to promote the political education and involvement of women in the political and legislative process; and, to promote fairness, equality of opportunity, and upward mobility of women in the workplace; and,

WHEREAS, CLUW educates and trains women for action, organizes conferences and workshops, and promotes the role of women in society; and,

PROCLAMATIONS

WHEREAS, with members from 54 international and national unions across the U.S. and Canada, CLUW has a strong network of more than 40 chapters; and,

WHEREAS, the CLUW Center for Education & Research, located at the National CLUW office, was established in 1979 as a separate non-profit, tax-exempt entity of CLUW; and,

WHEREAS, CLUW will be celebrating its 40th anniversary at a dinner on March 27, 2014, in Chicago, Illinois, the same city where its founding convention took place; and,

WHEREAS, for 40 years, CLUW has been dedicated to addressing issues facing women in the workplace and strengthening ties among labor, management, government, and community organizations; and,

WHEREAS, the longevity of CLUW is a testament to the dedication of its employees, volunteers, and members; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby declare March 27, 2014, as **COALITION OF LABOR UNION WOMEN DAY** in Illinois, in recognition of CLUW's 40th anniversary.

Issued by the Governor March 19, 2014
Filed by the Secretary of State April 2, 2014

2014-139
UL Day

WHEREAS, founded in 1894, Underwriters Laboratories (UL) is a premier global independent safety science company that has championed progress for 120 years; and,

WHEREAS, UL traces its beginnings back to the Chicago World's Fair where founder William Henry Merrill first became interested in examining electrical safety at the Columbian Exposition's Palace of Electricity; and,

WHEREAS, throughout its existence, UL has been a pioneer and leading authority in testing and creating safer working and living environments globally; and,

WHEREAS, UL uses research and standards to continually advance and meet ever-evolving safety needs and partners with businesses, manufacturers, trade associations, and international regulatory authorities to bring solutions to a more global supply chain; and,

PROCLAMATIONS

WHEREAS, in 2013, UL had customers in 106 countries, and 10,715 employees working in 40 countries; and,

WHEREAS, also in 2013, 20,268 types of products were evaluated by UL, and 69,795 manufacturers produced UL certified products; and,

WHEREAS, from engaging children in safety programs at school to mentoring young robotics scientists, UL has demonstrated a strong commitment to corporate social responsibility; and,

WHEREAS, this year marks UL's 120th anniversary, which the company will celebrate by recognizing its first official test conducted by William Henry Merrill on March 24, 1894; and,

WHEREAS, this anniversary presents an excellent opportunity for UL to reflect on its accomplishments and make plans for the future; and,

WHEREAS, the longevity of UL is a testament to the dedication of its employees, partners, and customers; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim March 24, 2014, as **UL DAY** in Illinois, in recognition of this company's 120th anniversary.

Issued by the Governor March 19, 2014
Filed by the Secretary of State April 2, 2014

2014-140
Better Hearing and Speech Month

WHEREAS, founded in 1960, the Illinois Speech-Language-Hearing Association (ISHA) is a non-profit organization representing over 4000 licensed speech-language pathologists and audiologists; and,

WHEREAS, speech-language pathologists are specialists trained to identify, evaluate, and remediate communication or swallowing problems, and determine the best treatment solutions; and,

WHEREAS, audiologists specialize in the prevention, identification, and evaluation of hearing and balance disorders and the habilitation/rehabilitation of individuals with hearing impairment; and,

WHEREAS, ISHA has three main goals: to make the public aware of services available to persons with speech, language and hearing disorders; to advocate for quality hearing services

throughout the state; and to support the scientific study of human communication and its disorders; and,

WHEREAS, approximately 46 million Americans are affected by communicative disorders, including 28 million individuals with hearing loss and 16 million individuals with speech, voice or language disorders; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 2014 as **BETTER HEARING AND SPEECH MONTH** in Illinois, to raise awareness of the contributions of speech-language pathologists and audiologists and the help that is available to those individuals with a speech, language or hearing problem.

Issued by the Governor March 20, 2014
Filed by the Secretary of State April 2, 2014

2014-141
Community Action Agency Day

WHEREAS, the Economic Opportunity Act of 1964 was signed into law on August 20, 1964, by President Lyndon B. Johnson; and,

WHEREAS, the purpose of this legislation was to eliminate the paradox of poverty in the midst of plenty in this nation; and,

WHEREAS, because of this important landmark legislation, Community Action Agencies began a proud tradition of service to the vulnerable families and individuals of Illinois and the nation; and,

WHEREAS, Community Action Agencies embody the spirit of hope, improve communities, and make America a better place to live; and,

WHEREAS, nearly 650,000 Illinois residents are served annually by Community Action Agencies operating in all 102 counties; and,

WHEREAS, the Community Action Agencies of Illinois will commemorate this year as the fiftieth anniversary of service to Illinois and the nation; and,

WHEREAS, now more than ever all people of this great state must unite to end hunger, homelessness, unemployment, illiteracy and indifference; and,

PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, hereby proclaim August 20, 2014 to be **COMMUNITY ACTION AGENCY DAY** in Illinois and ask that the Community Action Agencies of Illinois and the Illinois Association of Community Action Agencies be appropriately recognized for their outstanding service to the people of Illinois in this fiftieth year of service.

Issued by the Governor March 20, 2014
Filed by the Secretary of State April 2, 2014

2014-142
Community Gardening Month

WHEREAS, community gardens have innumerable benefits. Among these are sharing food with members of the community through local food pantries, beautifying our neighborhoods, reducing the urban heat island effect and filtering rainwater, and providing a catalyst for neighborhood and community development; and,

WHEREAS, community gardens provide nutritionally rich fresh produce and plants as well as satisfying labor, neighborhood improvement, strengthen community bonds, connection to the environment and create recreational opportunities for a community; and,

WHEREAS, community gardens improve gardeners' health through increased fresh vegetable consumption and horticultural therapy; and,

WHEREAS, community gardens are an invaluable educational tool, teaching neighbors about land stewardship, and providing an informal classroom for children and adults to learn skills caring for the natural environment; and,

WHEREAS, community gardens promote healthy communities and provide food security for many low income families; and,

WHEREAS, the gardens and those who participate in community gardening contribute to the preservation of open space, providing access to healthy food and reducing family food budgets, and create sustainable uses of the space; and,

WHEREAS, it is estimated that there are approximately 22,000 community gardens in the U.S. and Canada, in both rural and urban communities. Community gardens can be started almost anywhere, including at schools, hospitals, parks, churches, civic organizations, businesses and vacant lots; and,

PROCLAMATIONS

WHEREAS, the Illinois Department of Agriculture is beginning the sixth year of the Illinois State fairgrounds Community Garden, created to give residents a place to grow fresh produce, herbs, or other plants and flowers in a friendly and safe environment; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 2014 as **COMMUNITY GARDENING MONTH** in Illinois, and encourage all citizens to explore the possibility of creating a community garden where they live or joining an existing community garden in their neighborhood.

Issued by the Governor March 20, 2014
Filed by the Secretary of State April 2, 2014

2014-143
Health Care Workers Day

WHEREAS, the health and well-being of our citizens is the primary concern of Illinois health care professionals; and,

WHEREAS, the Chicago area is recognized as a preeminent medical resource and its commitment to the community is evident in its health care organizations; and,

WHEREAS, a health care team, as a vital component in the provision of modern health care, consists of nurses, allied health professionals, support staff, financial services personnel, administrative staff, physicians and volunteers, and each of those individuals are all integral parts of a successful health care delivery team; and,

WHEREAS, health care employees make valuable contributions to every health care facility and help increase the greater Chicagoland area's reputation for health care excellence; and,

WHEREAS, the more than 150 hospitals and health care organizations that are members of the Metropolitan Chicago Healthcare Council honor health care workers for their many contributions to the health and well-being of the people in their communities:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 7, 2014 as **HEALTH CARE WORKERS DAY** in Illinois, and urge all citizens to recognize the achievements of these dedicated workers.

Issued by the Governor March 20, 2014
Filed by the Secretary of State April 2, 2014

2014-144

PROCLAMATIONS

Illinois Medical Coders Week

WHEREAS, medical coders identify and address patterns of disease, illness, and injury in populations, as well as identify the trends and patterns in the procedures and services they provide by reviewing all tests, diagnoses, results, and medications and translating them to a numerical value; and,

WHEREAS, the use of medical codes for disease and injury prevention has contributed to understanding correlations in illness and injury to treatment, including heart disease, stroke, viral infections, infectious diseases, and motor vehicle and workplace injuries; and,

WHEREAS, medical coders help preserve the history of communities by abstracting information from birth and death records; and,

WHEREAS, over the past decade medical coders have achieved significant milestones in the sophistication of their profession through extensive education and training; and,

WHEREAS, the need for qualified medical coders continues to increase nationally in physician offices and outpatient and hospital settings; and,

WHEREAS, the integrity and high standards of medical coders have contributed to the U.S. Department of Health and Human Services' campaign against fraud and abuse in medical reimbursement; and,

WHEREAS, the State of Illinois is proud to recognize medical coders for all their hard work in this state, and throughout the country; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 19-23, 2014 as **ILLINOIS MEDICAL CODERS WEEK**, and encourage all citizens to recognize and honor the medical coders for their invaluable contributions to the improvement of our healthcare system.

Issued by the Governor March 21, 2014
Filed by the Secretary of State April 2, 2014

2014-145
Illinois Museum Day

WHEREAS, museums provide public access to inspiring collections of art, culture, history, natural history, and science; and,

PROCLAMATIONS

WHEREAS, museums have long motivated people of all ages to learn about the past, examine the present, and plan for the future; and,

WHEREAS, museums are repositories of trustworthy knowledge and information made accessible to all; and,

WHEREAS, Illinois museums serve all people, especially our children, teachers, schools, families, and communities by providing authentic and unique educational experiences through exceptional programs, exhibits and activities; and,

WHEREAS, museums foster the development of informed, critical, and innovative thinkers; and,

WHEREAS, Illinois museums serve as economic engines for our state by providing employment for thousands of our citizens and attracting tourists from across the country and throughout the world; and,

WHEREAS, every form and variety of museum is available to the citizens of Illinois including art, history, science, natural history, military, maritime, and youth museums, aquariums, zoos, botanical gardens, arboretums, historic sites, nature, science, and technology centers; and,

WHEREAS, on April 3rd, the Illinois Association of Museums and Museums In the Park will hold their 16th Annual Museum Day event, a day when museum staff and volunteers from across the state will gather in Springfield to remind state legislators and all Illinoisans of the remarkable value museums hold for our communities and our state; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 3, 2014, as **ILLINOIS MUSEUM DAY** in Illinois, encouraging all citizens to visit museums in their community and recognize the importance of supporting, preserving, and enjoying these valuable institutions.

Issued by the Governor March 21, 2014
Filed by the Secretary of State April 2, 2014

2014-146
MDA ALS Awareness Month

WHEREAS, in ALS known by many as Lou Gehrig's disease, nerve cells called motor neurons inexplicably die, leading to weakness and eventual paralysis of all voluntary muscles, including those used for breathing and swallowing; and,

PROCLAMATIONS

WHEREAS, there is no cure, and death often occurs within five years of an ALS diagnosis, although some people live for decades with the disease; and,

WHEREAS, approximately 30,000 individuals in the United States are affected by ALS and 5,000 are diagnosed each year with the fatal disease; and,

WHEREAS, ALS strikes people regardless of race, sex, age, or ethnicity; and,

WHEREAS, finding the causes of, and cure for, ALS will prevent the disease from robbing hundreds of thousands of Americans of their dignity and lives; and,

WHEREAS, aggressive treatments of the symptoms of ALS can extend the lives of those living with the disease; and,

WHEREAS, the Muscular Dystrophy Association (MDA) is the world leader in providing and funding ALS research and services, having dedicated $325 million to worldwide research programs, support services, and comprehensive medical treatment including MDA/ALS clinical programs at SIU School of Medicine in Springfield, Carle Clinic in Champaign, and OSF Medical Group at INI Neurology in Peoria; and,

WHEREAS, ALS Awareness Month is designed to increase public attention for this disease, its impact on the individual with the disorder and families; and, MDA sponsors activities and "Living with ALS" seminars in Illinois/Champaign during the month of May; and,

WHEREAS, the state of Illinois joins the Muscular Dystrophy Association in its continued commitment to supporting ALS research and raising awareness about the disease; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 2014 as **MDA ALS AWARENESS MONTH** in Illinois.

Issued by the Governor March 21, 2014
Filed by the Secretary of State April 2, 2014

2014-147
Illinois Flag Display Act Major Reid Nannen

WHEREAS, all citizens owe a tremendous debt of gratitude to the men and women of the armed forces who selflessly serve to protect our lives and keep our families safe; and,

WHEREAS, every day these men and women face great risks and put their safety on the line to perform their duties; and,

PROCLAMATIONS

WHEREAS, on March 1, 2014, Major Reid Nannen lost his life at the age of 32 in an F/A-18C Hornet crash on the Fallon Range Training Complex in Nevada; and,

WHEREAS, formerly of Hopedale, Illinois, and a graduate of the University of Illinois, Major Reid Nannen made vast contributions to the Land of Lincoln; and,

WHEREAS, Major Reid Nannen received his Wings of Gold in 2007 and was selected to fly F/A-18 Hornets; and,

WHEREAS, Major Reid Nannen served two tours of duty in Afghanistan and was decorated with several service medals; and,

WHEREAS, throughout his career as a proud member of the United States Marines, Major Reid Nannen represented the State of Illinois admirably; and,

WHEREAS, Major Reid Nannen was well respected and admired by his fellow Marines; and,

WHEREAS, a funeral will be held on Saturday, March 22, 2014, for Major Reid Nannen, a loving son, grandson, brother, husband, and father, who is survived by many family members and friends; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff immediately until sunset on Monday, March 24, 2014, in honor and remembrance of Major Reid Nannen, whose selfless service and sacrifice is an inspiration.

Issued by the Governor March 22, 2014
Filed by the Secretary of State April 2, 2014

2014-148
Illinois Flag Display Act Officer Jim Morrissy

WHEREAS, all citizens owe a tremendous debt of gratitude to the men and women of law enforcement who selflessly serve to protect our lives and keep our families safe; and,

WHEREAS, every day these men and women face great risks and in many cases put their safety on the line to perform their duties; and,

WHEREAS, on Monday afternoon, March 17, 2014, Oak Forest Police Officer Jim Morrissy was abruptly taken from us at the age of 62 after his squad car was struck; and,

PROCLAMATIONS

WHEREAS, Officer Jim Morrissy was the longest-tenured patrolman in southwest suburban Oak Forest; and,

WHEREAS, Officer Jim Morrissy was assigned as a field training officer, responsible for training and directing new officers; and,

WHEREAS, Officer Jim Morrissy is a native of Oak Forest, Illinois, where he was widely considered to be a stand-up member of the community. He will always be remembered for the countless lives he impacted; and,

WHEREAS, throughout his career as a proud member of the Oak Forest Police Department, Officer Jim Morrissy represented the State of Illinois Admirably; and,

WHEREAS, a funeral will be held on Saturday, March 22, 2014, for Officer Jim Morrissy, who is survived by his wife and three sons; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff immediately until sunset on Saturday, March 22, 2014, in honor and remembrance of Officer Jim Morrissy, whose selfless service and sacrifice is an inspiration.

Issued by the Governor March 22, 2014
Filed by the Secretary of State April 2, 2014

2014-149
Air Quality Awareness Week

WHEREAS, outdoor air pollution can be harmful to the health of thousands of Illinois citizens each year, especially children, older adults, and people with lung or heart disease; and,

WHEREAS, each day, our actions can contribute to air pollution, even when we don't recognize it; and,

WHEREAS, two of the most common air pollutants, ozone and particle pollution, not only affect how we breathe, but also affect our heart health; and,

WHEREAS, studies have shown that one in eight children in Chicago suffers from asthma; and,

WHEREAS, knowledge of the air quality forecast can help empower citizens to better protect themselves and their families; and,

PROCLAMATIONS

WHEREAS, Illinois citizens can receive their local air quality forecast free, via email through Illinois EnviroFlash; and,

WHEREAS, Illinois citizens can take action now and start making a difference in Illinois' air quality by taking simple actions at home to improve air quality that will also help save money; and,

WHEREAS, the Illinois Environmental Protection Agency and Illinois Partners for Clean Air are supporting efforts to encourage citizens to utilize the Air Quality Index, understand what causes poor air quality, take actions to improve outdoor air quality, thereby protecting their health; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 28
May 2, 2014 as **AIR QUALITY AWARENESS WEEK** in the State of Illinois.

Issued by the Governor March 24, 2014
Filed by the Secretary of State April 2, 2014

2014-150
Bataan Day

WHEREAS, since the birth of this great nation, America has been blessed with a population of brave men and women who have courageously answered the call to defend their country's ideals of freedom and democracy. Many of the brave Americans who have answered their country's call to service were captured by hostile forces or listed as missing while performing their duties; and,

WHEREAS, the harsh conditions of enemy captivity are an unfortunate reality that many of our brave soldiers and their allies have experienced first hand. During World War II, American and Filipino prisoners of war who fought in the Philippines experienced some of the cruelest treatment. They were forced by Japanese captors to participate in what has come to be known as the Bataan Death March and the survivors were put into forced labor camps; and,

WHEREAS, American and Filipino former prisoners of war are national heroes whose service to our country will never be forgotten. These brave men and women fought for America and endured cruelties and deprivation as prisoners of war that no man or women should ever have to experience; and,

WHEREAS, during World War II, the Korean War, Vietnam, the 1991 Gulf War, Operation Iraqi Freedom, and other conflicts, our service men and women have sacrificed much to secure freedom, defend the ideals of our nation, and free the oppressed. Each of these individuals should be honored for their strength of character and for the difficulties they and their families endured. By answering the call of duty and risking their lives to protect others, these proud

patriots continue to inspire us today as we work with our allies to extend peace, liberty, and opportunity to people around the world:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 9, 2014 as **BATAAN DAY** in the State of Illinois, and encourage all citizens to take a moment to honor and remember the men and women who suffered the hardships of enemy captivity while courageously serving their country.

Issued by the Governor March 24, 2014
Filed by the Secretary of State April 2, 2014

2014-151
Emergency Medical Services for Children Day

WHEREAS, Emergency Medical Services (EMS) for Children recognizes children have unique physiological responses to illness and injury; and,

WHEREAS, EMS for Children promotes a specialized approach to pediatric care; and,

WHEREAS, Illinois' emergency medical services system strives to integrate pediatric emergency care needs across a wide spectrum; and,

WHEREAS, in Illinois there are 13 standby emergency departments approved for pediatrics, 85 emergency departments approved for pediatrics, 10 pediatric critical care centers, 16,758 first responders, 22,426 basic EMTs (emergency medical technicians), 769 intermediate EMTs, 15,341 paramedic EMTs, 4,629 emergency communications registered nurses, 2,779 trauma nurse specialists, 350 pre-hospital registered nurses, and 2,656 emergency medical dispatchers dedicated to promoting preventive measures, pre-hospital care, emergency department services, outpatient and specialized services, and inpatient and rehabilitative care; and,

WHEREAS, Illinois champions the nation's EMS for Children's commitment to reduce childhood morbidity and mortality associated with severe illness and trauma; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, proclaim May 21, 2014, as **EMERGENCY MEDICAL SERVICES FOR CHILDREN DAY** in Illinois.

Issued by the Governor March 24, 2014
Filed by the Secretary of State April 2, 2014

2014-152
Emergency Medical Services Week

PROCLAMATIONS

WHEREAS, emergency medical services (EMS) embody the true concept of teamwork by recognizing the interdependent relationship among trauma centers, EMS system hospitals, ambulance providers, emergency and trauma physicians, emergency nurses, emergency medical technicians (EMTs)
basic, intermediate and paramedic, field nurses, emergency communication nurses, trauma nurse specialists, emergency medical dispatchers and first responders dedicated to saving lives; and,

WHEREAS, in Illinois there are 65 EMS resource hospitals and 67 trauma centers, and 16,758 first responders, 22,426 basic EMTs, 769 intermediate EMTs, 15,341 paramedic EMTs, 4,629 emergency communications registered nurses, 2,779 trauma nurse specialists, 350 pre-hospital registered nurses and 2,656 emergency medical dispatchers selflessly providing 24-hour service to the people of Illinois; and,

WHEREAS, this year's national theme, "EMS: Dedicated. For Life," underscores the immediate nature of the situations to which EMS personnel must respond; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, proclaim May 18-24, 2014, as **EMERGENCY MEDICAL SERVICES WEEK** in Illinois.

Issued by the Governor March 24, 2014
Filed by the Secretary of State April 2, 2014

2014-153
Food Allergy Awareness Week

WHEREAS, a food allergy occurs when the immune system mistakenly believes that a food is harmful, thereby causing a person to have a severe allergic reaction, or an anaphylaxis
a sudden, severe allergic reaction involving major organs in the body simultaneously. In severely allergic individuals it can cause death in a matter of minutes if untreated; and,

WHEREAS, research shows that the prevalence of food allergy is increasing among children. Approximately 15 million Americans suffer from food allergies, 6 million of them children under the age of 18; and,

WHEREAS, eight foods cause 90 percent of all food allergy reactions in the U.S.: shellfish, fish, milk, eggs, tree nuts, peanuts, soy, and wheat; and,

WHEREAS, symptoms of a food-allergic reaction may include one or more of the following: a tingling sensation in the mouth, swelling of the tongue and the throat, difficulty breathing, hives, vomiting, abdominal cramps, diarrhea, drop in blood pressure, and loss of consciousness; and,

PROCLAMATIONS

WHEREAS, symptoms typically appear within minutes to two hours after the person has eaten the food to which he or she is allergic; and,

WHEREAS, according to the Centers for Disease Control and Prevention, food allergy results in more than 300,000 ambulatory care visits a year involving children under 18. Reactions typically occur when an individual unknowingly eats food containing an ingredient to which they are allergic; and,

WHEREAS, the Food Allergy & Anaphylaxis Network (FAAN) is a national, nonprofit organization dedicated to raising awareness about food allergy and anaphylaxis; and,

WHEREAS, there is no cure for food allergies. Strict avoidance of the allergy-causing food is the only way to avoid a reaction; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 11-17, 2014 as **FOOD ALLERGY AWARENESS WEEK** in Illinois, to raise awareness of food allergies and to educate the public about the associated health risks.

Issued by the Governor March 24, 2014
Filed by the Secretary of State April 2, 2014

2014-154
Illinois Flag Display Act Officer David Harris

WHEREAS, all citizens owe a tremendous debt of gratitude to the men and women of law enforcement who selflessly serve to protect our lives and keep our families safe; and,

WHEREAS, every day these men and women face great risks and in many cases put their safety on the line to perform their duties; and,

WHEREAS, on Friday, March 14, 2014, Chicago Police Officer David Harris was abruptly taken from us at the age of 42 in a car accident that occurred when he was returning home after duty; and,

WHEREAS, a 10 year veteran of the Chicago Police Department, Officer David Harris earned 87 department awards; and,

WHEREAS, prior to joining the Chicago Police Department, Officer David Harris was a Maywood police officer from 1997 to 2003; and,

PROCLAMATIONS

WHEREAS, Officer David Harris was widely considered to be a stand-up member of his community and will always be remembered for the countless lives he impacted; and,

WHEREAS, throughout his career in law enforcement, Officer David Harris represented the State of Illinois Admirably; and,

WHEREAS, a funeral will be held on Monday, March 24, 2014, for Officer David Harris, who is survived by many loving family members and friends; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff immediately until sunset on Monday, March 24, 2014 in honor and remembrance of Officer David Harris, whose selfless service and sacrifice is an inspiration.

Issued by the Governor March 24, 2014
Filed by the Secretary of State April 2, 2014

2014-155
Lincoln Pilgrimage Weekend

WHEREAS, in 1926 R. Allan Stephens, a former Boy Scouts of America Commissioner of Springfield, Illinois, originated the idea of a Lincoln Trail Hike, believing that Boy Scouts would acquire a greater appreciation of the obstacles Abraham Lincoln overcame in his rise to the presidency if they also walked the same 20-mile route followed by Lincoln from New Salem to Springfield; and,

WHEREAS, Lincoln's outstanding example of perseverance caused Mr. Stephens to propose that Boy Scouts be encouraged to walk in Lincoln's steps from New Salem to Springfield and that an award be made to those who successfully completed the trail; and,

WHEREAS, the trail is scenic and historically correct, and the Scouts foster environmental stewardship by picking up litter along the scenic roadway; and,

WHEREAS, the Illinois Environmental Protection Agency teams with the Abraham Lincoln Council of the Boy Scouts of America in order to further earth stewardship and promote environmental consciousness; and,

WHEREAS, Illinois Environmental Protection Agency employees, American Radio Relay League amateur radio operators, Illinois Air National Guard, Illinois Army National Guard, as well as Waste Management and Coca-Cola, support the Lincoln Trail Hike by volunteering their services to assist the Scouts during the Hike; and,

PROCLAMATIONS

WHEREAS, the Lincoln Trail Hike is one of a series of events, collectively known as the Lincoln Pilgrimage, honoring the life, achievements and ideals of the 16th President; and,

WHEREAS, thousands of Scouts will participate in the Annual Lincoln Pilgrimage; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 26 and 27, 2014, as **LINCOLN PILGRIMAGE WEEKEND** in the State of Illinois.

Issued by the Governor March 24, 2014
Filed by the Secretary of State April 2, 2014

2014-156
Support Illinois-Made Vehicles Day

WHEREAS, since the birth of the modern automobile in the 1800's, Americans have relied on the expertise and creativity of hard working Americans to design the most efficient, safe, and comfortable vehicles; and,

WHEREAS, here in Illinois, we are pleased to be the home of Chrysler Assembly in Belvidere, Mitsubishi Motors of North America in Normal, and Ford Assembly in Chicago. Together these manufacturers produce numerous automobiles including the Jeep Patriot, Jeep Compass, Dodge Dart, Mitsubishi Outlander Sport, Ford Explorer, Ford Taurus, and Lincoln MKS; and,

WHEREAS, the success of the car industry in Illinois would not be possible without the dedication, talent, and ingenuity of the hard working UAW members who make high quality vehicles for global consumption; and,

WHEREAS, in order to spur economic growth, it is crucial that the residents of Illinois support Illinois jobs by purchasing Illinois-made vehicles; and,

WHEREAS, on April 9, 2014, UAW Region 4 will be hosting its state conference; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 9, 2014, as **SUPPORT ILLINOIS-MADE VEHICLES DAY** in Illinois, in appreciation of the UAW workers who produce high quality vehicles, and in recognition of the significant contributions made by the car industry to the economic vitality of the Land of Lincoln.

Issued by the Governor March 24, 2014
Filed by the Secretary of State April 2, 2014

2014-4
EXECUTIVE ORDER TO REORGANIZE THE DEPARTMENT OF HUMAN SERVICES BY THE CONSOLIDATION OF THE DIVISIONS OF MENTAL HEALTH AND ALCOHOLISM AND SUBSTANCE ABUSE

WHEREAS, Article V, Section 11 of the Illinois Constitution authorizes the Governor to reassign functions or reorganize executive agencies that are directly responsible to him by means of executive order;

WHEREAS, Section 3.2 of the Executive Reorganization Implementation Act, 15 ILCS 15/3.2, provides that "Reorganization" includes the consolidation or coordination of the whole or any part of any agency, or the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof;

WHEREAS, the Department of Human Services' (Department) Division of Mental Health (DMH) and the Department's Division of Alcoholism and Substance Abuse (DASA) are divisions within an executive agency directly responsible to the Governor and exercise the rights, powers, duties, and responsibilities derived from 20 ILCS 1305 *et seq.*;

WHEREAS, mental illness and addiction are both biological diseases of the brain with genetic and/or neurobiological factors;

WHEREAS, there exist high rates of trauma, abuse, and criminal justice issues among both mentally ill and addicted populations;

WHEREAS, according to the federal Substance Abuse and Mental Health Services Administration (SAMHSA), 20-25% of individuals with mental illness have a co-occurring substance use disorder;

WHEREAS, for more than 30 years, addiction has been recognized by the American Society for Addiction Medicine (ASAM) as a complex primary physiological disease and neither a primary behavior disorder nor a symptomatic manifestation of any other disease process;

WHEREAS, there are considerable costs to society associated with substance abuse such as crime, incarceration, short-term and long-term health care expenditures;

WHEREAS, for the foregoing reasons it is essential that the State of Illinois make substance abuse prevention and treatment, together with mental illness prevention and treatment, a top priority;

WHEREAS, the social supports and community resources that people with mental illness and addiction need are extremely similar and therefore agency goals and strategies to educate and

inform communities, providers and the general public regarding these human services issues should be appropriately coordinated;

WHEREAS, both DMH and DASA recognize that it is crucial for treatment success that mental health and addiction services be maintained with programmatic integrity and as equally important funding priorities;

WHEREAS, DMH and DASA are currently managed by a single Director within the Department;

WHEREAS, the consolidation of DMH and DASA offers the opportunity to share valuable resources and expertise, eliminate redundancy, simplify the organizational structure of the Executive Branch, improve accessibility and accountability, provide more efficient use of institutional knowledge and facilities, promote more effective sharing of best practices and state of the art technology, among other things;

WHEREAS, for the foregoing reasons it is appropriate and most beneficial to consolidate DMH and DASA into a new Division;

WHEREAS, pursuant to the consolidation of DMH and DASA, the initiatives and programs of both agencies will be preserved and maintained;

WHEREAS, the consolidation of DMH and DASA will better streamline processes, strengthen workforce, and allow staff to be more responsive to the needs of Illinois residents;

WHEREAS, on March 16, 1999, the Governor issued Executive Order Number 9 (1999) designing the Office of Alcoholism and Substance Abuse as the lead agency for all substance abuse services for the State of Illinois; and

WHEREAS, it would be appropriate to modify Executive Order Number 9 (1999), in part, to designate this consolidated division as the single state authority on addiction issues for the State of Illinois.

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, pursuant to the executive authority vested in me by Article V, Section 11 of the Illinois Constitution, hereby order:

I. MODIFICATION OF EXECUTIVE ORDER NUMBER 9

Effective as of the date of this issuance, Section 3 of the Executive Order Number 9 (1999) is modified to the extent that it designates the "Office of Alcoholism and Substance Abuse" as the lead agency for all substance abuse services for the State of Illinois, with the entirety of the foregoing and following provision remaining in effect.

II. CONSOLIDATION OF FUNCTIONS

Effective upon filing with Secretary of State, or as soon thereafter as practicable, powers, duties, rights and responsibilities related to DMH and DASA shall be consolidated into a single entity called the Division of Mental Health and Addiction Recovery Services. The statutory powers, duties, rights, and responsibilities of DMH and DASA derive from the following Statutes:

a. Alcoholism and Other Drug Abuse and Dependency Act, 20 ILCS 301 *et seq.*;

b. Department of Human Services Act, 20 ILCS 1305 *et seq.*;

c. Mental Health and Developmental Disabilities Administrative Act, 20 ILCS 1705 *et seq.*;

d. Blind Vendors Act, 20 ILCS 2421 *et seq.*;

e. Drug School Act, 55 ILCS 130 *et seq.*;

f. School Code, 105 ILCS 5 *et seq.*;

g. Specialized Mental Health Rehabilitation Act, 210 ILCS 49 *et seq.*;

h. Illinois Insurance Code, 215 ILCS 301 *et seq.*;

i. Illinois Public Aid Code, 305 ILCS 5 *et seq.*;

j. Adult Protective Services Act, 320 ILCS 20 *et seq.*;

k. Early Intervention Services System Act, 325 ILCS 20 *et seq.*;

l. Mental Health and Developmental Disabilities Code, 405 ILCS 5 *et seq.*;

m. Community Services Act, 405 ILCS 30 *et seq.*; and

n. Health Care Workplace Violence Prevention Act, 405 ILCS 90 *et seq.*

III. EFFECT OF CONSOLIDATION

a. The powers, duties, rights and responsibilities vested in the Divisions shall not be affected by this Executive Order, except that all management and staff support or other resources necessary to the operation of each of the Divisions shall be provided by the new Division of Mental Health and Addiction Recovery Services.

b. The status and rights of DMH and DASA employees engaged in the performance of the functions of DMH and DASA Programs shall not be affected by the consolidation. The rights of the employees, the State of Illinois, and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement, or annuity plan shall not be affected by this Executive Order. Personnel and positions of DMH and DASA Programs affected by this Executive

Order shall be consolidated and continue their service within the new Division of Mental Health and Addiction Recovery Services.

c. All books, records, papers, documents, property (real and personal), contracts, and pending business pertaining to the powers, duties, rights, and responsibilities related to the Divisions and consolidated by this Executive Order, including but not limited to material in electronic or magnetic format and necessary computer hardware and software, shall be delivered to the new Division of Mental Health and Addiction Recovery Services; provided, however, that the delivery of such information shall not violate any applicable confidentiality constraints.

d. All unexpended appropriations and balances and other funds available for use in connection with any of the Divisions shall be consolidated for use by the new Division of Mental Health and Addiction Recovery Services pursuant to the direction of the Governor. Unexpended balances so consolidated shall be expended only for the purpose for which the appropriation was originally made.

IV. SAVINGS CLAUSE

a. The powers, duties, rights, and responsibilities related to the Divisions consolidated by this Executive Order shall be vested in and shall be exercised by the new Division of Mental Health and Addiction Recovery Services. Each act done in exercise of such powers, duties, rights, and responsibilities shall have the same legal effect as if done by DMH or DASA or its offices, officers, or employees.

Any rules of DMH or DASA that relate to the functions and programs consolidated by this Executive Order that are in full force on the effective date of this Executive Order shall become the rules of the Division of Mental Health and Addiction Recovery Services. This Executive Order does not affect the legality of any rules in the Administrative Code. Any proposed rules filed with the Secretary of State by DMH or DASA that are pending in the rulemaking process on the effective date of this Executive Order, and that pertain to the functions and programs transferred, shall be deemed to have been filed by the Division of Mental Health and Addiction Recovery Services. As soon as practicable hereafter, the Division of Mental Health and Addiction Recovery Services shall revise and clarify the rules consolidated under it by this Executive Order to reflect the reorganization of rights, powers, and duties affected by this Order, using the procedures for recodification of rules available under the Illinois Administrative Procedure Act, except that existing title, part, and section numbering for the affected rules may be retained. The Division of Mental Health and Addiction Recovery Services, consistent with its authority to do so, may propose and adopt under the Illinois Administrative Procedure Act such other rules of DMH and DASA that will now be administered by the Division of Mental Health and Addiction Recovery Services. To the extent that, prior to the effective date of the consolidation,

the Directors of DMH and DASA had been empowered to prescribe regulations or had other authority with respect to the consolidated functions, such duties shall be exercised from and after the effective date of the transfer by the Director of the Division of Mental Health and Addiction Recovery Services.

b. Every person or entity shall be subject to the same obligations and duties and any penalties, civil or criminal, arising therefrom, and shall have the same rights arising from the exercise of such powers, duties, rights, and responsibilities as had been exercised by DMH or DASA or its officers or employees.

c. Every officer of DMH and DASA shall, for every offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer whose powers or duties were consolidated under this Executive Order.

d. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon DMH or DASA in connection with any of their functions consolidated by this Executive Order, the same shall be made, given, furnished, or served in the same manner to or upon the new Division of Mental Health and Addiction Recovery Services.

e. This Executive Order shall not affect any act done, ratified, or canceled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil, or criminal cause regarding the Divisions before this Executive Order takes effect; such actions or proceedings may be defended, prosecuted, and continued by the Division of Mental Health and Addiction Recovery Services.

V. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

VI. EFFECTIVE DATE

This Executive Order shall be effective upon filing with the Secretary of State.

Issued by Governor: April 1, 2014
Filed with Secretary of State: April 1, 2014

2014-5
EXECUTIVE ORDER TO TRANSFER
THE ILLINOIS COMMISSION ON VOLUNTEERISM AND COMMUNITY SERVICE FROM THE DEPARTMENT OF HUMAN SERVICES TO THE DEPARTMENT OF PUBLIC HEALTH

WHEREAS, the mission of the Illinois Commission on Volunteerism and Community Service (Serve Illinois) is to enhance volunteerism and instill an ethic of service throughout the state; and

WHEREAS, Serve Illinois serves as the resource and advocate among all state agencies for volunteerism and community service, and coordinates effective solutions through national service programs and traditional volunteers to address unmet state and local needs by working through non-profit, faith-based, and community organizations; and

WHEREAS, Serve Illinois also serves as a leading advocate in the state to enhance social innovation, civic engagement, and intergenerational initiatives; and

WHEREAS, volunteerism and community service are critical components to our state's health and resilience; and

WHEREAS, Serve Illinois is the federal grantee of the federal AmeriCorps grant (AmeriCorps grant) from the Corporation for National and Community Service (CNCS); and

WHEREAS, all funds received from the AmeriCorps grant are disbursed through subgrants; and

WHEREAS, Serve Illinois currently serves as a resource and advocate within the Department of Human Services (DHS) pursuant to Section 710/2 of the Illinois Commission on Volunteerism and Community Service Act (20 ILCS 710); and

WHEREAS, DHS currently serves as the grant distributor of the AmeriCorps grant, with the administration and management of the grant conducted by Serve Illinois; and

WHEREAS, the Department of Public Health (DPH) has significant experience with grant distribution, administration and management; and

WHEREAS, DPH, through its public health promotions and materials, is currently providing services and information related to Serve Illinois programs, including, but not limited to: Disaster Preparedness and Response, Economic Opportunity, Education, Environmental Stewardship, Healthy Futures, and Veterans and Military Families; and

WHEREAS, Article V, Section 11 of the Illinois Constitution provides that the Governor, by Executive Order, may reassign functions among or reorganize executive agencies which are directly responsible to him; and

WHEREAS, Section 3.2 of the Executive Reorganization Implementation Act, 15 ILCS 15/3.2 provides that "Reorganization" includes, in pertinent part, (a) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency, and (b) the abolition of the whole or any part of any agency which does not have, or upon the taking effect of such reorganization will not have, any functions; and

WHEREAS, DHS is an executive agency directly responsible to the Governor which exercises the rights, powers, duties, and responsibilities derived from 20 ILCS 1305 *et seq.*; and

WHEREAS, DPH is an executive agency directly responsible to the Governor which exercises the rights, powers, duties, and responsibilities derived from 20 ILCS 2305 *et seq.*;

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, pursuant to the executive authority vested in me by Article V, Section 11 of the Illinois Constitution, hereby order:

I. TRANSFER OF FUNCTION

The transfer of Serve Illinois from DHS to DPH shall become effective July 1, 2014. All functions performed by DHS related to the administration of Serve Illinois and the AmeriCorps Grant, together with all statutory powers, duties, rights, and responsibilities of DHS as derived from 20 ILCS 710, are transferred from DHS to DPH.

II. EFFECT OF TRANSFER

a. Neither the functions nor programs transferred by this Executive Order from DHS to DPH, nor any powers, duties, rights, and responsibilities related to those functions or programs, shall be affected by this Executive Order, except that they shall all be performed or exercised by DPH from the effective date of the transfer.

b. All books, records, papers, documents, property (real and personal), contracts, head counts, appropriations, spending authority and pending business pertaining to the functions and programs transferred by this Executive Order from DHS to DPH, including, but not limited to material in electronic or magnetic format, databases, and necessary computer hardware and software, shall be transferred to DPH. The transfer of any data or information shall not, however, violate any applicable confidentiality constraints.

c. The staff of DHS engaged in the performance of the transferred functions and programs may be transferred to DPH. The status and rights of such employees under the Personnel Code shall not be affected by the transfers. The rights of the employees, the State of Illinois and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement, or annuity plan shall not be affected by this Executive Order.

d. All unexpended appropriation balances and other funds available to DHS for use in connection with the functions and programs transferred by this Executive Order shall be transferred and made available to DPH for use in connection with the functions and programs transferred by this Executive Order. Unexpended balances so transferred shall be expended only for the purpose for which the appropriations were originally made.

III. SAVINGS CLAUSE

a. The powers, duties, rights and responsibilities relating to the functions and programs transferred from DHS to DPH by this Executive Order shall be vested in and exercised by DPH. Each act done in exercise of such powers, duties, rights and responsibilities shall have the same legal effect as if done by DHS or its divisions, officers, or employees.

b. Every officer of DPH shall, for any offense, be subject to the same penalty or penalties, civil or criminal as are prescribed by existing laws for the same offenses by any officer whose powers or duties were transferred under this Executive Order.

c. Whenever reports or notices are now required to be made or given, or papers or documents furnished or served by any person to or upon DHS in connection with any of the functions or programs transferred by this Executive Order, the same shall be made, given, furnished, or served in the same manner to or upon DPH.

d. This Executive Order shall not affect any act done, ratified, or canceled, or any right occurring or established or any action or proceeding had or commenced in an administrative, civil or criminal case regarding the functions of DHS before this Executive Order takes effect; such actions may be prosecuted or continued by DPH.

e. Any rules of DHS that relate to the functions and programs transferred by this Executive Order that are in full force on the effective date of this Executive Order, and that have been duly adopted by the programs being transferred shall become the rules of DPH. This Executive Order does not affect the legality of any rules in the Administrative Code. Any proposed rules filed with the Secretary of State by DHS that are pending in the rulemaking process on the effective date of this Executive Order, and that pertain to the functions and programs transferred, shall be deemed to have been filed by DPH. As soon as practicable hereafter, DPH shall revise and clarify the rules transferred to it under this Executive Order to reflect the reorganization of rights, powers, and duties affected by this Order, using the procedures for recodification of rules available under the Illinois Administrative Procedure Act, except that existing title, part, and section numbering for the affected rules may be retained. DPH, consistent with DHS's authority to do so, may propose and adopt under the Illinois Administrative Procedure Act such other rules of DHS that will now be administered by DPH. To the extent that, prior to the effective date

of the transfers, the Secretary of DHS had been empowered to prescribe regulations or had other authority with respect to the transferred functions, such duties shall be exercised from and after the effective date of the transfer by the Director of DPH.

f. For the purposes of the Successor Agency Act, DPH is declared to be the successor agency of DHS, but only with respect to the functions and programs that are transferred to DPH by this Executive Order.

g. Whenever a provision of law refers to DHS in connection with its performance of a function or program that is transferred to DPH by this Executive Order, that provision shall be deemed to refer to DPH on and after the effective date of this Executive Order.

h. To the extent necessary or prudent to fully implement the intent of this Executive Order, DPH and DHS may enter into one or more interagency agreements to ensure the full and appropriate transfer of all functions of Serve Illinois.

IV. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application to this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

V. EFFECTIVE DATE

This Executive Order is effective upon filing with the Secretary of State.

Issued by Governor: April 1, 2014
Filed with Secretary of State: April 1, 2014

ILLINOIS ADMINISTRATIVE CODE
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