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April 17, 2020 Volume 44, Issue 16

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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 2020

<b>Issue#</b>	<b>Rules Due Date</b>	<b>Date of Issue</b>
1	December 23, 2019	January 3, 2020
2	December 30, 2019	January 10, 2020
3	January 6, 2020	January 17, 2020
4	January 13, 2020	January 24, 2020
5	January 21, 2020	January 31, 2020
6	January 27, 2020	February 7, 2020
7	February 3, 2020	February 14, 2020
8	February 10, 2020	February 21, 2020
9	February 18, 2020	February 28, 2020
10	February 24, 2020	March 6, 2020
11	March 2, 2020	March 13, 2020
12	March 9, 2020	March 20, 2020
13	March 16, 2020	March 27, 2020
14	March 23, 2020	April 3, 2020
15	March 30, 2020	April 10, 2020
16	April 6, 2020	April 17, 2020
17	April 13, 2020	April 24, 2020
18	April 20, 2020	May 1, 2020
19	April 27, 2020	May 8, 2020
20	May 4, 2020	May 15, 2020
21	May 11, 2020	May 22, 2020
22	May 18, 2020	May 29, 2020

23	May 26, 2020	June 5, 2020
24	June 1, 2020	June 12, 2020
25	June 8, 2020	June 19, 2020
26	June 15, 2020	June 26, 2020
27	June 22, 2020	July 6, 2020
28	June 29, 2020	July 10, 2020
29	July 6, 2020	July 17, 2020
30	July 13, 2020	July 24, 2020
31	July 20, 2020	July 31, 2020
32	July 27, 2020	August 7, 2020
33	August 3, 2020	August 14, 2020
34	August 10, 2020	August 21, 2020
35	August 17, 2020	August 28, 2020
36	August 24, 2020	September 4, 2020
37	August 31, 2020	September 11, 2020
38	September 8, 2020	September 18, 2020
39	September 14, 2020	September 25, 2020
40	September 21, 2020	October 2, 2020
41	September 28, 2020	October 9, 2020
42	October 5, 2020	October 16, 2020
43	October 13, 2020	October 23, 2020
44	October 19, 2020	October 30, 2020
45	October 26, 2020	November 6, 2020
46	November 2, 2020	November 13, 2020
47	November 9, 2020	November 20, 2020
48	November 16, 2020	November 30, 2020
49	November 23, 2020	December 4, 2020
50	November 30, 2020	December 11, 2020
51	December 7, 2020	December 18, 2020
52	December 14, 2020	December 28, 2020

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Payment of Unemployment Contributions, Interest and Penalties
- 2) Code Citation: 56 Ill. Adm. Code 2765
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
2765.62	Amendment
2765.68	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 212, 302, 500, 601, 602, 603, 612, 701, 706, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1503, 1507, 1508, 1509, 1700, 1701, 2401 and 2600 of the Unemployment Insurance Act [820 ILCS 405/212, 302, 500, 601, 602, 603, 612, 701, 706, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1503, 1507, 1508, 1509, 1700, 1701, 2401 and 2600].
- 5) A Complete Description of the Subjects and Issues Involved: Requiring good cause to be found to waive penalties for the failure to timely file the employer's wage report for the month of February 2020, as provided by Section 1402 of the Unemployment Insurance Act, due to the COVID-19 Pandemic, retroactive to April 1, 2020.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No
- 7) Will this rulemaking replace an 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 rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
2765.335	Amendment	44 Ill. Reg. 38; January 3, 2020
2765.336	New Section	44 Ill. Reg. 38; January 3, 2020
- 11) Statement of Statewide Policy Objective: This proposed rulemaking neither creates nor expands a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENTS

Kevin Lovellette, Chief Legal Counsel  
Illinois Department of Employment Security  
33 South State Street – Room 930  
Chicago IL 60603

312/793-1224  
fax: 312/793-5645  
Kevin.Lovellette@illinois.gov

The Department requests the submission of written comments within 45 days after the publication of this Notice. 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].

The proposed rulemaking has no direct negative impact on small businesses, small municipalities and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80 and 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as a small business, small municipality or not-for-profit corporation as part of any written comments submitted to the Department.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking has no direct negative effect on small businesses, small municipalities and not-for-profit corporations.
  - B) Reporting, bookkeeping or other procedures required for compliance: No new reporting or bookkeeping is required for compliance.
  - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

- 15) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because this rulemaking is intended to address an immediate emergency situation pertaining to the COVID-19 Pandemic.

The full text of the Proposed Amendment is identical to that of the text of the Emergency Amendment for this Part, and begins in this issue of the *Illinois Register* on page 6099.

## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Riverboat and Casino Gambling
- 2) Code Citation: 86 Ill. Adm. Code 3000
- 3) Section Number: 3000.286                      Proposed Action:  
Amendment
- 4) Statutory Authority: Section 7.6 (c-5) of the Illinois Gambling Act [230 ILCS 10/7.6 (c-5)] provides in part that: "The Board shall, by rule, establish goals for the award of contracts by each owners licensee to businesses owned by veterans of service in the armed forces of the United States, expressed as percentages of an owners licensee's total dollar amount of contracts awarded during each calendar year." Authority to enact rule language to implement this statutory provision derives from the following paragraphs of Section 5 of the Illinois Gambling Act [230 ILCS 5]: paragraphs 5 (c) (3), (6), (7), (22), and (23).
- 5) A Complete Description of the Subjects and Issues Involved: Currently, the contracting goal provisions of 86 Ill. Adm. Code 3000.286 only apply to firms owned by minorities, women and disabled persons. Section 7.6 was amended by PA 100-1152, effective December 14, 2018, to include veteran owned firms. An amendment to Section 3000.286 is required to implement the amendatory statutory change.

The new language in the present rulemaking closely tracks the existing rule language applicable to firms owned by minorities, women and disabled persons. Specifically, the new language provides the following:

Contracting goals for veteran owned firms will be set as percentages of the total dollar amount of contracts awarded by a casino owner licensee during each calendar year. Although these are goals rather than quotas, the underlying Act directs that "each owners licensee must make every effort" to meet them.

Beginning in 2021, the annual reporting requirement for casinos under the Business Enterprise Program will now include information on their utilization of veteran owned businesses.

The rule language cites the definition of "veteran" contained in Section 10 of the Veterans Preference in Private Employment Act [330 ILCS 56/10]. Under this definition, a "veteran" means a person who has either:

## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENT

Served on active duty with the armed forces of the United States for a period of more than 180 days and was discharged or released from active duty under conditions other than dishonorable;

Was discharged or released from active duty because of a service-related disability; or

Is a member of the Illinois National Guard who has never been deployed but has separated under conditions other than dishonorable.

A "veteran owned business" is defined as a business that is at least 51% owned by one or more veterans (or in the case of a corporation, at least 51% of the stock of which is owned by one or more veterans), and the management and daily operations of which are controlled by one or more of the veterans who own it. This parallels the definitions already contained in Section 3000.286 for firms owned by minorities, women, and persons with disabilities.

To ensure that veteran owned firms have the best possible information about contracting opportunities with Illinois casinos, the rulemaking requires casinos to publish information to potential bidders on their websites as to how to obtain more detailed information about future available contracting opportunities. The casinos must also share this information with the Director of the Department of Commerce and Economic Opportunity and the Director of the Department of Veterans' Affairs.

Additionally, the rulemaking establishes benchmark numerical contracting goals for all of the types of firms covered by Section 3000.286. These benchmark goals are the following:

11% for minority owned businesses;

7% for female owned businesses;

2% for businesses owned by persons with disabilities; and

3% for veteran owned businesses.

The final contracting goals for each owners licensee shall approach, at a minimum, the benchmark contracting goals of paragraph (1) of subsection (b) of this section as closely as the Board deems practicable.

## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENT

- 6) Published studies and reports, and underlying sources of data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes. The rulemaking incorporates the definition of "veteran" contained in Section 10 of the Veterans Preference in Private Employment Act [330 ILCS 56/10].
- 10) Are there any rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
3000.106	New Section	44 Ill. Reg. 1752, January 24, 2020

- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate under 30 ILCS 805.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit comments in writing concerning this proposed rulemaking not later than 45 days after publication of this Notice in the *Illinois Register* to:

Agostino Lorenzini  
General Counsel  
Illinois Gaming Board  
160 North LaSalle Street  
Chicago IL 60601

[igb.legal@igb.illinois.gov](mailto:igb.legal@igb.illinois.gov)

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENT

- B) Reporting, bookkeeping or other procedures required for compliance: In conformity with 230 ILCS 10/7.6 (c-5), the rulemaking requires casinos to report to the Board the award of contracts by each owners licensee to businesses owned by veterans, expressed as percentages of an owners licensee's total dollar amount of contracts awarded during each calendar year.
- C) Types of professional skills necessary for compliance: No new professional skills will be required.
- 14) Small Business Impact Analysis:
- A) Types of businesses subject to the proposed rule: None
- B) Categories that the Agency reasonably believes the rulemaking will impact, including: None
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized in a regulatory agenda.

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

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE  
CHAPTER IV: ILLINOIS GAMING BOARD

PART 3000  
RIVERBOAT AND CASINO GAMBLING

SUBPART A: GENERAL PROVISIONS

Section	
3000.100	Definitions
3000.101	Invalidity
3000.102	Public Inquiries
3000.103	Organization of the Illinois Gaming Board
3000.104	Rulemaking Procedures
3000.105	Board Meetings
3000.110	Disciplinary Actions
3000.115	Records Retention
3000.120	Place to Submit Materials
3000.130	No Opinion or Approval of the Board
3000.140	Duty to Disclose Changes in Information
3000.141	Applicant/Licensee Disclosure of Agents
3000.150	Owner's and Supplier's Duty to Investigate
3000.155	Investigatory Proceedings
3000.160	Duty to Report Misconduct
3000.161	Communication with Other Agencies
3000.165	Participation in Games by Owners, Directors, Officers, Key Persons or Gaming Employees
3000.170	Fair Market Value of Contracts
3000.180	Weapons on Riverboat
3000.190	Ethical Conduct

SUBPART B: LICENSES

Section	
3000.200	Classification of Licenses
3000.210	Fees and Bonds
3000.220	Applications
3000.221	Other Required Forms
3000.222	Identification and Requirements of Key Persons

## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENT

3000.223	Disclosure of Ownership and Control
3000.224	Economic Disassociation
3000.225	Business Entity and Personal Disclosure Filings
3000.230	Owner's Licenses
3000.231	Distributions
3000.232	Undue Economic Concentration
3000.234	Acquisition of Ownership Interest By Institutional Investors
3000.235	Transferability of Ownership Interest
3000.236	Owner's License Renewal
3000.237	Renewed Owner's Licenses, Term and Restrictions
3000.238	Appointment of Receiver for an Owner's License
3000.240	Supplier's Licenses
3000.241	Renewal of Supplier's License
3000.242	Amendment to Supplier's Product List
3000.243	Bankruptcy or Change in Ownership of Supplier
3000.244	Surrender of Supplier's License
3000.245	Occupational Licenses
3000.250	Transferability of Licenses
3000.260	Waiver of Requirements
3000.270	Certification and Registration of Electronic Gaming Devices
3000.271	Analysis of Questioned Electronic Gaming Devices
3000.272	Certification of Voucher Systems
3000.280	Registration of All Gaming Devices
3000.281	Transfer of Registration (Repealed)
3000.282	Seizure of Gaming Devices (Repealed)
3000.283	Analysis of Questioned Electronic Gaming Devices (Repealed)
3000.284	Disposal of Gaming Devices
3000.285	Certification and Registration of Voucher Validation Terminals
3000.286	Contracting Goals for Owners Licensees
3000.287	Independent Outside Testing Laboratories
3000.288	Minimum Duties for Independent Outside Testing Laboratories

## SUBPART C: OWNER'S INTERNAL CONTROL SYSTEM

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3000.300	General Requirements – Internal Control System
3000.310	Approval of Internal Control System
3000.320	Minimum Standards for Internal Control Systems
3000.330	Review of Procedures (Repealed)

## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENT

- 3000.340 Operating Procedures (Repealed)  
3000.350 Modifications (Repealed)

SUBPART D: HEARINGS ON NOTICE OF DENIAL,  
RESTRICTION OF LICENSE, PLACEMENT ON BOARD EXCLUSION LIST OR  
REMOVAL FROM BOARD EXCLUSION LIST OR SELF-EXCLUSION LIST

## Section

- 3000.400 Coverage of Subpart  
3000.405 Requests for Hearings  
3000.410 Appearances  
3000.415 Discovery  
3000.420 Motions for Summary Judgment  
3000.424 Subpoena of Witnesses  
3000.425 Proceedings  
3000.430 Evidence  
3000.431 Prohibition on Ex Parte Communication  
3000.435 Sanctions and Penalties  
3000.440 Transmittal of Record and Recommendation to the Board  
3000.445 Status of Applicant for Licensure or Transfer Upon Filing Request for Hearing

## SUBPART E: CRUISING

## Section

- 3000.500 Riverboat Cruises  
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## SUBPART F: CONDUCT OF GAMING

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- 3000.600 Wagering Only with Electronic Credits, Approved Chips, Tokens and Electronic Cards  
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## ILLINOIS GAMING BOARD

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3000.640	Exchange of Chips, Tokens, and Vouchers
3000.645	Receipt of Gaming Chips or Tokens from Manufacturer or Distributor
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3000.655	Destruction of Chips, Tokens, and Vouchers
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3000.661	Minimum Standards for Voucher Systems
3000.665	Integrity of Electronic Gaming Devices
3000.666	Bill Validator Requirements
3000.667	Integrity of Voucher Systems
3000.670	Computer Monitoring Requirements of Electronic Gaming Devices
3000.671	Computer Monitoring Requirements of Voucher Systems

## SUBPART G: EXCLUSION OF PERSONS

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3000.700	Organization of Subpart
3000.701	Duty to Exclude
3000.705	Voluntary Self-Exclusion Policy (Repealed)
3000.710	Distribution and Availability of Board Exclusion List
3000.720	Criteria for Exclusion or Ejection and Placement on the Board Exclusion List
3000.725	Duty of Licensees
3000.730	Procedure for Entry of Names
3000.740	Petition for Removal from the Board Exclusion List
3000.745	Voluntary Self-Exclusion Policy
3000.750	Establishment of a Self-Exclusion List
3000.751	Locations to Execute Self-Exclusion Forms
3000.755	Information Required for Placement on the Self-Exclusion List
3000.756	Stipulated Sanctions for Failure to Adhere to Voluntary Self-Exclusion
3000.760	Distribution and Availability of Confidential Self-Exclusion List
3000.770	Duties of Licensees
3000.780	Request for Removal from the IGB Self-Exclusion List
3000.782	Required Information, Recommendations, Forms and Interviews
3000.785	Appeal of a Notice of Denial of Removal

## ILLINOIS GAMING BOARD

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3000.786	Duties of Owner Licensees to Persons Removed from the Self-Exclusion List
3000.787	Placement on the Self-Exclusion List Following Removal
3000.790	Duties of the Board

## SUBPART H: SURVEILLANCE AND SECURITY

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3000.800	Required Surveillance Equipment
3000.810	Riverboat and Board Surveillance Room Requirements
3000.820	Segregated Telephone Communication
3000.830	Surveillance Logs
3000.840	Storage and Retrieval
3000.850	Dock Site Board Facility
3000.860	Maintenance and Testing

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3000.900	Liquor Control Commission
3000.910	Liquor Licenses
3000.920	Disciplinary Action
3000.930	Hours of Sale

## SUBPART J: OWNERSHIP AND ACCOUNTING RECORDS AND PROCEDURES

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3000.1000	Ownership Records
3000.1010	Accounting Records
3000.1020	Standard Financial and Statistical Records
3000.1030	Annual and Special Audits and Other Reporting Requirements
3000.1040	Accounting Controls Within the Cashier's Cage
3000.1050	Procedures for Exchange of Checks Submitted by Gaming Patrons and Granting Credit
3000.1060	Handling of Cash at Gaming Tables
3000.1070	Tips or Gratuities
3000.1071	Admission Tax and Wagering Tax
3000.1072	Cash Reserve Requirements

## SUBPART K: SEIZURE AND DISCIPLINARY HEARINGS

## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENT

## Section

3000.1100	Coverage of Subpart
3000.1105	Duty to Maintain Suitability
3000.1110	Board Action Against License or Licensee
3000.1115	Complaint
3000.1120	Appearances
3000.1125	Answer
3000.1126	Appointment of Hearing Officer
3000.1130	Discovery
3000.1135	Motions for Summary Disposition
3000.1139	Subpoena of Witnesses
3000.1140	Proceedings
3000.1145	Evidence
3000.1146	Prohibition of Ex Parte Communication
3000.1150	Sanctions and Penalties
3000.1155	Transmittal of Record and Recommendation to the Board

**AUTHORITY:** Implementing and authorized by the Riverboat Gambling Act [230 ILCS 10].

**SOURCE:** Emergency rule adopted at 15 Ill. Reg. 11252, effective August 5, 1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 18263, effective December 10, 1991; amended at 16 Ill. Reg. 13310, effective August 17, 1992; amended at 17 Ill. Reg. 11510, effective July 9, 1993; amended at 20 Ill. Reg. 5814, effective April 9, 1996; amended at 20 Ill. Reg. 6280, effective April 22, 1996; emergency amendment at 20 Ill. Reg. 8051, effective June 3, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14765, effective October 31, 1996; amended at 21 Ill. Reg. 4642, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 14566, effective October 22, 1997, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 978, effective December 29, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4390, effective February 20, 1998; amended at 22 Ill. Reg. 10449, effective May 27, 1998; amended at 22 Ill. Reg. 17324, effective September 21, 1998; amended at 22 Ill. Reg. 19541, effective October 23, 1998; emergency amendment at 23 Ill. Reg. 8191, effective July 2, 1999 for a maximum of 150 days; emergency expired November 28, 1999; amended at 23 Ill. Reg. 8996, effective August 2, 1999; amended at 24 Ill. Reg. 1037, effective January 10, 2000; amended at 25 Ill. Reg. 94, effective January 8, 2001; amended at 25 Ill. Reg. 13292, effective October 5, 2001; proposed amended at 26 Ill. Reg. 9307, effective June 14, 2002; emergency amendment adopted at 26 Ill. Reg. 10984, effective July 1, 2002, for a maximum of 150 days; adopted at 26 Ill. Reg. 15296, effective October 11, 2002; amended at 26 Ill. Reg. 17408, effective November 22, 2002; emergency amendment at 27 Ill. Reg. 10503, effective June 30, 2003, for a maximum

## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENT

of 150 days; amended at 27 Ill. Reg. 15793, effective September 25, 2003; amended at 27 Ill. Reg. 18595, effective November 25, 2003; amended at 28 Ill. Reg. 12824, effective August 31, 2004; amended at 31 Ill. Reg. 8098, effective June 14, 2007; amended at 32 Ill. Reg. 2967, effective February 15, 2008; amended at 32 Ill. Reg. 3275, effective February 19, 2008; amended at 32 Ill. Reg. 7357, effective April 28, 2008; amended at 32 Ill. Reg. 8592, effective May 29, 2008; amended at 32 Ill. Reg. 8931, effective June 4, 2008; amended at 32 Ill. Reg. 13200, effective July 22, 2008; amended at 32 Ill. Reg. 17418, effective October 23, 2008; amended at 32 Ill. Reg. 17759, effective October 28, 2008; amended at 32 Ill. Reg. 17946, effective November 5, 2008; amended at 34 Ill. Reg. 3285, effective February 26, 2010; amended at 34 Ill. Reg. 3748, effective March 11, 2010; amended at 34 Ill. Reg. 4768, effective March 16, 2010; amended at 34 Ill. Reg. 5200, effective March 24, 2010; amended at 34 Ill. Reg. 15386, effective September 23, 2010; amended at 36 Ill. Reg. 13199, effective July 31, 2012; amended at 37 Ill. Reg. 12050, effective July 9, 2013; amended at 37 Ill. Reg. 18255, effective November 1, 2013; amended at 38 Ill. Reg. 2808, effective January 8, 2014; amended at 38 Ill. Reg. 21471, effective October 29, 2014; amended at 39 Ill. Reg. 4362, effective March 10, 2015; amended at 39 Ill. Reg. 12312, effective August 18, 2015; amended at 40 Ill. Reg. 12776, effective August 19, 2016; amended at 41 Ill. Reg. 380, effective December 29, 2016; amended at 41 Ill. Reg. 12840, effective September 28, 2017; emergency amendment at 43 Ill. Reg. 9801, effective August 23, 2019, for a maximum of 150 days; emergency amendment at 43 Ill. Reg. 10512, effective September 5, 2019, for a maximum of 150 days; emergency amendment at 43 Ill. Reg. 10733, effective September 13, 2019, for a maximum of 150 days; amended at 44 Ill. Reg. 521, effective December 30, 2019; amended at 44 Ill. Reg. 3224, effective February 4, 2020; amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: LICENSES

**Section 3000.286 Contracting Goals for Owners Licensees**

- a) For purposes of this Section:
  - 1) The terms "minority", "minority owned business", "female owned business", and "business owned by a person with a disability" shall have the meanings ascribed to them in [Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act \[30 ILCS 575\]](#).
  - 2) ["Veteran" has the meaning ascribed in Section 10 of the Veterans Preference in Private Employment Act \[330 ILCS 56\]](#).

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- 3) "Veteran owned business" is a business that is at least 51% owned by one or more veterans or, in the case of a corporation, at least 51% of the stock of which is owned by one or more veterans, and the management and daily operations of which are controlled by one or more of the veterans who own it.
- 42) "Contract" is an agreement for the provision of goods or services to an owners licensee.
- 53) "Contracting goal" is the goal established by the Board *for the award of contracts by each owners licensee to businesses owned by minorities, females, ~~and~~ persons with disabilities and veterans, expressed as percentages of an owners licensee's total dollar amount of contracts awarded during each calendar year [230 ILCS 10/7.6(b)] except for contracts excluded from the coverage of this Section by subsection (b)(3) and subsections (b)(2) and (3) of this Section.*
- 64) "Good faith effort" is the effort of an owners licensee to achieve a contracting goal. A "good faith" effort shall require an owners licensee to give consideration in the awarding of contracts to qualified businesses owned by minorities, females, ~~and~~ persons with disabilities, and veterans that are located in Illinois. A "good faith effort" shall require the following actions by an owners licensee:
- A) Outreach by an owners licensee to associations of minority owned businesses, female owned businesses, ~~and~~ businesses owned by persons with disabilities, and veterans whose areas of operation include the unit of local government where the owners licensee's riverboat gambling operation is located, to request their assistance in identifying and contacting businesses owned by minorities, females, ~~and~~ persons with disabilities, and veterans that may be appropriate candidates for contract awards by the owners licensee.
  - B) Publication on a continuing basis in an owners licensee's website and, at least annually, in the official State newspaper, of a statement informing potential bidders how to obtain more detailed information from the owners licensee about future contracts to be entered into by the owners licensee, including price, occupational, and materials specifications. In addition, the owners licensee shall

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distribute this statement to the Business Enterprise Program of the Department of Central Management Services established under the Business Enterprise for Minorities, Females, and Persons with Disabilities Act, [the Director of the Department of Commerce and Economic Opportunity and the Director of the Department of Veterans' Affairs](#).

- ~~75~~) "Dollar percentage" is the percentage of the total dollar value of an owners licensee's vendor contracts with minority owned businesses, female owned businesses, or businesses owned by a person with a disability during a calendar year, to the total dollar amount of all vendor contracts entered into by the owners licensee during that calendar year, except for contracts covered under subsection (b)(2).
- ~~86~~) "Emergency" is a situation in which one or more of the following have occurred or are at imminent risk of occurring:
- A) Damage or disruption to all or part of a riverboat gambling operation; or
  - B) Danger to the health, safety, comfort or welfare of patrons or employees.
- b) For each calendar year, the Board shall establish [benchmark](#) contracting goals, as defined in subsection (a)(~~53~~), for each owners licensee expressed as a dollar percentage as defined in subsection (a)(~~75~~). Separate [benchmark](#) contracting goals shall be established for minority owned businesses, female owned businesses, ~~and~~ businesses owned by persons with disabilities, [and veteran owned businesses](#). A [benchmark](#) contracting goal shall provide for the greatest reasonable dollar percentage, consistent with the ability of vendors that are not minority owned businesses, female owned businesses, ~~or~~ businesses owned by persons with disabilities, [or veteran owned businesses](#) to bid fairly on contracts and not incur discrimination in contract selection based on their non-inclusion in a category of businesses subject to a contracting goal.
- 1) [Beginning with the effective date of this amendatory rulemaking of 2020, the benchmark contracting goals under this Section shall be the following:](#)
- A) [11% for minority owned businesses;](#)

## ILLINOIS GAMING BOARD

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- B) 7% for female owned businesses;
  - C) 2% for businesses owned by persons with disabilities; and
  - D) 3% for veteran owned businesses.
- 21) By December 1 of each calendar year, each owners licensee shall submit to the Board separate proposed contracting goals for the coming calendar year for minority owned businesses, female owned businesses, ~~and~~ businesses owned by persons with disabilities, and veteran owned businesses. The ~~final contracting~~~~contractual~~ goals for each calendar year shall be established through a process of consultation with each owners licensee and subsequent Board evaluation and approval. The final contracting goals shall be based on the numbers and dollar amounts of new and renewed contracts, as well as the owners licensee's evaluation of the availability of minority owned businesses, female owned businesses, ~~and~~ businesses owned by persons with disabilities, and veteran owned businesses that are qualified to perform the new and renewed contracts, and located in sufficient geographical proximity to the owners licensee to be reasonable candidates for contract selection. The final contracting goals for each owners licensee shall approach, at a minimum, the benchmark contracting goals of subsection (b)(1) as closely as the Board deems practicable. The Board may conduct fact-finding hearings to determine the appropriateness of a ~~final proposed~~ contracting goal.
- 32) *When setting the goals for the award of contracts, the Board shall not include contracts in which:*
- A) *any purchasing mandates would be dependent upon the availability of minority owned businesses, female owned businesses, ~~and~~ businesses owned by persons with disabilities, and veteran owned firms ready, willing, and able with capacity to provide quality goods and services to a gaming operation at reasonable prices;*
  - B) *there are no or a limited number of licensed suppliers as defined by the Act for the goods or services provided to the licensee;*

## ILLINOIS GAMING BOARD

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- C) *the licensee or its parent company owns a company that provides the goods or services;*
- D) *the goods or services are provided to the licensee by a publicly traded company [230 ILCS 10/7.6(b)]; or*
- E) *The contract is entered into in response to an emergency.*
- 43) An owners licensee may satisfy its goal for the award of contracts, in whole or in part, by counting the total dollar amount of first and second tier subcontracts and purchase orders to businesses certified as vendors under the Business Enterprise for Minorities, Females, and Persons with Disabilities Act or by any other certifying agency approved by the Board.
- c) In evaluating whether an owners licensee has made a good faith effort as defined in subsection (a)(64), the fulfillment of a contracting goal as defined in subsection (a)(53) shall be significant but not determinative. An owners licensee that has failed to meet a contracting goal nevertheless may be deemed to have complied with the provisions of this Section if it can establish that it has made diligent efforts to achieve the contracting goal through outreach, advertising or other types of efforts designed to inform minority owned businesses, female owned businesses, ~~or~~ businesses owned by persons with disabilities, or veteran owned businesses about potential contracting opportunities with the owners licensee and has engaged in a fair bidding process.
- d) *The owners licensee shall have the right to request a waiver from the requirements of this Section. The Board shall grant the waiver when the owners licensee demonstrates that there has been made a good faith effort to comply with the goals for participation by minority owned businesses, female owned businesses, ~~and~~ businesses owned by persons with disabilities, and veteran owned businesses. [230 ILCS 10/7.6(d)]*
- e) *If the Board determines that its goals and policies are not being met by an owners licensee, then the Board may:*
- 1) *Recommend remedies for those violations; and*
  - 2) *Recommend that the owners licensee provide additional opportunities for participation by minority owned businesses, female owned businesses, ~~and~~*

## ILLINOIS GAMING BOARD

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*businesses owned by persons with disabilities, and veteran owned businesses; the recommendations may include, but shall not be limited to:*

- A) *Assurances of stronger and better focused solicitation efforts to obtain more minority owned businesses, female owned businesses, ~~and~~ businesses owned by persons with disabilities, and veteran owned businesses as potential sources of supply;*
- B) *Division of job or project requirements, when economically feasible, into tasks or quantities to permit participation of minority owned businesses, female owned businesses, ~~and~~ businesses owned by persons with disabilities, and veteran owned businesses;*
- C) *Elimination of extended experience or capitalization requirements, when programmatically feasible, to permit participation of minority owned businesses, female owned businesses, ~~and~~ businesses owned by persons with disabilities, and veteran owned businesses; and*
- D) *Identification of specific proposed contracts as particularly attractive or appropriate for participation by minority owned businesses, female owned businesses, ~~and~~ businesses owned by persons with disabilities, and veteran owned businesses, such identification to result from and be coupled with the efforts described in subsections (e)(2)(A) through (C). [230 ILCS 10/7.6(e)]*
- f) The Board shall not establish any type of quota in connection with its enforcement of this Section and Section 7.6 of the Act.
- g) By March 31 of each year, *each owners licensee shall file with the Board an annual report of its utilization of minority owned businesses, female owned businesses, and businesses owned by persons with disabilities during the preceding calendar year. The reports shall include a self-evaluation of the efforts of the owners licensee to meet its goals under this Section. [230 ILCS 10/7.6(c)] Beginning in calendar year 2021, this report shall include information on an owners licensees' utilization of veteran owned businesses.*

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- h) The dollar percentages for an owners licensee shall be determined according to data in an owners licensee's annual report submitted to the Board under subsection (g).

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: General Administrative Provisions
- 2) Code Citation: 89 Ill. Adm. Code 10
- 3) Section Number: 10.410                      Proposed Action:  
Amendment
- 4) Statutory Authority: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].
- 5) A Complete Description of the Subjects and Issues Involved: Due to the COVID-19 pandemic, IDHS is receiving an increase in applications for assistance. This rulemaking adds a verbal signature option for the following assistance applications – Request for Cash Assistance, Medical Assistance, and Supplemental Nutrition Assistance Program (SNAP). This amendment will allow an applicant to verbally assent by telephone constituting a telephonic signature with the intent to authenticate the information given on the application.
- 6) Any published studies or reports, along with the sources of underlying data that were used when composing this rulemaking? None
- 7) Will this rulemaking replace an 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: 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 rule 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

## NOTICE OF PROPOSED AMENDMENT

Department of Human Services  
100 South Grand Avenue East  
Harris Building, 3<sup>rd</sup> Floor  
Springfield IL 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) Small Business Impact Analysis: This rulemaking will not have an adverse impact on small businesses.
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized on either of the two most recent regulatory agendas because it was not anticipated by the Department when those agendas were published.

The full text of the Proposed Amendment is identical to that of the text of the Emergency Amendment for this Part, and begins in this issue of the *Illinois Register* on page 6107.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Related Program Provisions
- 2) Code Citation: 89 Ill. Adm. Code 117
- 3) Section Number: 117.50                      Proposed Action:  
Amendment
- 4) Statutory Authority: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI, and 12-13].
- 5) A Complete Description of the Subjects and Issues Involved: Due to an increase in the Consumer Price Index and the COVID-19 crisis, this rulemaking increases the maximum reimbursement amount for funeral expenses of an eligible descendant to \$1370.00 effective April 6, 2020. It also increases the maximum reimbursement amount for burial (including cremation) expenses to \$686.00 effective April 6, 2020.
- 6) Published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking? None
- 7) Will this rulemaking replace an emergency rulemaking 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: 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 amendment 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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

Harris Building, 3<sup>rd</sup> Floor  
Springfield IL 62762

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking will affect funeral homes and cemeteries.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: This rulemaking will not have an adverse impact on small businesses.
- 15) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not summarized on either of the two most recent regulatory agendas because it was not anticipated by the Department when those agendas were published.

The full text of the Proposed Amendment is identical to that of the text of the Emergency Amendment for this Part, and begins in this issue of the *Illinois Register* on page 6114.

## DEPARTMENT ON AGING

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Community Care Program
- 2) Code Citation: 89 Ill. Adm. Code 240
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
240.728	Amendment
240.729	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 4.01(11) and 4.02 of the Illinois Act on Aging [20 ILCS 105/4.01(11) and 4.02].
- 5) Effective Date of Rules: April 3, 2020
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rules, 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 *Illinois Register*: 43 Ill. Reg. 14475; December 20, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No changes
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u><i>Illinois Register</i> Citations:</u>
240.1505	Amendment	44 Ill. Reg. 1724; January 24, 2020
240.1520	Amendment	44 Ill. Reg. 1724; January 24, 2020
- 15) Summary and Purpose of Rulemaking: Part 240 rulemaking will be amended to reflect rate adjustments to maximum payment levels for CCP in-home service and adult day

## DEPARTMENT ON AGING

## NOTICE OF ADOPTED AMENDMENTS

service providers. The underlying information for the proposed amendments was recently approved and provided by the federal Centers for Medicare and Medicaid Services (CMS). CMS' approval of the Elderly Waiver amendment allows implementation of the requested rate increases for CCP in-home service and adult day service providers.

- 16) Information and questions regarding these adopted rules shall be directed to:

Jason Jordan  
Deputy General Counsel  
Illinois Department on Aging  
One Natural Resources Way, Suite 100  
Springfield IL 62702-1271

217/785-3370; 217/720-4041  
jason.jordan@illinois.gov  
aging.rulemaking@illinois.gov

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

DEPARTMENT ON AGING

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER II: DEPARTMENT ON AGING

PART 240  
COMMUNITY CARE PROGRAM

SUBPART A: GENERAL PROGRAM PROVISIONS

Section	
240.100	Community Care Program
240.110	Department Prerogative
240.120	Services Provided
240.130	Maintenance of Effort
240.140	Program Limitations
240.150	Department Headquarters Location
240.160	Definitions

SUBPART B: SERVICE DEFINITIONS

Section	
240.210	In-home Service
240.230	Adult Day Service (ADS)
240.235	Emergency Home Response Service
240.237	Automated Medication Dispenser Service
240.240	Information and Referral
240.250	Demonstration/Research Projects
240.260	Care Coordination Service
240.270	Alternative Provider
240.280	Individual Provider (Repealed)

SUBPART C: RIGHTS AND RESPONSIBILITIES

Section	
240.300	Participant Rights and Responsibilities
240.310	Right to Request Services
240.320	Nondiscrimination
240.330	Freedom of Choice
240.340	Confidentiality/Safeguarding of Case Information
240.350	Participant /Authorized Representative Cooperation

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- 240.360 Reporting Changes  
240.370 Voluntary Repayment

## SUBPART D: APPEALS

- Section  
240.400 Appeals and Fair Hearings  
240.405 Representation  
240.410 When the Appeal May Be Filed  
240.415 What May Be Appealed  
240.420 Group Appeals  
240.425 Informal Review  
240.430 Informal Review Findings  
240.435 Withdrawing an Appeal  
240.436 Cancelling an Appeal  
240.440 Examining Department Records  
240.445 Hearing Officer  
240.450 The Hearing  
240.451 Conduct of Hearing  
240.455 Continuance of the Hearing  
240.460 Postponement  
240.465 Dismissal Due to Non-Appearance  
240.470 Rescheduling the Appeal Hearing  
240.475 Recommendations of Hearing Officer  
240.480 The Appeal Decision  
240.485 Reviewing the Official Report of the Hearing

## SUBPART E: REQUEST FOR SERVICES

- Section  
240.510 Participant Agreement for Community Care Program  
240.520 Who May Make Application (Repealed)  
240.530 Date of Application (Repealed)  
240.540 Statement to be Included on Participant Agreement and Consent Form  
240.550 Person-Centered Planning Process

## SUBPART F: ELIGIBILITY FOR COMMUNITY CARE PROGRAM SERVICES

Section

## DEPARTMENT ON AGING

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240.600	Eligibility Requirements
240.610	Establishing Initial Eligibility
240.620	Home Visit
240.630	Determination of Eligibility
240.640	Eligibility Decision
240.650	Continuous Eligibility
240.655	Redeterminations Process
240.660	Extension of Time Limit

## SUBPART G: NON-FINANCIAL REQUIREMENTS

Section	
240.710	Age
240.715	Determination of Need
240.727	Minimum Score Requirements
240.728	Maximum Payment Levels for Person-Centered Plans of Care Including In-home Service
240.729	Maximum Payment Levels for Person-Centered Plans of Care Including Adult Day Service
240.730	Person-Centered Plan of Care
240.735	Supplemental Information
240.740	Assessment of Need
240.741	Prerequisites for Automated Medication Dispenser Service
240.750	Citizenship
240.755	Residence
240.760	Social Security Number

## SUBPART H: FINANCIAL REQUIREMENTS

Section	
240.800	Financial Factors
240.810	Assets
240.815	Exempt Assets
240.820	Asset Transfers
240.825	Income
240.830	Unearned Income Exemptions
240.835	Earned Income
240.840	Potential Retirement, Disability and Other Benefits
240.845	Family

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240.850	Monthly Average Income
240.855	Applicant/Client Expense for Care (Repealed)
240.860	Change in Income
240.865	Application For Medical Assistance (Medicaid)
240.870	Determination of Applicant/Client Monthly Expense for Care (Repealed)
240.875	Participant Responsibility

## SUBPART I: DISPOSITION OF DETERMINATION

Section	
240.905	Prohibition of Institutionalized Individuals From Receiving Community Care Program Services
240.910	Written Notification
240.915	Service Provision
240.920	Reasons for Denial
240.925	Frequency of Redeterminations (Renumbered)
240.930	Suspension of Services
240.935	Discontinuance of Services to Clients (Repealed)
240.940	Penalty Payments
240.945	Notification
240.950	Reasons for Termination
240.955	Reasons for Reduction or Change

## SUBPART J: SPECIAL SERVICES

Section	
240.1010	Choices for Care Nursing Facility, Supportive Living Program, and Community-Based Screening
240.1020	Interim Services
240.1040	Intense Service Provision
240.1050	Temporary Service Increase

## SUBPART K: TRANSFERS

Section	
240.1110	Participant Transfer Request – Vendor to Vendor – No Change in Service
240.1120	Participant Transfer Request – Vendor to Vendor – With Change in Service
240.1130	Participant Transfers – Care Coordination Unit to Care Coordination Unit
240.1140	Transfers of Pending Requests for Services

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- 240.1150 Interagency Transfers
- 240.1160 Temporary Transfers – Care Coordination Unit to Care Coordination Unit
- 240.1170 Caseload Transfer – Vendor to Vendor
- 240.1180 Caseload Transfer – Care Coordination Unit to Care Coordination Unit

## SUBPART L: ADMINISTRATIVE SERVICE CONTRACT

## Section

- 240.1210 Administrative Service Contract

## SUBPART M: CARE COORDINATION UNITS AND PROVIDERS

## Section

- 240.1310 Standard Contractual Requirements for Care Coordination Units and Providers
- 240.1320 Vendor or Care Coordination Unit Fraud/Illegal or Criminal Acts
- 240.1399 Termination of a Vendor or Care Coordination Unit (CCU)

## SUBPART N: CARE COORDINATION UNITS

## Section

- 240.1400 Community Care Program Care Coordination
- 240.1410 Care Coordination Unit Administrative Minimum Standards
- 240.1420 Care Coordination Unit Responsibilities
- 240.1430 Care Coordination Staff Positions, Qualifications and Responsibilities
- 240.1440 Training Requirements For Care Coordination Supervisors and Care Coordinators

## SUBPART O: PROVIDERS

## Section

- 240.1505 Administrative Requirements for Certification
- 240.1510 Provider Administrative Minimum Standards
- 240.1520 Provider Responsibilities
- 240.1525 Standard Requirements for In-home Service Providers
- 240.1530 General In-home Service Staffing Requirements
- 240.1531 Electronic Visit Verification (EVV) Requirements for In-home Service Providers
- 240.1535 In-home Service Staff Positions, Qualifications, Training and Responsibilities
- 240.1541 Minimum Equipment Specifications for Emergency Home Response Service
- 240.1542 Administrative Requirements for Emergency Home Response Service Providers
- 240.1543 Minimum Equipment Specifications for Automated Medication Dispenser Service

## DEPARTMENT ON AGING

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- 240.1544 Administrative Requirements for Automated Medication Dispenser Service Providers
- 240.1550 Standard Requirements for Adult Day Service Providers
- 240.1555 General Adult Day Service Staffing Requirements
- 240.1560 Adult Day Service Staff
- 240.1565 Adult Day Service Satellite Sites
- 240.1570 Service Availability Expansion
- 240.1575 Adult Day Service Site Relocation
- 240.1580 Standards for Alternative Providers
- 240.1590 Standard Requirements for Individual Provider Services (Repealed)

## SUBPART P: PROVIDER PROCUREMENT

## Section

- 240.1600 Provider Agency Certification
- 240.1605 Emergency Certification
- 240.1607 Standard CCP Provider Agreement
- 240.1615 Provider Initiated Service Area Modifications
- 240.1645 Objection to Certification Decision
- 240.1650 Classification, Identification and Receipt of Provider Service Violations
- 240.1660 Provider Performance Reviews
- 240.1661 Provider and Care Coordination Unit Right to Appeal
- 240.1665 Contract Actions for Failure to Comply with Community Care Program Requirements

## SUBPART Q: CARE COORDINATION UNIT PROCUREMENT

## Section

- 240.1710 Procurement Cycle for Care Coordination Services
- 240.1720 Care Coordination Unit Performance Review

## SUBPART R: ADVISORY COMMITTEE

## Section

- 240.1800 Community Care Program Advisory Committee

## SUBPART S: PROVIDER RATES

## Section

## DEPARTMENT ON AGING

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240.1910	Establishment of Fixed Unit Rates
240.1920	Contract Specific Variations
240.1930	Fixed Unit Rate of Reimbursement for In-home Service
240.1940	Fixed Unit Rates of Reimbursement for Adult Day Service and Transportation
240.1950	Adult Day Service Fixed Unit Reimbursement Rates
240.1955	Fixed Unit Rates of Reimbursement for Emergency Home Response Service
240.1957	Fixed Unit Rates of Reimbursement for Automated Medication Dispenser Service
240.1960	Care Coordination Fixed Unit Reimbursement Rates
240.1970	Enhanced Rate for Health Insurance Costs

## SUBPART T: FINANCIAL REPORTING

Section	
240.2020	Financial Reporting of In-home Service
240.2023	Financial Reporting of Rate-Based Wage Increases for Direct Service Workers
240.2030	Unallowable Costs for In-home Service
240.2040	Minimum Direct Service Worker Costs for In-home Service
240.2050	Cost Categories for In-home Service

**AUTHORITY:** Implementing Section 4.02 and authorized by Section 4.01(11) and 4.02 of the Illinois Act on the Aging [20 ILCS 105].

**SOURCE:** Emergency rules adopted at 4 Ill. Reg. 1, p. 67, effective December 20, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 17, p. 151, effective April 25, 1980; amended at 4 Ill. Reg. 43, p. 86, effective October 15, 1980; emergency amendment at 5 Ill. Reg. 1900, effective February 18, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 12090, effective October 26, 1981; emergency amendment at 6 Ill. Reg. 8455, effective July 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14953, effective December 1, 1982; amended at 7 Ill. Reg. 8697, effective July 20, 1983; codified at 8 Ill. Reg. 2633; amended at 9 Ill. Reg. 1739, effective January 29, 1985; amended at 9 Ill. Reg. 10208, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 14011, effective August 29, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 5076, effective March 15, 1986; recodified at 12 Ill. Reg. 7980; amended at 13 Ill. Reg. 11193, effective July 1, 1989; emergency amendment at 13 Ill. Reg. 13638, effective August 18, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17327, effective November 1, 1989; amended at 14 Ill. Reg. 1233, effective January 12, 1990; amended at 14 Ill. Reg. 10732, effective July 1, 1990; emergency amendment at 15 Ill. Reg. 2838, effective February 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 10351, effective July 1, 1991; emergency amendment at 15 Ill. Reg. 14593, effective October 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 17398, effective November 15, 1991, for a

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maximum of 150 days; emergency amendment suspended at 16 Ill. Reg. 1744; emergency amendment modified in response to a suspension by the Joint Committee on Administrative Rules and reinstated at 16 Ill. Reg. 2943; amended at 15 Ill. Reg. 18568, effective December 13, 1991; emergency amendment at 16 Ill. Reg. 2630, effective February 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 2901, effective February 6, 1992, to expire June 30, 1992; emergency amendment at 16 Ill. Reg. 4069, effective February 28, 1992, to expire June 30, 1992; amended at 16 Ill. Reg. 11403, effective June 30, 1992; emergency amendment at 16 Ill. Reg. 11625, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11731, effective June 30, 1992; emergency rule added at 16 Ill. Reg. 12615, effective July 23, 1992, for a maximum of 150 days; modified at 16 Ill. Reg. 16680; amended at 16 Ill. Reg. 14565, effective September 8, 1992; amended at 16 Ill. Reg. 18767, effective November 27, 1992; amended at 17 Ill. Reg. 224, effective December 29, 1992; amended at 17 Ill. Reg. 6090, effective April 7, 1993; amended at 18 Ill. Reg. 609, effective February 1, 1994; emergency amendment at 18 Ill. Reg. 5348, effective March 22, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 13375, effective August 19, 1994; amended at 19 Ill. Reg. 9085, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10186, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12693, effective August 25, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16031, effective November 20, 1995; amended at 19 Ill. Reg. 16523, effective December 1, 1995; amended at 20 Ill. Reg. 1493, effective January 10, 1996; emergency amendment at 20 Ill. Reg. 5388, effective March 22, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8995, effective July 1, 1996; amended at 20 Ill. Reg. 10597, effective August 1, 1996; amended at 21 Ill. Reg. 887, effective January 10, 1997; amended at 21 Ill. Reg. 6183, effective May 15, 1997; amended at 21 Ill. Reg. 12418, effective September 1, 1997; amended at 22 Ill. Reg. 3415, effective February 1, 1998; amended at 23 Ill. Reg. 2496, effective February 1, 1999; amended at 23 Ill. Reg. 5642, effective May 1, 1999; amended at 26 Ill. Reg. 9668, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10829, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17358, effective November 25, 2002; emergency amendment at 28 Ill. Reg. 923, effective December 26, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 7611, effective May 21, 2004; emergency amendment at 30 Ill. Reg. 10117, effective June 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 11767, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 16281, effective September 29, 2006; amended at 30 Ill. Reg. 17756, effective October 26, 2006; amended at 32 Ill. Reg. 7588, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10940, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17929, effective November 10, 2008; amended at 32 Ill. Reg. 19912, effective December 12, 2008; amended at 33 Ill. Reg. 4830, effective March 23, 2009; amended at 34 Ill. Reg. 3448, effective March 8, 2010; emergency amendment at 34 Ill. Reg. 10854, effective July 15, 2010, for a maximum of 150 days; emergency expired December 11, 2010; emergency amendment at 34 Ill. Reg. 12224, effective August 4, 2010, for a maximum of

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150 days; emergency expired December 31, 2010; amended at 35 Ill. Reg. 8919, effective June 2, 2011; emergency amendment at 35 Ill. Reg. 13936, effective July 28, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 20130, effective December 6, 2011; emergency amendment at 37 Ill. Reg. 11381, effective July 1, 2013, for a maximum of 150 days; emergency expired November 27, 2013; amended at 38 Ill. Reg. 5800, effective February 21, 2014; amended at 38 Ill. Reg. 14230, effective June 25, 2014; amended at 41 Ill. Reg. 15233, effective January 1, 2018; recodified at 42 Ill. Reg. 817; amended at 42 Ill. Reg. 20653, effective January 1, 2019; amended at 44 Ill. Reg. 2780, effective January 29, 2020; amended at 44 Ill. Reg. 5995, effective April 3, 2020.

SUBPART G: NON-FINANCIAL REQUIREMENTS

**Section 240.728 Maximum Payment Levels for Person-Centered Plans of Care Including In-home Service**

Maximum monthly service dollars are calculated according to the participant's total DON score and approved person-centered plan of care for in-home service or other combination of options, excluding adult day service. These maximum monthly service dollars will be adjusted by the Department to be consistent with any future unit rate adjustments for CCP providers.

DON SCORE	SERVICE MAXIMUM LEVEL (Effective on and after <u>January 1, 2020</u> <del>August 1, 2017</del> )
29	\$ <u>547458</u>
30	<u>613513</u>
31	<u>679568</u>
32	<u>744623</u>
33	<u>810678</u>
34	<u>876733</u>
35	<u>941788</u>
36	<u>1,006842</u>
37	<u>1,072897</u>
38	<u>1,137952</u>
39	<u>1,2031,007</u>
40	<u>1,2691,062</u>
41	<u>1,3341,117</u>
42	<u>1,3991,171</u>
43	<u>1,4661,227</u>
44	<u>1,5301,281</u>

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45	<u>1,597</u> <del>1,337</del>
46	<u>1,661</u> <del>1,391</del>
47	<u>1,727</u> <del>1,446</del>
48	<u>1,793</u> <del>1,501</del>
49	<u>1,857</u> <del>1,555</del>
50	<u>1,924</u> <del>1,611</del>
51	<u>1,989</u> <del>1,665</del>
52	<u>2,056</u> <del>1,721</del>
53	<u>2,120</u> <del>1,775</del>
54	<u>2,184</u> <del>1,829</del>
55	<u>2,251</u> <del>1,885</del>
56	<u>2,316</u> <del>1,939</del>
57	<u>2,383</u> <del>1,995</del>
58	<u>2,447</u> <del>2,049</del>
59	<u>2,514</u> <del>2,105</del>
60	<u>2,579</u> <del>2,159</del>
61	<u>2,644</u> <del>2,214</del>
62	<u>2,710</u> <del>2,269</del>
63	<u>2,776</u> <del>2,324</del>
64	<u>2,841</u> <del>2,379</del>
65	<u>2,906</u> <del>2,433</del>
66	<u>2,973</u> <del>2,489</del>
67	<u>3,037</u> <del>2,543</del>
68	<u>3,103</u> <del>2,598</del>
69	<u>3,168</u> <del>2,653</del>
70	<u>3,234</u> <del>2,708</del>
71	<u>3,300</u> <del>2,763</del>
72	<u>3,365</u> <del>2,818</del>
73	<u>3,430</u> <del>2,872</del>
74	<u>3,497</u> <del>2,928</del>
75	<u>3,561</u> <del>2,982</del>
76	<u>3,627</u> <del>3,037</del>
77	<u>3,693</u> <del>3,092</del>
78	<u>3,758</u> <del>3,147</del>
79	<u>3,824</u> <del>3,202</del>
80	<u>3,888</u> <del>3,256</del>
81	<u>3,955</u> <del>3,312</del>
82	<u>4,020</u> <del>3,366</del>
83	<u>4,087</u> <del>3,422</del>

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84	<u>4,1513,476</u>
85	<u>4,2183,532</u>
86	<u>4,2833,586</u>
87	<u>4,3473,640</u>
88	<u>4,4143,696</u>
89	<u>4,4783,750</u>
90	<u>4,5453,806</u>
91	<u>4,6103,860</u>
92	<u>4,6753,915</u>
93	<u>4,7413,970</u>
94	<u>4,8074,025</u>
95	<u>4,8724,080</u>
96	<u>4,9374,134</u>
97	<u>5,0044,190</u>
98	<u>5,0684,244</u>
99	<u>5,1344,299</u>
100	<u>5,2004,354</u>

(Source: Amended at 44 Ill. Reg. 5995, effective April 3, 2020)

**Section 240.729 Maximum Payment Levels for Person-Centered Plans of Care Including Adult Day Service**

Maximum monthly service dollars are calculated according to the participant's total DON score and approved person-centered plan of care for adult day service or other combination of options including adult day service. These maximum monthly service dollars will be adjusted by the Department to be consistent with any future unit rate adjustments for CCP providers.

DON SCORE	SERVICE MAXIMUM LEVEL (Effective on and <u>after December 1,</u> 2019 <u>August 1, 2017</u> )
29	\$ <u>1,120706</u>
30	<u>1,302824</u>
31	<u>1,497944</u>
32	<u>1,6891,065</u>
33	<u>1,8841,188</u>
34	<u>2,0771,310</u>
35	<u>2,1961,385</u>
36	<u>2,3121,458</u>

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37	<u>2,4291,532</u>
38	<u>2,5471,606</u>
39	<u>2,6641,680</u>
40	<u>2,7831,755</u>
41	<u>2,8991,828</u>
42	<u>3,0171,903</u>
43	<u>3,1361,978</u>
44	<u>3,2522,051</u>
45	<u>3,3712,126</u>
46	<u>3,4882,200</u>
47	<u>3,6062,274</u>
48	<u>3,7232,348</u>
49	<u>3,8402,422</u>
50	<u>3,9582,496</u>
51	<u>4,0752,570</u>
52	<u>4,1942,645</u>
53	<u>4,3102,718</u>
54	<u>4,4272,792</u>
55	<u>4,5462,867</u>
56	<u>4,6612,940</u>
57	<u>4,7803,015</u>
58	<u>4,8983,089</u>
59	<u>5,0153,163</u>
60	<u>5,1323,237</u>
61	<u>5,2503,311</u>
62	<u>5,3673,385</u>
63	<u>5,4843,459</u>
64	<u>5,6033,534</u>
65	<u>5,7193,607</u>
66	<u>5,8383,682</u>
67	<u>5,9573,757</u>
68	<u>6,0723,830</u>
69	<u>6,1913,905</u>
70	<u>6,3093,979</u>
71	<u>6,4264,053</u>
72	<u>6,5434,127</u>
73	<u>6,6614,201</u>
74	<u>6,7784,275</u>
75	<u>6,8954,349</u>

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76	<u>7,0144,424</u>
77	<u>7,1304,497</u>
78	<u>7,2494,572</u>
79	<u>7,3664,646</u>
80	<u>7,4824,719</u>
81	<u>7,6014,794</u>
82	<u>7,7184,868</u>
83	<u>7,8354,942</u>
84	<u>7,9535,016</u>
85	<u>8,0725,091</u>
86	<u>8,1875,164</u>
87	<u>8,3055,238</u>
88	<u>8,4225,312</u>
89	<u>8,5395,386</u>
90	<u>8,6585,461</u>
91	<u>8,7745,534</u>
92	<u>8,8935,609</u>
93	<u>9,0125,684</u>
94	<u>9,1275,757</u>
95	<u>9,2465,832</u>
96	<u>9,3645,906</u>
97	<u>9,4815,980</u>
98	<u>9,5986,054</u>
99	<u>9,7166,128</u>
100	<u>9,8336,202</u>

(Source: Amended at 44 Ill. Reg. 5995, effective April 3, 2020)

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- 1) Heading of the Part: Adult Protection and Advocacy Services
- 2) Code Citation: 89 Ill. Adm. Code 270
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
270.15	New Section
270.250	Amendment
- 4) Statutory Authority: Implementing the Adult Protective Services Act [320 ILCS 20/5(a)] and Section 4.04 of the Illinois Act on the Aging [20 ILCS 105] and authorized by Section 4.01(11) of the Illinois Act on the Aging [20 ILCS 105/4.01(11)]. Also implementing Section 10-75 of the Illinois Administrative Procedure Act (APA) [5 ILCS 100].
- 5) Effective Date of Rules: April 3, 2020
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 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 Proposal published in *Illinois Register*: 44 Ill. Reg. 1; January 3, 2020
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No changes
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Updates Section 270.250 relating to the assessment conducted on reports of alleged or suspected abuse, neglect, financial

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exploitation, or self-neglect of an older adult or person with disabilities based on PA 101-496. Adds procedures for electronic service requirements required by the APA.

16) Information and questions regarding this adopted rules shall be directed to:

Jason Jordan  
Deputy General Counsel  
Illinois Department on Aging  
One Natural Resources Way, Suite 100  
Springfield IL 62702-1271

217/785-3370; 217/720-4041  
jason.jordan@illinois.gov  
aging.rulemaking@illinois.gov

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

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TITLE 89: SOCIAL SERVICES  
CHAPTER II: DEPARTMENT ON AGINGPART 270  
ADULT PROTECTION AND ADVOCACY SERVICES

## SUBPART A: INTRODUCTION

## Section

270.10

Summary and Purpose

270.15Communications or Service by Verifiable Electronic Methods

## SUBPART B: LONG TERM CARE OMBUDSMAN PROGRAM

## Section

270.100

Long-Term Care Ombudsman Program: Purpose and Program Model

270.105

Definitions

270.110

Responsibilities of the Department and the Office of the State Long Term Care Ombudsman (Repealed)

270.115

Display of the Ombudsman Poster

270.120

Access to Resident Records (Repealed)

270.130

Conflict of Interest

270.132Organizational Standards and Responsibilities: Department on Aging270.134Organizational Standards and Responsibilities: Office of the State Long-Term Care Ombudsman270.136Organizational Standards and Responsibilities: Area Agencies on Aging270.138Organizational Standards and Responsibilities: Ombudsman Provider Agencies270.140Access to Residents and Participants270.142Access to Resident and Participant Information and Records270.144Confidentiality and Disclosure270.146Ombudsman Services in Long-Term Care Facilities270.148Home Care Ombudsman Services270.150Joint Responsibilities of the Ombudsman and the Home Care Ombudsman Programs270.152Complaint Investigations270.154Willful Interference270.156Retaliation270.158Grievances Against an Ombudsman Related to the Performance of Duties270.160Multi-disciplinary Teams for Ombudsman Program

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270.162      Immunity

## SUBPART C: ADULT PROTECTIVE SERVICES PROGRAM

## Section

270.200	Purpose and Program Model
270.205	Adult Protective Services Program
270.210	Definitions
270.215	Organizational Standards and Responsibilities: Department on Aging
270.220	Organizational Standards and Responsibilities: Regional Administrative Agencies
270.221	Elder Abuse Fatality Review Teams (Repealed)
270.225	Organizational Standards and Responsibilities: Adult Protective Services Provider Agencies
270.226	Public Awareness and Education
270.230	Abuse Reporting
270.235	Immunity
270.240	Intake of Abuse, Neglect, Financial Exploitation, or Self-Neglect Reports
270.241	Reporting a Suspicious Death
270.245	Access to Alleged Victims and Relevant Records
270.250	Minimum Assessment and Classification Standards
270.255	Abuse, Neglect, Financial Exploitation, or Self-Neglect Case Work, Follow-Up, Referrals and Case Closure
270.260	Authority to Consent and Court Petitions
270.265	Early Intervention Services
270.270	Multi-disciplinary Teams
270.275	Confidentiality and Disclosure

## SUBPART D: ADULT PROTECTIVE SERVICES VOLUNTEER CORPS

## Section

270.280	Definitions
270.285	Selection and Screening
270.290	Training
270.295	Volunteer Agreement and Volunteer Responsibilities
270.300	Activities and Supervision

## SUBPART E: ADULT PROTECTIVE SERVICE REGISTRY

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Section	
270.400	Purpose of the Registry
270.402	Definitions
270.404	Access to and Use of the Registry
270.406	Notice to Eligible Adult, Guardian or Agent
270.408	Notice to the Caregiver's Employer
270.410	Notice to Long Term Care Facilities and Ombudsman
270.412	Verified and Substantiated Finding and Notice to Caregiver
270.414	Initiation of an Appeal
270.416	Collateral Action
270.418	Confidentiality
270.420	Removal from Registry
270.422	Initial and Amended Pleadings
270.424	Service
270.426	Answer
270.428	Representation
270.430	Venue and Testimony by Telephonic or Other Electronic Means
270.432	Pre-hearing Conferences
270.434	Consolidation of Matters for Hearing
270.436	Continuances
270.438	Motions
270.440	Subpoenas
270.442	Discovery; Exchange of Information
270.444	Evidence
270.446	Witness Testimony
270.448	Expert Testimony
270.450	Burden of Proof
270.452	Administrative Law Judge Qualifications, Potential Disqualification, and Authority
270.454	Translators and Accommodations
270.456	Costs
270.458	Improper or Ex Parte Communications
270.460	Variances
270.462	Waiver
270.464	Failure to Appear
270.466	Grounds for Dismissal
270.468	Withdrawal of a Matter
270.470	Post-hearing Motions and Briefs
270.472	Administrative Hearing Record

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270.474 Final Administrative Decision  
270.476 Appeal of Department Decisions

## SUBPART F: FATALITY REVIEW TEAMS

Section  
270.500 Fatality Review Team Advisory Council  
270.505 Regional Interagency Fatality Review Teams

**AUTHORITY:** Implementing the Adult Protective Services Act [320 ILCS 20] and Section 4.04 of the Illinois Act on the Aging [20 ILCS 105] and authorized by Section 4.01(11) of the Illinois Act on the Aging.

**SOURCE:** Adopted at 21 Ill. Reg. 8887, effective July 1, 1997; amended at 25 Ill. Reg. 5259, effective April 1, 2001; amended at 26 Ill. Reg. 3964, effective March 15, 2002; expedited correction at 26 Ill. Reg. 8482, effective March 15, 2002; amended at 30 Ill. Reg. 8913, effective April 28, 2006; amended at 35 Ill. Reg. 8180, effective May 12, 2011; emergency amendment at 38 Ill. Reg. 2357, effective December 31, 2013, for a maximum of 150 days; emergency expired May 29, 2014; amended at 39 Ill. Reg. 2156, effective January 23, 2015; amended at 42 Ill. Reg. 6659, effective April 2, 2018; amended at 42 Ill. Reg. 9226, effective July 1, 2018; emergency amendment at 43 Ill. Reg. 787, effective January 1, 2019, for a maximum of 150 days; amended at 43 Ill. Reg. 980, effective January 1, 2019; amended at 43 Ill. Reg. 5756, effective April 30, 2019; amended at 44 Ill. Reg. 6010, effective April 3, 2020.

## SUBPART A: INTRODUCTION

**Section 270.15 Communications or Service by Verifiable Electronic Methods**

Unless otherwise specified, the following procedures for communications and service of documents and other information by verifiable electronic methods (collectively referred to as "service") shall be followed for this Part:

- a) The Department may provide service upon an individual (with the individual's consent) and its authorized or legal representative at designated email addresses. An individual's authorized or legal representative shall designate at least one email address and may designate up to 2 additional email addresses (for up to a total of 3 email addresses) at which service is accepted. The individual and the authorized or legal representatives must immediately notify the Department of a change of email address and provide an annual verification of the relevant email

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addresses. Service by email is effective at the time of the transmission and will be deemed confirmed if a failure to deliver message is not received.

- b) If the Department receives notification that service to all designated email addresses fails, the Department will accomplish service by some other means such as First Class Mail to the last mailing address provided by the individual and the authorized or legal representative.

(Source: Added at 44 Ill. Reg. 6010, effective April 3, 2020)

## SUBPART C: ADULT PROTECTIVE SERVICES PROGRAM

**Section 270.250 Minimum Assessment and Classification Standards**

- a) *An APS provider agency designated to receive reports of alleged or suspected abuse, neglect, financial exploitation, or self-neglect under the Act shall conduct a face-to-face assessment with respect to such report. The assessment shall include, but not be limited to, a visit to the residence of the alleged victim who is the subject of the report and ~~shall~~ include interviews or consultation regarding the allegations with service agencies, immediate family members, and ~~or~~ individuals who may have knowledge of the alleged victim's circumstances based on the consent of the eligible adult in all instances, except when the provider agency is acting in the best interest of an eligible adult who is unable to seek assistance for himself or herself and when there are allegations against a caregiver who has assumed responsibilities in exchange for compensation. [320 ILCS 20/5(a)]*
- b) A decision on the merits of each report must be made according to the following:
- 1) **Verified:** When clear and convincing evidence results in a determination that the specific injury or harm alleged was the result of abuse, neglect or financial exploitation.
  - 2) **Some Indication:** When the preponderance of the evidence suggests some indication that abuse, neglect, financial exploitation, or self-neglect has occurred.
  - 3) **No Indication:** When there is a lack of credible evidence indicating that abuse, neglect, financial exploitation, or self-neglect has occurred.

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- 4) Unable to Verify: This determination is used when the report does not meet the eligibility criteria of the program, the APS provider agency is unable to locate the alleged victim, the APS provider agency staff has been unable to gain access to the alleged victim, or the alleged victim refuses the assessment.
- c) Each report has to be either substantiated, unsubstantiated or unable to substantiate, as follows:
- 1) Substantiated: When one or more of the alleged types of abuse, neglect, financial exploitation, or self-neglect was classified as either "verified" or "some indication".
  - 2) Unsubstantiated: When all of the alleged types of abuse, neglect, financial exploitation, or self-neglect were determined to lack credible evidence that indicated abuse, neglect, financial exploitation, or self-neglect.
  - 3) Unable to substantiate: When the APS provider agency lacked jurisdiction; was unable to locate the alleged victim; was unable to access the alleged victim; the alleged victim was ineligible for services; the alleged victim refused to cooperate; or the alleged victim was deceased.
- d) If, after the assessment, the APS provider agency determines that the case is substantiated and the victim has consented to services, it shall develop a service care plan for the eligible adult.
- e) The APS provider agency shall prepare a confidential case record to document each report of abuse, neglect, financial exploitation, or self-neglect to include the following information when available and applicable to the case:
- 1) essential client information, such as name, address, age and phone number;
  - 2) descriptions of the reported, suspected or alleged abuse, neglect, financial exploitation, or self-neglect;
  - 3) investigative reports;

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- 4) injury location charts;
  - 5) records of financial transactions;
  - 6) summaries of conversations and communications with the eligible adult, the alleged or suspected abuser, and other sources of information;
  - 7) information relating to the mental competency of the eligible adult;
  - 8) information on the assessment of the eligible adult, including medical or psychiatric reports;
  - 9) summaries of the substantiation decision;
  - 10) summaries of services or interventions offered or arranged;
  - 11) reports on the termination, resolution or closure of the case;
  - 12) referrals to law enforcement, coroners or medical examiners;
  - 13) notification to the probate court of a substantiated finding of abuse, neglect, or financial exploitation by a guardian; and
  - 14) suspicious death reports and any follow-up documentation.
- f) An APS provider agency shall prepare a final investigative report, upon the completion or closure of an investigation, in all cases of reported abuse, neglect, financial exploitation, or self-neglect of an eligible adult, whether or not there is a substantiated finding.

(Source: Amended at 44 Ill. Reg. 6010, effective April 3, 2020)

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- 1) Heading of the Part: Licensing Standards for Foster Family Homes
- 2) Code Citation: 89 Ill. Adm. Code 402
- 3) 

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
402.2	Amendment
402.4	Amendment
402.8	Amendment
402.9	Amendment
402.11	Amendment
402.12	Amendment
402.13	Amendment
402.14	Amendment
402.15	Amendment
402.17	Amendment
402.25	Amendment
402.26	Amendment
402.Appendix D	New Section
- 4) Statutory Authority: 225 ILCS 10
- 5) Effective Date of Rules: April 1, 2020
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an incorporation by reference? No
- 8) A copy of the adopted rules is on file in the Agency's principal office and is available for inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 43 Ill. Reg. 7554; July 12, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:  
Section 402.2

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In the definition of "Sibling" language stating that step-siblings must also share at least one parent in common was removed.

Section 402.4(d)(4) was amended to read:

- 4) Before a final recommendation for licensure is made, applicants shall provide specific and signed assurances that they understand and shall adhere to provisions of this Part that include, but are not limited to, corporal punishment, smoking, alcohol and/or drug use, and reasonable and prudent parenting standards. No person shall smoke tobacco, or other substances, in a foster family home, in any vehicle used to transport youth in care, in the presence of use in care, or within 15 feet of entrances, exits, windows that open, and ventilation intakes that serve the foster family home. [410 ILCS 82/10 and 70] Smoking and vaping materials of any kind, and the use of any substances by smoking or vaping, are prohibited. However, this subsection does not prohibit smoking in a licensed foster home that does not have foster children in placement."

Section 402.8(h)(3) was amended to read:

"Any swimming pool shall be equipped with devices that are manufactured and labeled as life saving devices and approved by the U.S. Coast Guard for sale as life saving devices."

All of Section 402.8(i) was removed and added to Section 402.4(d)(4).

Section 402.8(y)(3) was amended to read:

"To be used for sleeping, basements and attics shall have two exits with one exit that provides access to the outside with means to safely reach the ground level. The second exit may be an easily accessible outside window that provides an unobstructed opening, operable from the inside without the use of tools, and large enough to accommodate an adult. The sleeping area shall be separated from the furnace and utility areas."

Section 402.8(ac) was removed and added to Section 402.9(a).

Section 402.9(a) was amended to read:

"Each foster child shall be provided his own separate bed or crib. Children who have been sharing a bed in compliance with previous versions of this subsection shall be provided his or her own separate bed or crib, by the foster parent, by

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October 1, 2002. Foster parents shall not co-sleep with a youth in care and they shall follow the recommendations of the American Academy of Pediatrics (AAP) regarding safe sleep (<https://www.aap.org/en-us/advocacy-and-policy/aap-health-initiatives/healthy-child-care/Pages/Safe-Sleep.aspx>). This requirement is non-waivable."

Section 402.9(e) removed "CFS 497" and "Part IIB.": The last sentence was amended to read:

"This requirement shall be written into the child's Service Plan on forms developed and prescribed by the Department."

Section 402.13(b) was amended to read:

"Licensed foster parents shall have access to reliable, legal and safe transportation, which may include public transportation."

Section 402.15(c)(3)(E) For purpose of adoption was added.

Section 402.17(c) was amended to read:

"Licensees shall follow all recommendations as provided by the treating physician to guarantee that each youth in care is up-to-date on immunizations and tests, unless exempt on the religious grounds of the birth parent. The immunizations and tests shall be administered as required by the Department of Public Health regulations or as recommended by a physician."

Section 402.Appendix D was amended to read:

"This Appendix identifies portions of Rule identified as non-safety related licensing standards eligible for waivers when the waiver of one or more of these licensing standards would assist a licensed foster home to care for a related youth in care. Language that is underlined specifies the language within a subsection that can be waived."

Section 402.11 Business and Employment of Foster Parents was removed from Appendix D as waivable.

- 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 an emergency rule currently in effect? No

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- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: These amendments implement PA 99-839 (amending Section 7.3a of the Children and Family Services Act [20 ILCS 505/7.3a]) and Title IV-E of the Social Security Act (42 U.S.C. 670 et. seq.), which authorizes caregivers of youth in care to use normalcy parenting and apply the reasonable and prudent parenting standard when making parenting decisions in the children's best interests.
- 16) Information and questions regarding these adopted rules shall be directed to:

Jeff Osowski  
Office of Child and Family Policy  
Department of Children and Family Services  
406 E. Monroe, Station #65  
Springfield IL 62701-1498

217/524-1983  
TDD: 217/524-3715  
cfpolicy@illinois.gov

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

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## TITLE 89: SOCIAL SERVICES

## CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

## PART 402

## LICENSING STANDARDS FOR FOSTER FAMILY HOMES

## Section

402.1	Purpose
402.2	Definitions
402.3	Effective Date of Standards (Repealed)
402.4	Application for License
402.5	Application for Renewal of License
402.6	Provisions Pertaining to Permits
402.7	Provisions Pertaining to the License
402.8	General Requirements for the Foster Home
402.9	Requirements for Sleeping Arrangements
402.10	Nutrition and Meals
402.11	Business and Employment of Foster Parents
402.12	Qualifications of Foster Family
402.13	Background Inquiry
402.14	Health of Foster Family
402.15	Number and Ages of Children Served
402.16	Meeting Basic Needs of Children
402.17	Health Care of Children
402.18	Religion
402.19	Recreation and Leisure Time
402.20	Education
402.21	Discipline of Children
402.22	Emergency Care of Children
402.23	Release of Children
402.24	Confidentiality of Information
402.25	Required Written Consents
402.26	Records to be Maintained
402.27	Licensing Supervision
402.28	Adoptive Homes
402.29	Director's Waivers
402.30	Severability of This Part

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402.APPENDIX A	Criminal Convictions That Prevent Licensure
402.APPENDIX B	Number and Ages of Children in Foster Family Home: No Child Requires Specialized Care
402.APPENDIX C	Number and Ages of Children in Foster Family Home: Child Requires Specialized Care
<a href="#">402.APPENDIX D</a>	<a href="#">Non-Safety Related Licensing Rules Eligible for a Waiver</a>

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10].

SOURCE: Adopted and codified at 5 Ill. Reg. 9548, effective October 1, 1981; emergency amendment at 6 Ill. Reg. 15580, effective December 15, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 3439, effective April 4, 1983; amended at 7 Ill. Reg. 13858, effective November 1, 1983; amended at 8 Ill. Reg. 23197, effective December 3, 1984; amended at 11 Ill. Reg. 4292, effective March 1, 1987; emergency amendment at 16 Ill. Reg. 11879, effective July 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 267, effective December 21, 1992; emergency amendment at 18 Ill. Reg. 8481, effective May 20, 1994, for a maximum of 150 days; emergency expired on October 17, 1994; amended at 19 Ill. Reg. 1801, effective February 1, 1995; amended at 19 Ill. Reg. 9463, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10743, effective July 1, 1995, for a maximum of 150 days; emergency expired November 27, 1995; amended at 20 Ill. Reg. 1589, effective January 10, 1996; emergency amendment at 20 Ill. Reg. 3954, effective February 16, 1996, for a maximum of 150 days; emergency expired July 15, 1996; amended at 21 Ill. Reg. 4548, effective April 1, 1997; amended at 22 Ill. Reg. 205, effective December 19, 1997; amended at 23 Ill. Reg. 7877, effective July 15, 1999; emergency amendment at 24 Ill. Reg. 6417, effective March 27, 2000, for a maximum of 150 days; emergency expired August 23, 2000; amended at 24 Ill. Reg. 17052, effective November 1, 2000; amended at 26 Ill. Reg. 2624, effective February 11, 2002; amended at 26 Ill. Reg. 11796, effective August 1, 2002; amended at 30 Ill. Reg. 6321, effective March 31, 2006; amended at 33 Ill. Reg. 11441, effective August 1, 2009; amended at 36 Ill. Reg. 4086, effective March 5, 2012; amended at 40 Ill. Reg. 808, effective December 31, 2015; amended at 40 Ill. Reg. 7797, effective May 16, 2016; amended at 42 Ill. Reg. 2253, effective January 17, 2018; amended at 42 Ill. Reg. 20321, effective October 31, 2018; amended at 44 Ill. Reg. 6019, effective April 1, 2020.

**Section 402.2 Definitions**

"Adoptive placement" means a living arrangement with a family that is directed toward establishing that family as the child's new legal parents. To be considered an adoptive placement, the child must be placed in a licensed foster family home or license exempt relative home for purposes of adoption and:

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be legally free (parental rights have been terminated or both parents have surrendered their parental rights); or

be placed in a legal risk adoptive placement that has passed legal screening as described in 89 Ill. Adm. Code 309 (Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible).

*"Appropriate activities" means activities or items that are generally accepted as suitable for children of the same chronological age or developmental level of maturity. Appropriateness is based on the development of cognitive, emotional, physical, and behavioral capacity that is typical for an age or age group, taking into account the individual child's cognitive, emotional, physical, and behavioral development. [20 ILCS 505/7.3a(b)]*

*"Approved smoke detector" or "detector" means a smoke detector of the ionization or photoelectric type that complies with all the requirements of the rules and regulations of the Illinois State Fire Marshal. [425 ILCS 60/2]*

"Approved in-service training" means:

Foster PRIDE module or other Department approved training;

foster parent conferences sponsored by the Department;

other conferences approved by the Department;

training provided under the auspices of a licensed child welfare agency when the agency's foster care program has been accredited by the Council on Accreditation of Services for Families and Children, Inc., 520 Eighth Avenue, Suite 2202B, New York NY 10018;

materials borrowed from the Department's Foster/Adoptive Parent Lending Libraries;

training toward first-aid, Heimlich maneuver, and/or cardiopulmonary resuscitation (CPR) certification; or

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other training, substantially meeting the Department's Foster PRIDE/Adopt PRIDE training, approved in writing by the Department of Children and Family Services.

"Background check" means:

Individuals ~~18~~17 years of age or older:

a criminal history check via fingerprints that are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate; and

Individuals 13 years of age or older:

a check of the Statewide Automated Child Welfare Information System (SACWIS) and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and

a check of the Illinois Sex Offender Registry.

*"Child" means any person under 18 years of age. [225 ILCS 10/2.01]*

"Child care assistant" means an adult, 18 years of age or older, (whether a volunteer or an employee) who assists a licensed foster parent in the care of children within the foster home.

*"Child care facility" means any person, group of persons, agency, association, organization, corporation, institution, center or group, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in the Child Care Act of 1969 [225 ILCS 10], established and maintained for the care of children. Child care facility includes a relative who is licensed as a foster family home under Section 4 of the Child Care Act. [225 ILCS 10/2.05]*

"Classifiable fingerprints" means fingerprints obtained through an electronic or ink printing process that were determined to provide sufficiently clear impressions

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to identify the individual from whom the prints were obtained.

"Common parentage" means having the same biological or adoptive father, the same biological or adoptive mother, or the same biological or adoptive father and mother.

"Complete application for foster family home license" means, at a minimum, *a completed written application form; written authorization by the applicant and all adult members of the applicant's household to conduct a criminal background investigation; medical evidence in the form of a medical report, on forms prescribed by the Department, that the applicant and all members of the household are free from communicable diseases or physical and mental conditions that affect their ability to provide care for the child or children; the names and addresses of at least 3 persons not related to the applicant who can attest to the applicant's moral character; the name and address of at least one relative who can attest to the applicant's capability to care for the child or children; and fingerprints submitted by the applicant and all adult members of the applicant's household.* [225 ILCS 10/4]

"Contact between siblings" means contact between or among siblings who are residing apart from one another, and may include, but is not limited to: telephone calls; video conferencing; in person visitation; sending/receiving cards, letters, emails, text messages, gifts, etc.; sharing photographs or information; use of any approved social media (e.g., Facebook), and any other agreed upon forms of communication technology.

"Corporal punishment" means hitting, spanking, beating, shaking, pinching, and other measures that produce physical pain.

*"Department" means the Illinois Department of Children and Family Services.* [225 ILCS 10/2.02]

"Discipline" means the process of helping children to develop inner controls so that they can manage their own behavior in socially acceptable ways. Discipline does not include the use of corporal punishment as defined in this Part.

"Educational advocacy training" means the 6-hour training that prepares foster parents to effectively advocate for the special educational needs of the children in their care by providing information on children's educational rights and foster

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parents' responsibility to protect those rights.

"Expanded capacity license" means the foster family home has been issued a license from the Department authorizing the foster family to accept more than six children for care (including the family's own children under age 18 and all other children under age 18 receiving full-time care) as permitted in Section 402.15(c) (for foster care placements) or (e) (for adoptive placements).

*"Fictive kin" means any individual, unrelated by birth or marriage, who:*

*is shown to have significant and close personal or emotional ties with the child or the child's family prior to the child's placement with the individual; or*

*is the current foster parent of a child in the custody or guardianship of the Department pursuant to the Child and Family Services Act [20 ILCS 505] and the Juvenile Court Act of 1987 [705 ILCS 405], if the child has been placed in the home for at least one year and has established a significant and family-like relationship with the foster parent, and the foster parent has been identified by the Department as the child's permanent connection. [20 ILCS 505/7(b)]*

*"Foster family home" means a facility for child care in residences of families who receive no more than ~~6~~8 children unrelated or related to them, unless all the children are of common parentage, or residences of relatives who receive no more than ~~6~~8 related or unrelated children placed by the Department, unless the children are of common parentage, for the purpose of providing family care and training for the children on a full-time basis, except the Director of Children and Family Services, pursuant to Department regulations, may waive the numerical limitation of foster children who may be cared for in a foster family home to allow:*

*a parenting youth in foster care to remain with the child of the parenting youth;*

*siblings to remain together;*

*a child with an established, meaningful relationship with the family to remain with the family; or*

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*a family with special training or skills to provide care to a child who has a severe disability. ~~limit of 8 children unrelated to an adoptive family for good cause to facilitate an adoptive placement.~~*

*The family's or relative's own children, under 18 years of age, shall be included in determining the maximum number of children served. [225 ILCS 10/2.17] The Department requires foster family homes to receive an expanded capacity license allowing them to receive more than six children, including their own children under age 18 and all other children under the age of 18 receiving full-time care. No more than 6 children in a foster home shall be youth in care, unless the youth meet exceptions in Section 402.15, i.e., siblings, parenting youth, respite and adoption.*

"Full-time care" means the child is a resident of the household, whether on a temporary, emergency, or permanent basis, and is receiving family care usually provided by a parent or guardian.

"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising the child if the parent cannot raise the child. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in 89 Ill. Adm. Code 301.60 (Placement Selection Criteria) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in 89 Ill. Adm. Code 301.80 (Relative Home Placement) must be met.

"In-service training" means approved training provided to currently licensed foster parents.

"License" means a document issued by the Department of Children and Family Services that authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act.

*"License applicant" means the operator or person with direct responsibility for daily operation of the facility to be licensed. [225 ILCS 10/4.4]*

"Licensed physician" means a person licensed to practice medicine in the State of Illinois.

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"Licensee" means those individuals, agencies, or organizations who hold a license or permit issued by the Department of Children and Family Services.

"Licensing representative" means persons authorized by the Department under the Child Care Act to perform licensing activities.

"Licensing study" means a written review and assessment of an application for license, on-site visits, interviews, and the collection and review of supporting documents to determine compliance with the Child Care Act of 1969 and the standards prescribed by this Part.

"Member of the household" means a person who resides in a family home as evidenced by factors including, but not limited to, maintaining clothing and personal effects at the household address, or receiving mail at the household address, or using identification with the household address.

"Minor traffic violation" means a traffic violation, under the laws of the State of Illinois or any municipal authority in Illinois or another state or municipal authority, that is punishable solely by fines as a petty offense.

"Multi-purpose room" means a room in the foster family home that has been designed for several purposes. A multi-purpose room that is temporarily converted into a bedroom may only be a pass through room in the home if the privacy of the children using the room for a bedroom can be ensured. Activities within the room shall be normal bedroom activities such as sleeping, dressing and playing while used as a bedroom.

"Non-active status" means a licensed foster home has no foster placements and maintains continuous compliance with this Part that, by mutual written agreement with the Department, does not receive regular licensing monitoring visits by the Department or supervising agency.

"Normalcy parenting" means empowering a foster parent to approve or not approve a child's participation in appropriate extracurricular enrichment, cultural and social activities based on the caregiver's assessment using the reasonable and prudent parent standard, without prior approval of the Department, the caseworker or the court. The goal of normalcy parenting and the reasonable and prudent parent standard is to allow the child's participation in extracurricular, enrichment,

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cultural and social activities that are appropriate for the child's normal growth and development.

"Permanent connection" means a family-like relationship, consistent with a child's best interests, health, safety and well-being, that provides:

safe, stable and committed parenting;

unconditional love and lifelong support; and

a permanent legal status between child and family.

For a child for whom the Department is legally responsible, a permanent connection may be the child's parents or another caregiver in the child's home of origin. When the child cannot be safely returned home, a permanent connection may be the current or former foster parent or relative caregiver, an individual identified as an adoptive or legal guardianship placement resource, or another individual from among the child's or family's lifelong connections with whom a child has developed a familial relationship.

"Permit" means a one-time only document issued by the Department of Children and Family Services for a 2 month period to allow the individuals to become eligible for an initial foster family home license.

*"Petty offense" means any offense for which a fine only is provided, and a sentence of imprisonment is not an authorized disposition. [730 ILCS 5/5-1-17]*

"Premises" means the location of the foster family home in which the family resides and includes the attached yard, garage, basement and any other outbuildings.

*"Reasonable and prudent parent standard" means the standard, characterized by careful and sensible parental decisions that maintain the child's health, safety, and best interests while at the same time supporting the child's emotional and developmental growth, that a caregiver shall use when determining whether to allow a child in out-of-home care to participate in extracurricular, enrichment, cultural, and social activities. [20 ILCS 505/7.3a(b)]*

*"Relative", for purposes of placement of children for whom the Department is*

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legally responsible, *shall include*~~means~~ any person, 21 years of age or over, other than the parent, who:

*is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), second cousin (children of first cousins are second cousins to each other), godparent (as defined in this Section), great-uncle or great-aunt; or*

*is the spouse, or party to a civil union, of such a relative; or*

*is the child's step-father, step-mother, step-grandfather, step-grandmother or adult step-brother or step-sister; or*

*is the partner, or adult child of a partner, in a civil union with the child's mother or father; or*

*is a fictive kin as defined in this Section.*

*"Relative" also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. For children who have been in the guardianship of the Department, have been adopted, and are subsequently returned to the temporary custody or guardianship of the Department, a "relative" may also include any person who would have qualified as a relative under this definition prior to the adoption, but only if the Department determines *and documents* that it would be in the *child's* best interests ~~of the child~~ to consider this person a relative. [20 ILCS 505/7(b)]*

"Reputable character" means there is satisfactory evidence that the moral character of the applicant is trustworthy.

"Respite foster care" means temporary (not to exceed 30 days), full-time care in a licensed foster family home, group home, or child care institution, or in a license exempt relative home, when such temporary, full-time care is provided to children in care. Respite foster care is provided to children in care in order to give the full-time caregivers a rest from caregiving responsibilities.

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"Responsible" means trustworthy performance of expected duties that serves the best interests of the children in care as evidenced by established child welfare standards, State and federal law, and the rules of the Department.

"SACWIS" means the Statewide Automated Child Welfare Information System operated by the Illinois Department of Children and Family Services.

"Siblings" means children who have at least one parent in common. Children continue to be considered siblings after parental rights are terminated, if parental rights were terminated while a petition under Article II of the Juvenile Court Act of 1987 was pending. Children continue to be considered siblings after one or more of the children are adopted or placed in private guardianship, if they were in the custody or guardianship of the Department pursuant to Article II of the Juvenile Court Act of 1987 immediately prior to the adoption or guardianship. Step-siblings may be considered "siblings" when the children enter into substitute care together and; have a positive relationship, ~~and share at least one parent in common.~~

"Specialized care" or "specialized foster care services" means care provided to *a child in the custody or guardianship of the Department who requires such services due to emotional, behavioral, developmental or medical needs, or any combination thereof, or any other needs that require special intervention services, the primary goal being to maintain the child in foster care or in a permanency setting.* [20 ILCS 505/5.30(a)] Specialized foster care services are further described in 89 Ill. Adm. Code 301.90 (Foster Family Home Care).

"Supervising agency", for the purpose of this Part, means a licensed child welfare agency, a license-exempt agency, or the Department of Children and Family Services.

"Universal precautions" means an approach to infection control. According to the concept of universal precautions, all human blood and certain body fluids are treated as if known to be infectious for HIV, HBV, and other blood-borne pathogens.

"Visitation" means face-to-face contact:

between parents and their children who are in substitute care;

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between siblings in substitute care who are placed apart from one another;  
or

between siblings in substitute care with siblings who are not in substitute care (e.g., emancipated, case closed due to independence, adopted, placed in private guardianship, living in home of parent, etc.).

(Source: Amended at 44 Ill. Reg. 6019, effective April 1, 2020)

**Section 402.4 Application for License**

- a) Application for license as a foster family home shall be completed, signed by the foster parent applicants, and filed with the Department of Children and Family Services by the supervising agency on forms prescribed by the Department. Applications submitted to the Department after July 1, 1995 shall be a complete application for a foster family home license, as defined in Section 402.2. Any relative who receives a child or children for placement on a full-time basis may apply for a license to operate a foster family home as defined in Section 2.17 of the Child Care Act of 1969 [225 ILCS 10/2.17].
- b) When a contractor with the Department or an employee of the State of Illinois seeks to become licensed as a foster family home, the study to determine compliance with licensing standards shall be provided by a licensed child welfare agency other than the Department and by persons who have no significant working relationship or personal relationship with the contractor or State employee. If the license is granted, the contractor or State employee may continue his or her contract or employment while operating the foster family home. The contractor's or employee's foster family home shall be supervised, monitored, licensed and evaluated by a licensed child welfare agency other than the Department and by individuals who have no significant working relationship or personal relationship with the employee. The contractor or employee shall consult with appropriate contract monitors and/or supervisors to make sure his or her official duties do not involve any interaction with the licensed child welfare agency responsible for supervising, monitoring, licensing, or evaluating the foster family home of the contractor or employee. When a foster parent contracted by the Department to provide support services to other foster parents chooses not to be supervised and monitored by a private agency, the foster parent may be licensed by the Department only when licensing and supervision is provided from Department staff in a region outside the contracted foster parent's region of

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residence and service provision.

- c) As part of the application, each foster family home applicant and adult member of the household shall authorize background checks in accordance with 89 Ill. Adm. Code 385 (Background Checks) and shall submit to fingerprinting to determine if the individual has ever been charged with a crime, and if so, the disposition of the charges. In addition, members of the household ages 13 through 17 must authorize a check of CANTS and the Child Sex Offender Registry.
- d) The ~~child welfare~~<sup>supervising</sup> agency shall ~~conduct a home~~ study ~~for each initial application for~~ foster home ~~licensure~~ under its supervision ~~before recommending issuance of a license~~. The ~~home~~<sup>licensing</sup> study shall be conducted by a qualified licensing representative and shall be reviewed and approved by ~~a qualified licensing~~<sup>the assigned</sup> supervisor. ~~(Supervisor requirements can be found in 89 Ill. Adm. Code 401, Licensing Standards for Child Welfare Agencies.)~~ The home study shall require the licensing representative to have one scheduled initial on-site visit to determine if the home meets licensing standards. The licensing representative shall provide in writing how the applicants can meet standards, or why they cannot meet standards, for foster home licensure at that time. Supervisory approval indicates recommendation for license or denial of a license and compliance or non-compliance with the standards. The study shall be in writing and shall be signed by the licensing representative performing the study and by the assigned supervisor. When the application for a license is denied, the supervising agency shall advise the applicant in writing of the reasons for the denial.
- 1) When more than 30 days have passed since the licensing representative has been to the home, prior to the recommendation to issue a foster home license, the licensing representative shall go to the home a second time to ensure the home continues to meet the requirements of this Part.
  - 2) The licensing representative shall make a scheduled visit to the home when all household members are present to observe and assess family dynamics. The licensing representative, with supervisory approval, shall have discretion on whether to interview or observe each household member based on his or her age and development.
  - 3) The licensing representative shall assess the applicant and the applicant's ability to communicate and effectively work with youth in care in

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conjunction with the youth's health care providers and other service providers.

- 4) Before a final recommendation for licensure is made, applicants shall provide specific and signed assurances they understand and shall adhere to provisions of this Part that include, but are not limited to, corporal punishment, smoking, alcohol and/or drug use, and reasonable and prudent parenting standards.
- e) A new application shall be filed when any of the following occurs:
- 1) when an application for license has been withdrawn, and the licensee or agency seeks to reapply; or
  - 2) when there is a change in the name of the licensee, the address of the foster home or the supervising agency; or
  - 3) when there is a change in the status of joint licensees, such as marriage, entering into a civil union, separation, divorce, dissolving a civil union, or death; or
  - 4) not sooner than 12 months after the Department has revoked or refused to renew a license, and a new license is sought.
- f) A new application may be submitted at any time, including following the denial of an application for license, except that when a license has been revoked or the Department has refused to renew a license, the licensee may not reapply for licensure as a foster family home for a period of one year after revocation or refusal to renew.

(Source: Amended at 44 Ill. Reg. 6019, effective April 1, 2020)

**Section 402.8 General Requirements for the Foster Home**

- a) The foster home shall be clean, well ventilated, free from observable hazards, properly lighted, ~~and~~ heated and cooled, and free of fire hazards.
- b) The foster home may not use or have on the premises any unsafe children's product as described in the Children's Product Safety Act [430 ILCS 125] and 89

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## Ill. Adm. Code 386 (Children's Product Safety).

- c) A foster home shall have a kitchen, including, but not limited to, properly operating appliances (at a minimum, stove, oven, refrigerator and sink).
- d) A foster home shall have a bathroom with properly operating toilet, sink and shower or tub.
- e) The operation of a commercial rooming or boarding house on the premises is not permitted.
- fe) The water supply of the foster family home shall comply with the requirements of the local and State health departments. If the foster family home accepts children under age ten or who are developmentally disabled, the maximum hot water temperature from all showers and bathtubs shall be no more than 115° Fahrenheit. If well water is used, a copy of the Inspection Report and Compliance with Regulations shall be on file with the supervising agency.
- g) The applicant or licensee shall maintain the home, premises, and all structures on the premises in a safe and sanitary condition, including proper trash disposal and recycling when available.
- hd) Water Hazards Protection
  - Swimming pools, hot tubs and spas shall meet all State, tribal and/or local safety requirements.
  - 1) All in-ground swimming pools located in areas accessible to children shall be fenced. The fence shall be at least 5 feet in height and secured by a locked gate.
  - 2) All above-ground pools shall have non-climbable sidewalls that are at least 4 feet high or shall be enclosed with a 5-foot fence that is at least 36 inches away from the pool's side wall and secured with a locked gate. When the pool is not in use, pool's steps shall be removed or the pool shall be otherwise protected to insure the pool cannot be accessed.
  - 3) Any swimming pool shall be equipped with devices that are manufactured and labeled as life saving devices and approved by the U.S. Coast Guard for sale as life saving devices.

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- 4) A swimming pool shall have a working pump and filtering system when the pool cannot be emptied after each use.
- 53) Any hot tub not enclosed with a 5-foot fence shall have a securely locked cover.
- 64) Any portable wading pool not enclosed with a 5-foot fence shall be emptied daily.
- 75) Licensees in foster family homes with pools, hot tubs, ponds, outdoor fountains, decorative water ponds, fishponds, or the like must have current CPR certification.
- 86) Foster homes shall come into compliance with the above water hazard requirements by January 1, 2010. Foster homes that have a license or a permit on January 1, 2009 and have had a fence with a minimum height of 3½ foot shall be considered in compliance with the fence requirement.
- ie) No person shall smoke tobacco or other substances in a foster family home, in an open or enclosed motor vehicle used to transport youth in care ~~while transporting a foster child,~~ in the presence of youth in care, or *within 15 feet of entrances, exits, windows that open, and ventilation intakes that serve the foster family home.* [410 ILCS 82/10 and 70] Smoking and vaping materials of any kind, and the use of any substances by smoking or vaping, are prohibited. ~~However, this~~ This subsection does not prohibit smoking in a licensed foster home that does not have foster children in placement.
- j) Applicants and licensees shall not use any illegal substance, abuse prescription or non-prescription drugs, or abuse alcohol. Licensees shall not drink alcohol in excess while caring for youth in care.
- k) Alcoholic beverages and toxic/hazardous materials shall be stored where youth in care cannot access them.
- lf) Portable space heaters may be used as a supplementary source of heat if they have an Underwriters Laboratories sticker attached and are used in accordance with local and State building and fire codes. Portable space heaters may not be used in rooms where children are sleeping. Portable and fixed space heaters in areas

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occupied by children shall be separated by fire resistant partitions or barriers to prevent contact with the heater.

- mg) Dangerous household supplies and dangerous tools shall be kept in a safe place inaccessible to children under 12 years of age. These items shall remain inaccessible to children during disposal.
- nh) When not being dispensed or immediately accessible due to medical necessity, prescription and nonprescription drugs shall be kept in places that are not readily accessible to children under 12 years of age. Expired or unused medications, syringes, medical waste, or medication shall remain inaccessible to children during disposal.
- oi) Any and all firearms and ammunition shall be stored and locked up separately at all times and kept in places inaccessible to children. No firearms possessed in violation of a State or federal law or a local government ordinance shall be present in the home at any time. Loaded guns shall not be kept in a foster home unless required by law enforcement officers and in accordance with their law enforcement agency's safety procedures.
- p) Foster parents shall adequately supervise children in their care to assure compliance with laws, including, but not limited to, criminal laws.
- qj) The foster home shall comply with all requirements of the State, tribal and local laws and or municipal codes for household pets. Certificates of inoculation for rabies shall be available for inspection.
- r) The foster home shall be free from rodent and/or insect infestation.
- s) The foster home shall maintain a first aid kit and supplies, including, but not limited to, adhesive bandages, scissors, thermometer, nonpermeable gloves, sterile gauze pads, adhesive tape, tweezers and mild soap.
- tk) The foster home shall have an operating telephone on the premises unless the supervising agency has approved a written plan detailing the immediate and unrestricted access to a telephone.
- u) The foster home shall maintain a comprehensive list of emergency telephone numbers, including poison control, and shall post those numbers in a prominent

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place in the home.

- v) The foster home shall have fire and emergency evacuation plans that are to be discussed and rehearsed quarterly with the children.
- w) The foster home shall be equipped with a minimum of one approved smoke detector in operating condition on every floor level and within 15 feet of every room used for sleeping purposes, including basements and occupied attics, in accordance with Section 3 of the Smoke Detector Act [425 ILCS 60/3].
- x) The foster home shall have at least one operable fire extinguisher that is readily accessible.
- y) Basements and Attics
- 1) Basements and attics may be used for sleeping for children who are mobile, capable of self-preservation, and able to understand and follow directions with minimal assistance in an emergency.
  - 2) Children for whom basement or attic sleeping arrangements may be provided shall be individually evaluated and approved by the supervising agency in accordance with the requirements of subsection (y)(1).
  - 3) To be used for sleeping, basements and attics shall have two exits with one exit that provides access to the outside with means to safely reach the ground level. The second exit may be an easily accessible outside window that provides an unobstructed opening, operable from the inside without the use of tools, and large enough to accommodate an adult. The sleeping area shall be separated from the furnace and utility areas.
  - 4) No basement or attic shall be used for sleeping without the approval of the supervising agency after consultation with the appropriate safety authorities.
- z) A foster home that is not exempted by Section 20 of the Carbon Monoxide Alarm Detector Act [430 ILCS 135] shall be equipped with a minimum of one approved carbon monoxide detector within 15 feet of every sleeping room, in accordance with Section 10 of that Act.

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- ~~aa)~~ Adequate closet and dresser space comparable to that provided to the other children of the household shall be provided for each foster child to accommodate personal belongings.
- ~~ab)~~ Foster parents shall respect children's rights to privacy while sleeping, bathing, toileting, and dressing.
- ~~ac)~~ The room shall be exposed to an outside window or shall have auxiliary means of ventilation.
- ~~ad)~~ If children placed in foster care exhibit sexually abusive behavior, sleeping arrangements for the sexually abusive child shall comply with the requirements of a safety plan approved by the Department.

(Source: Amended at 44 Ill. Reg. 6019, effective April 1, 2020)

**Section 402.9 Requirements for Sleeping Arrangements**

- a) Each foster child shall be provided his own separate bed or crib. Children who have been sharing a bed in compliance with previous versions of this subsection shall be provided his or her own separate bed or crib, by the foster parent, by October 1, 2002.
- b) Foster parents shall not co-sleep with a youth in care and shall follow the recommendations of the American Academy of Pediatrics (AAP) regarding safe sleep (<https://www.aap.org/en-us/advocacyandpolicy/aap-health-initiatives/healthy-child-care/Pages/Safe-Sleep.aspx>). This requirement is non-waivable.
- ~~b)~~ ~~If children placed in foster care exhibit sexually abusive behavior, sleeping arrangements for the sexually abusive child shall comply with the requirements of a safety plan approved by the Department.~~
- c) Children under six years of age may share a bedroom with related children of the opposite sex who are also under age six if each child is provided with a separate bed or crib.

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- d) Unrelated children under two years of age may share a bedroom with children of the opposite sex who are also under the age of two if each child is provided a separate bed or crib.
- e) A foster child may share a bedroom with his or her own children of either sex if each child is provided a separate bed or crib.
- f) A foster child shall not share the bedroom with an adult except under emergency conditions for a brief period of time, when a child is ill, needs frequent attention or as allowed in Section 402.9(g). The supervising agency can require that a foster parent occupy sleeping quarters on the same level of the home as a child who has medical or behavioral issues that warrant close supervision. This requirement shall be written into the child's ~~CFS 497~~, Service Plan on forms developed and prescribed by the Department, Part IIB.
- g) When adulthood (age 18) is reached by a foster, biological or adopted child for whom sharing the bedroom with a foster child under eighteen years of age has been determined to be in the best interests of the foster child, the supervising agency shall approve such arrangements in accordance with the provisions of this Section.
- h) The supervising agency may approve the use of a multi-purpose room for use as a bedroom in order to enable children of common parentage to be placed together or when it enables a placement that is otherwise in the best interests of the children. Such approvals shall be in writing and shall contain the names and birth dates of the children for whom the approval was issued. These approvals shall be reviewed and reapproved at each license renewal.
- i) There shall be a minimum of 40 square feet, excluding the closet and wardrobe area, for the first child occupying a bedroom and a minimum of 35 square feet for each additional child sharing the room. However, the supervising agency may approve a smaller room size on an individual case basis when such approval is in the best interests of the children. Such approvals shall be in writing and shall contain the names and birth dates of the children for whom the approval was issued. These approvals shall be reviewed at each license renewal.
- j) ~~The room shall be exposed to an outside window or shall have auxiliary means of ventilation.~~

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- ~~j~~k) The springs and mattresses on each bed requiring such shall be level, clean, unsoiled with no rips, or tears ~~or sags~~ in the mattress or mattress cover, and not infested with insects. The bedding shall be suitable for the season. This requirement is non-waivable.
- ~~k~~l) Linens shall be changed at least weekly for all children and as frequently as needed for children not toilet trained and for those who are enuretic.
- ~~l~~m) Waterproof mattress covers shall be provided for all beds or cribs for enuretic children.
- ~~m~~n) Sleeping rooms shall be comfortable and shall be furnished suitably for the age and sex of the child.
- ~~o~~) ~~Basements and Attics~~
- ~~1) Basements and attics may be used for sleeping for children who are mobile, capable of self preservation, and able to understand and follow directions with minimal assistance in an emergency.~~
  - ~~2) Children for whom basement or attic sleeping arrangements may be provided shall be individually evaluated and approved by the supervising agency in accordance with the above cited requirements.~~
  - ~~3) To be used for sleeping, basements and attics shall have two exits with one exit leading directly to the outside with means to safely reach the ground level. The second exit may be an easily accessible outside window that provides an unobstructed opening, operable from the inside without the use of tools, and large enough to accommodate an adult. The sleeping area shall be separated from the furnace and utility areas.~~
  - ~~4) No basement or attic shall be used for sleeping without the approval of the supervising agency after consultation with the appropriate safety authorities.~~

(Source: Amended at 44 Ill. Reg. 6019, effective April 1, 2020)

**Section 402.11 Business and Employment of Foster Parents**

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- a) ~~The operation of a commercial rooming or boarding house on the premises is not permitted.~~
- ~~a~~b) The operation of other business enterprises on the premises is permitted but shall not interfere with the care of the child or endanger the health, safety and welfare of the child. The supervising agency must know and approve of any business operation. This is non-waivable.
- ~~b~~e) ~~The licensee's employment~~Employment outside of the home is permitted but shall not interfere with the proper care of the foster child. When foster parents are employed outside the home, provision shall be made for adequate supervision of the children. The provision for supervision of the foster children shall be approved in writing by the supervising agency prior to placement of children in the home or at the time of employment. A copy of the approval shall be maintained in the supervising agency's licensing file and shall be sent to the foster parent. This is non-waivable.

(Source: Amended at 44 Ill. Reg. 6019, effective April 1, 2020)

**Section 402.12 Qualifications of Foster Family**

- a) The licensees shall be either a single person or two persons in a marriage or civil union with each other. Each foster parent shall be willing and able to assume appropriate responsibilities for the child or children received for care.
- b) An individual may be allowed to share the living arrangements only at the discretion of the supervising agency. The ~~licensee~~foster family is responsible for reporting to the supervising agency that an individual may be sharing the living arrangements prior to the individual moving into the home or prior to licensure. The individual will be subject to the same requirements as other members of the household, such as health certification and background checks as required in 89 Ill. Adm. Code 385 (Background Checks). The license capacity will be redetermined based on the new family composition. This is non-waivable.
- c) Foster parents shall be stable, law abiding, responsible, mature individuals, at least 21 years of age. This is non-waivable.
- d) The capability of the foster parents to provide care shall be considered prior to licensure of the foster family home. A decision to establish the age and number

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of children permitted in the home shall be based on an assessment of the foster family and shall consider at least the following criteria, which are non-waivable:

- 1) the foster parents' capability to provide care including an evaluation of the caregivers' health, strength, and mobility;
  - 2) whether at least one applicant for foster home licensure can read and write at the level necessary to meet the needs of youth in care and whether the applicants participate effectively in the community in which they reside;
  - 32) the number, chronological and functional age, and characteristics and needs of the children currently under the care of the foster parents. This shall include an assessment of the foster parent's own children under age 18, all other children under age 18 receiving full-time care, and children receiving day care services in the foster family home;
  - 43) the characteristics, limitations, and responsibilities of the caregivers. All members of the foster family shall be free from active alcohol or substance dependency;
  - 54) the caregivers' ability to appropriately care for and adequately supervise the children currently in the home, as well as their ability to care for and supervise the ages, needs, and behaviors of the children who may be placed in the foster family home; and
  - 65) the number of foster parents in the home and the availability and experience of child care assistants.
- e) All members of the household age 13 and older (except for foster children) shall have passed the background check required by 89 Ill. Adm. Code 385 (Background Checks). This is non-waivable.
- f) Foster parents shall accept agency supervision. This is non-waivable.
- ~~g) Foster parents shall adequately supervise children in their care to assure compliance with laws including, but not limited to, criminal laws.~~
- ~~gh)~~ Foster home applicants shall provide the names and addresses of at least three persons who are not related to them who can attest that the applicants are of

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reputable and responsible moral character, as well as the name and address of at least one relative who can attest to the applicant's capability to care for the child or children. This is non-waivable.

- hi) Foster parents shall respect a child's ties to his or her family and support the child in maintaining connections with his or her family. Foster parents shall cooperate with the supervising agency and the service plan for the child and his/her family. In an effort to become better acquainted with the child's siblings and other family members, a foster parent shall transport children to and supervise family visitation whenever possible.
- ij) The ~~licenseefoster family~~ shall have sufficient and stable financial resources to provide for all needs of current household members and for any youth placed in the foster homebasic necessities for themselves and their own children.
- jk) As a condition of initial licensure, each foster parent shall complete Pre-licensure Foster PRIDE/Adopt PRIDE Training or an equivalent pre-licensure foster parent training that has been approved by the Department.
- kl) As a condition of fostering unrelated children in a licensed foster home, each foster parent shall complete Pre-placement Foster PRIDE/Adopt PRIDE Training or an equivalent pre-placement foster parent training that has been approved by the Department.
- lm) Promoting Joint Placement of Sibling Groups and Sibling Contact

  - 1) As part of pre-licensure training, each foster parent shall receive training regarding the importance of maintaining sibling relationships and the child's sense of attachment to his/her siblings, the importance of maintaining sibling relationships over the child's lifespan, and the impact on the child if those relationships are severed. Foster home applicants shall be asked to explore their willingness to help children maintain contact with their siblings and other significant relationships in the children's past, as well as significant relationships they develop in the future. Foster home applicants shall be told that they may be contacted in the future regarding placement of siblings of a child subsequently requiring placement, or visitation and contact with siblings in other living arrangements or living independently.

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- 2) The Department shall assess the prospective foster family's understanding of a foster child's family connections, their willingness to help and support children in maintaining or developing a relationship with their siblings, including siblings with whom the children do not yet have a relationship, and recognize the value of preserving family ties between siblings, including their need for stability and continuity of relationships, and the importance of sibling contact in the development of the each child's identity.
  - 3) When it is not possible to place all of the children together, the Department shall encourage the prospective foster families to encourage and facilitate visitation and contact among the siblings.
- m#) In addition, each foster parent shall complete, as a condition of license renewal, 16 clock hours of approved in-service training. The foster home license shall not be renewed until each single foster parent and at least one foster parent in a married couple, or couple in a civil union, has completed educational advocacy training by the Department or approved agency that, if completed in the most recent licensing cycle, may count toward the 16 clock hours of in-service training. Child welfare agencies may require foster families under their supervision to complete additional training as a condition of continued supervision by the agency.
- n#) An expanded capacity license to allow foster homes to serve more than six children (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care) may be granted if the foster family home meets the requirements of Section 402.15(c). As a provision of retaining the expanded capacity license, foster parents shall complete a total of 9.0 clock hours of approved training each calendar year, beginning the calendar year the expanded capacity license is issued.
- op) A statement that describes how the foster family and the foster family's home comply with the requirements of this Part shall be placed in the permanent foster home record. If the foster family home is not in compliance with any of the licensing standards, these standards shall be specifically recorded and the plan for achieving compliance shall be outlined. The plan for achieving compliance shall indicate whether foster children can remain in the foster home and whether new placements may be made in the foster home while the foster home is achieving compliance with the licensing standards. The statement shall be updated to reflect

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any changes in the status of the foster family or the foster home. All such updates shall be entered within five working days after the change in status. [This is non-waivable.](#)

(Source: Amended at 44 Ill. Reg. 6019, effective April 1, 2020)

**Section 402.13 Background Inquiry**

- a) As a condition of issuance or renewal of a license by the Department, foster parents shall furnish information of:
- 1) any offenses (other than minor traffic violations) for which they have been convicted; and
  - 2) the disposition of the convictions.

The Department shall make a determination concerning the suitability of the foster parents in working with the child in accordance with this Part and 89 Ill. Adm. Code 385 (Background Checks).

- b) [Licensed foster parents shall have access to reliable, legal and safe transportation, which may include public transportation.](#)
- [1\)](#) All members of the foster family who transport foster children shall submit to annual verification of their driver's license, automobile liability insurance, and driving records.
  - [2\)](#) Any vehicle used to transport foster children shall be equipped with safety restraints in accordance with Section 4b of the Child Passenger Protection Act [625 ILCS 25/4b].
  - [3\)](#) Any foster family member transporting foster children shall comply with the child passenger restraint requirements of the Child Passenger Protection Act and any other state and local vehicle safety laws or ordinances and shall ensure that all foster children wear required safety restraints at all times while being transported.
- c) Persons who have been convicted of an offense shall not be automatically rejected as foster parents unless the offense is one of those listed in Part 402.Appendix A.

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Otherwise, the Department shall consider the following:

- 1) the type of crime for which the individual was convicted;
- 2) the number of crimes for which the individual was convicted;
- 3) the nature of the offenses;
- 4) the age of the individual at the time of conviction;
- 5) the length of time that has elapsed since the last conviction;
- 6) the relationship of the crime and the capacity to care for children;
- 7) evidence of rehabilitation; and
- 8) opinions of community members concerning the individual in question.

(Source: Amended at 44 Ill. Reg. 6019, effective April 1, 2020)

**Section 402.14 Health of Foster Family**

- a) Foster parents and all members of the household shall provide medical evidence that they are free of communicable diseases or physical and mental conditions that affect the ability of the family to provide care.
- b) Before licensing, the foster parents shall furnish the supervising agency with a medical report on forms provided by the agency for each member of the household. A medical report shall be obtained for the foster parents, each child~~their children~~, other persons residing in the foster home, and child care assistants. Medical reports shall include up-to-date immunizations for all children, as recommended by AAP, unless the child's licensed primary care physician documents that an immunization is contrary to the child's health. Each medical report shall be no more than 12 months old from the date the application is accepted by the Department. All caregivers in a foster home licensed to care for infants and/or children with special medical needs are required to have the following up-to-date immunizations, per the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention (ACIP): Pertussis, Tdap and an annual flu vaccination, unless their primary care

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physician documents that an immunization is contrary to their health. ~~The medical reports shall not be more than one year old.~~ Copies of medical examinations of school age children who are members of the household that were completed in accordance with the requirements of the School Code [105 ILCS 5/27-8.1] are acceptable provided copies of the medical examinations are on file with the supervising agency.

- c) If there is a question regarding the mental or emotional health of the foster parent applicant or other adult members of the household, clinical reports and evaluations may be required by the supervising agency.
- d) Medical re-examinations of the foster parents and other members of the household shall be required at least once every four years or upon licensing renewal, whichever comes first. Copies of medical re-examinations of school age children who are members of the household that were completed in accordance with the requirements of the School Code [105 ILCS 5/27-8.1] are deemed to be in compliance with this requirement provided copies of the re-examinations are on file with the supervising agency. A medical re-examination of foster parents and other members of the household shall be required at an earlier date when, through personal observation of, or notification from the foster family, it becomes evident to the supervising agency or the physician has reason to believe that the foster parents or a member of the household has a communicable disease or other physical impairment.

(Source: Amended at 44 Ill. Reg. 6019, effective April 1, 2020)

**Section 402.15 Number and Ages of Children Served**

- a) General Rule Regarding the Number of Children in a Foster Family Home  
Refer to Appendices B and C of this part for a visual explanation of the number and ages of children allowed in a foster family home.
  - 1) The maximum number of children permitted in a foster family home shall be six children who do not require specialized care, except as permitted in subsections (c), (d) and (e) ~~of this Section~~. This maximum number includes the foster parents' own children under age 18 and all other children under the age of 18 receiving full-time care.
  - 2) When determining how many children a foster family home may accept

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for care, the maximum number of children shall be reduced as described in Appendix C when the foster, adopted, or biological children have developmental, emotional, behavioral, or medical needs which require specialized care.

- b) General Rules Regarding Ages of Children in a Foster Family Home
  - 1) Four Children Under Age Six  
No more than four children under six years of age, including the foster parent's own children, shall receive full-time care in a foster family home at any one time. When all of the foster children are of common parentage, as defined in Section 402.2, the foster home may be specifically approved under subsection (c)(3)(A)(ii) ~~of this Section~~ to care for more than four children under six years of age with the approval of clinical services and licensing.
  - 2) Two Children Under Age Two  
No more than two children, including the family's own children, shall be under two years of age unless the foster family home is accommodating a sibling group on a temporary basis.
- c) Expanded Capacity License Provisions for Foster Family Care
  - 1) Foster parents may be licensed to care for more than six children on a full-time basis only if the foster parents are otherwise in compliance with the requirements of this Part, can meet the licensing standards for the additional children and have demonstrated competency in caring for the ages and characteristics of children for whom they are seeking the expanded capacity license. The maximum number of children permitted in a foster family home with an expanded capacity license is eight children unless:
    - A) all of the foster children are of common parentage, as defined in Section 402.2, and the Director of the Department has personally approved the placement; or
    - B) a waiver to permit an adoptive placement has been granted by the Director in accordance with subsection (e) ~~below~~.

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- 2) No more than two of the children cared for under an expanded capacity license may be under two years of age unless the foster family home is accommodating a sibling group on a temporary basis.
- 3) An expanded capacity license may be issued to allow only the following types of care:
  - A) Sibling Groups
    - i) A licensed foster family home may receive an expanded capacity license to care for a maximum of eight children (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care) in order to keep one or more sibling groups together in the foster family home.
    - ii) The maximum of no more than four children under age six does not apply when all of the foster children are of common parentage, as defined in Section 402.2, and clinical services and licensing have approved in writing a plan ~~that which~~ allows for the full-time care of more than four children under age six.
    - iii) No expanded capacity license is required to allow overnight visits between siblings.
  - B) Foster Children with Children  
A licensed foster family home may receive an expanded capacity license to care for a maximum of eight children (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care) to allow foster children who are parents to bring their own children with them to live in the foster family home. The expanded capacity license is to allow the foster family home to accept more than six children, but does not exempt the home from compliance with the requirements of Section 402.15(b) ~~of this Section~~, regarding the ages of children in the home.
  - C) Respite Foster Care

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A licensed foster family home may receive an expanded capacity license to care for a maximum of eight children (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care), if the home provides respite foster care. Any children received for respite care shall be counted in the maximum of eight children.

D) Meaningful Relationships  
To allow a child with an established meaningful relationship with the family to remain with the family and to allow a family with special training or skills to provide care to a child who has a severe disability.

E) For purpose of adoption.

- d) Foster Care Placements Made Before January 1, 1998
- 1) These amendments are not retroactive in their effect. If more than six children under age 18 are residing in a foster family home as of December 31, 1997, the appropriateness of continuing in the foster care placement shall be evaluated for each child by June 30, 1998. The results of the evaluation shall be documented in the child's case record and a copy forwarded to the Department's local office of licensing.
  - 2) If the evaluation finds that the foster children are receiving adequate and appropriate care in the current foster family home and that remaining in the current foster family home is in the best interests of the foster children, the foster children may remain in the foster care placement, even if there are more than six children in the home (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care).
    - A) Foster parents are not required to obtain an expanded capacity license to continue to care for children already placed with them as of December 31, 1997, but may not accept additional foster children until the home complies with the requirements of Section 402.15 ~~of this Part~~.
    - B) When the foster children in care as of December 31, 1997 move to

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another placement or attain the age of 18, the capacity of the foster home will be reduced until it reaches the maximum of six children, unless the foster parents have applied for and been granted an expanded capacity license allowing them to care for eight children.

- 3) If the evaluation finds that the foster children are not receiving adequate and appropriate care in their current foster family home or that remaining in the current foster family home is not in the best interests of one or more of the foster children, the affected children shall be moved to another appropriate placement. All such moves shall be made in a planned manner after prior notice has been given to the foster parents, as required by 89 Ill. Adm. Code 337, [\(Service Appeals Process\)](#).

e) Adoptive Placements

1) Maximum Number of Children

A licensed foster family home may receive an expanded capacity license to care for a maximum of eight children (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care) in order to effect an adoptive placement. The Director of the Department of Children and Family Services may waive in writing the maximum number of eight children to effect an adoptive placement provided the following criteria are met:

- A) a licensed child welfare agency or the Department proposes to place an additional child or children in the home for the purpose of adoption;
- B) a licensed child welfare agency or the Department has documented in the child's case record that this home is the most appropriate choice for an adoptive placement and is consistent with the best interests and special needs of the child or children;
- C) the foster family is otherwise in compliance with the licensing requirements of this Part and can meet licensing standards for the additional child or children; and
- D) the foster family or supervising agency has requested, in writing, that the Director waive the limit of eight children under the age of

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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18 so that an additional child or children may be placed in their home for purposes of adoption.

## 2) Ages of Children

The Director of the Department of Children and Family Services may waive in writing the age requirements in subsection (b) ~~of this Section~~, if necessary, to place a child in an adoptive home provided the criteria in subsection (c)(2) ~~of this Section~~ are met and there are a sufficient number of suitable adult caregivers to ~~ensure~~~~insure~~ that the children receive proper care and supervision.

## f) Independent Foster Family Homes

Independent foster homes receive children by independent arrangement. These homes are not subject to direct and regular supervision by a child welfare agency. These homes shall not be licensed for more than a maximum of four children under age 18 (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care) unless all of the unrelated children are of common parentage. No more than two of these children, including the family's own children, shall be under the age of two unless the foster family is accommodating a sibling group on a temporary basis.

(Source: Amended at 44 Ill. Reg. 6019, effective April 1, 2020)

**Section 402.17 Health Care of Children**

- a) Each foster child shall have a medical and dental checkup once a year or upon medical or dental recommendation.
- b) In case of sickness or accident, immediate medical care shall be secured for the child in accordance with the supervising agency's directions.
- c) Licensees shall follow all recommendations provided by AAP and the treating physician to guarantee that each youth in care is up-to-date on immunizations~~Imm~~unizations and tests, unless exempt on the religious grounds of the birth parent. The immunizations and tests shall be administered as required by ~~the~~ Department of Public Health regulations; or as recommended by a physician.
- d) Foster parents shall keep the supervising agency informed of any of the child's health concerns, including alcoholism and drug abuse.

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- e) Prescription drugs or prescription medicines shall not be given to a foster child without a physician's prescription or authorization. When administering prescription medication, the foster parent shall follow the directions of the physician and all prescription medication administered by the foster parent shall be documented on the required medical log.
- f) Foster parents shall thoroughly acquaint anyone caring for the foster child in their absence with the foregoing health requirements.
- g) Any child who is suspected of having a serious contagious disease shall be separated from other children until a medical determination has been received that the disease is not contagious or is no longer contagious, or a plan for appropriate care and protection of other household members has been approved by the supervising agency after consultation with a licensed physician.

(Source: Amended at 44 Ill. Reg. 6019, effective April 1, 2020)

**Section 402.25 Required Written Consents**

- a) The supervising agency shall ensure that prior written consents from legally responsible persons (parent, court, or other legal custodian or guardian) are obtained for certain acts of a child or performance of certain acts on his or her behalf, including but not limited to:
  - 1) health care and treatment, including medical, surgical, psychiatric, psychological, and dental;
  - 2) use of psychoactive drugs;
  - 3) religious instruction and/or church attendance in a different faith;
  - 4) work programs, induction into the armed services, driving a car and car ownership;
  - 5) extensive visits, trips, or excursions;
  - 6) use of photographs for publicity or other purposes; and

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- 7) consent to marriage for child under age of 18.
- b) Written consents shall be dated and limited to a specific period of time.
- c) Any written or verbal consent or authorization given by the individuals referenced in subsection (a) or by others that conflicts with any of the requirements of this Part is not valid.

(Source: Amended at 44 Ill. Reg. 6019, effective April 1, 2020)

**Section 402.26 Records to be Maintained**

- a) Records to be maintained by the foster family shall include:
  - 1) the name and date of birth of each youth in care placed in the foster home~~the child~~, the legal guardian of the child, religion of the child, and arrangements for education of the child;
  - 2) a record of immunizations the child has received; any physical problems, limitations, or allergies the child has; any current recommendations for special medical care;
  - 3) the name, address, and telephone number of the child's physician, legal guardian, permanency worker, supervisor, and supervising agency;
  - 4) a log of medication prescribed and given;
  - 5) the names, addresses, and telephone numbers of persons to contact in case of emergency;
  - 6) a list of the names of~~and~~ persons to whom the child may be released;
  - 7) a record of any waivers granted by the legal guardian for immunizations, medical examinations, and treatment, when applicable;
  - 8) a record and/or receipts for distribution of allowance and clothing funds;
  - 9) a record of the emergency evacuation plan and quarterly rehearsals (see Section 402.8);

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- 10) a record of the child care supervision plan, when required under Section 402.11~~(be)~~;
  - 11) a copy of the overnight visit forms developed and prescribed by the Department, which a copy of the CFS-592, Overnight Visit Arrangements ~~that~~ shall be kept for the duration of the visit;
  - 12) a copy of any consent for out-of-state travel or extended trips on a CFS-432, Guardian's Consent for Out-of-State Travel/Out of Country/, or ~~Extended Trips~~ form.
- b) The foster family shall maintain records to verify attendance at required pre-service and in-service trainings.
  - c) Records maintained by the foster family shall be kept current and shall be open to inspection by the supervising agency. All persons who have access to the foster family's records shall respect their confidential nature.

(Source: Amended at 44 Ill. Reg. 6019, effective April 1, 2020)

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**Section 402.APPENDIX D Non-Safety Related Licensing Rules Eligible for a Waiver**

This Appendix identifies portions of this Part identified as nonsafety related licensing standards eligible for waivers when the waiver of one or more of these licensing standards would assist a licensed foster home to care for a related youth in care.

- 1) Section 402.9 Requirements for Sleeping Arrangements
  - A) Section 402.9(b): Children under six years of age may share a bedroom with related children of the opposite sex who are also under six if each child is provided with a separate bed or crib.
  - B) Section 402.9(c): Unrelated children under two years of age may share a bedroom with children of the opposite sex who are also under the age of two if each child is provided a separate bed or crib.
  - C) Section 402.9(h): There shall be a minimum of 40 square feet, excluding the closet and wardrobe area, for the first child occupying a bedroom and a minimum of 35 square feet for each additional child sharing the room.
  - D) Section 402.9(1): Sleeping rooms shall be comfortable and shall be furnished suitably for the age and sex of the child.
- 2) Section 402.12 Qualifications of Foster Family
  - A) Section 402.12(d)(6): The number of foster parents in the home and the availability and experience of child care assistants.
  - B) Section 402.12(m): In addition, each foster parent shall complete, as a condition of license renewal, 16 clock hours of approved in-serving training. The foster home license shall not be renewed until each single foster parent and at least one foster parent in a married couple, or couple in a civil union, has completed educational advocacy training by the Department or approved agency that, if completed in the most recent licensing cycle, may count toward the 16 clock hours of in-service training. Child welfare agencies may require foster families under their supervision to complete additional training as a condition of continued supervision by the agency.

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- C) Section 402.12(n): An expanded capacity license to allow foster homes to serve more than six children (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care) may be granted if the foster family home meets the requirements of Section 402.15(c). As a provision of retaining the expanded capacity license, foster parents shall complete a total of 9.0 clock hours of approved training each calendar year, beginning the calendar year the expanded capacity license is issued.
- 3) Section 402.23 Release of Children  
Section 402.23: The foster parents shall not release a foster child to anyone except as authorized by the supervising agency.
- 4) Section 402.25 Required Consents  
Section 402.25(a)(4): The supervising agency shall ensure that the prior written consents from legally responsible persons (parent, court, or other legal custodian or guardian) are obtained for certain acts of a child or performance of certain acts on his or her behalf, including but not limited to: work programs, induction into the armed services, driving a car and car ownership.
- 5) Section 402.26 Records to be Maintained
- A) Section 402.26(a)(11): Records to be maintained by the foster family shall include a copy of the overnight visit forms that shall be developed and prescribed by the Department and that shall be kept for the duration of the visit.
- B) Section 402.26(a)(12): Records to be maintained by the foster family shall include a copy of any consent for out-of-state travel or extended trips on forms developed and prescribed by the Department.

(Source: Added at 44 Ill. Reg. 6019, effective April 1, 2020)

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- 1) Heading of the Part: Cigarette Tax Act
- 2) Code Citation: 86 Ill. Adm. Code 440
- 3) Section Number: 440.10                      Adopted Action: Amendment
- 4) Statutory Authority: 35 ILCS 130/8
- 5) Effective Date of Rule: April 3, 2020
- 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 *Illinois Register*: 43 Ill. Reg. 13376; November 22, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The only changes made were the ones agreed upon with JCAR. Only grammatical and technical changes were made. No substantive changes were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? None were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Section 440.10 is amended to implement changes to the Cigarette Tax Act made by PA 101-31. PA 101-31, effective July 1, 2019, increased the tax on cigarettes from 99 mills per cigarette to 149 mills per cigarette (\$1.98 per package of 20 cigarettes to \$2.98 per package of 20 cigarettes). Pursuant to Section 2 of the Cigarette Tax Act, all moneys received by the Department under the Cigarette Tax Act and the Cigarette Use Tax Act from the additional 50 mills per

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cigarette tax are payable into the Capital Projects Fund. A floor tax requires a distributor to pay the additional tax to the extent that the volume of affixed and unaffixed stamps in the distributor's possession on July 1, 2019 exceeds the average monthly volume of cigarette stamps purchased by the distributor in calendar year 2018.

- 16) Information and questions regarding this adopted rule shall be directed to:

Richard S Wolters  
Associate Counsel  
Legal Services Office  
Illinois Department of Revenue  
101 West Jefferson  
Springfield IL 62794

217/782-2844

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

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUEPART 440  
CIGARETTE TAX ACT

Section	
440.10	Nature and Rate of Tax
440.20	Tax – How Paid
440.30	Tax – Who Liable For
440.40	Design
440.50	Tax Stamps – When and By Whom Affixed: License or Permit Required
440.60	Tax Stamps – How Affixed
440.70	Tax Stamps – Affixed Out of State
440.75	Cigarette Package Sizes; Sale of Individual or Loose Cigarettes Prohibited; Penalties
440.80	Transporter Permits
440.90	Tax Stamps – Purchase of: Cost: Discount
440.100	Returns Required: When Filed
440.110	Books and Records; Invoices; Penalties
440.120	Unused Stamps: Sale of: Notice to Department
440.130	Mutilated Stamps
440.140	Tax Meters (Repealed)
440.150	Tax Meter Machine Settings (Repealed)
440.160	Vending Machines
440.170	Sales Out of Illinois
440.180	Sales to Governmental Bodies
440.190	Sample Packages of Cigarettes: Stamps or Other Evidence of Tax Payment Affixed
440.200	Credit for Stamps that Are Damaged, Unused, Destroyed or on Packages Returned to the Manufacturer
440.210	Sale of Forfeited Cigarettes and Vending Machines
440.220	Tax-Free Sales of Cigarettes for Use Aboard Ships Operating in Foreign Commerce Outside The Continental Limits of the United States
440.230	Claims for Credit or Refund
440.240	Protest Procedures

AUTHORITY: Implementing and authorized by the Cigarette Tax Act [35 ILCS 130].

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SOURCE: Filed and effective June 17, 1958; amended at 6 Ill. Reg. 2831 and 2834, effective March 3, 1982; codified at 8 Ill. Reg. 17912; amended at 13 Ill. Reg. 10678, effective June 16, 1989; amended at 14 Ill. Reg. 6794, effective April 19, 1990; amended at 15 Ill. Reg. 117, effective December 24, 1990; emergency amendment at 23 Ill. Reg. 9541, effective July 29, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 14748, effective December 8, 1999; amended at 24 Ill. Reg. 9903, effective June 23, 2000; emergency amendment at 24 Ill. Reg. 10752, effective July 6, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 17793, effective November 28, 2000; amended at 25 Ill. Reg. 933, effective January 8, 2001; emergency amendment at 26 Ill. Reg. 9021, effective June 10, 2002, for a maximum of 150 days; emergency expired November 5, 2002; amended at 27 Ill. Reg. 1618, effective January 15, 2003; emergency amendment at 27 Ill. Reg. 10524, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; amended at 28 Ill. Reg. 3906, effective February 13, 2004; amended at 32 Ill. Reg. 17575, effective October 27, 2008; amended at 39 Ill. Reg. 14719, effective October 22, 2015; amended at 42 Ill. Reg. 23174, effective November 29, 2018; amended at 43 Ill. Reg. 8898, effective July 30, 2019; amended at 44 Ill. Reg. 6061, effective April 3, 2020.

**Section 440.10 Nature and Rate of Tax**

- a) ~~Through June 30, 2019, the~~The cigarette tax is imposed at the rate of 99 mills per cigarette upon any person who exercises the privilege of engaging in business as a retailer of cigarettes in this State, ~~and is at the rate of 5½ mills per cigarette sold or otherwise disposed of in the course of that business in this State. Beginning July 1, 2019, the tax is imposed upon any person who exercises the privilege of engaging in business as a retailer of cigarettes in this State at the rate of 149 mills per cigarette sold or otherwise disposed of in the course of business in this State, or \$2.98 per package of 20 cigarettes. The proceeds from this tax are paid into the General Revenue Fund of the State Treasury.~~
- b) ~~In addition, the Cigarette Tax Act [35 ILCS 130] (the Act), imposes a tax upon any person engaged in business as a retailer of cigarettes in this State at the rate of ½ mill per cigarette sold or otherwise disposed of in the course of that business in this State on and after January 1, 1947, and shall be paid into the Service Recognition Bond, Interest and Retirement Fund until that Fund contains sufficient money to retire all bonds payable from that Fund. Thereafter, the proceeds from the ½ mill tax were to be paid (until July 1, 2005) into the Fair and Exposition Authority Reconstruction Fund, or as thereafter provided in Section 29 of the Act.~~

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- e) ~~Effective December 1, 1985, in addition to any other taxes imposed by the Act, a tax is imposed upon any person engaged in business as a retailer of cigarettes in this State at a rate of 4 mills per cigarette sold or otherwise disposed of in the course of that business in this State. Of this additional tax, \$9,000,000 of the moneys received under the Act shall be paid each month into the Common School Fund. (Section 2(a) of the Act)~~
- d) ~~Effective July 2, 1989, in addition to any other tax imposed by the Act, a tax is imposed upon any person engaged in business as a retailer of cigarettes at the rate of 5 mills per cigarette sold or otherwise disposed of in the course of such business in this State (Section 2(a) of the Act).~~
- e) ~~Effective July 14, 1993, in addition to any other tax imposed by the Act, a tax is imposed upon any person engaged in business as a retailer of cigarettes at the rate of 7 mills per cigarette sold or otherwise disposed of in the course of such business in this State (Section 2(a) of the Act).~~
- f) ~~Effective December 15, 1997, in addition to any other tax imposed by the Act, a tax is imposed upon any person engaged in business as a retailer of cigarettes at the rate of 7 mills per cigarette sold or otherwise disposed of in the course of such business in this State. All of the monies received from this additional tax shall be paid into the Common School Fund. (Section 2(a) of the Act)~~
- g) ~~Effective July 1, 2002, in addition to any other tax imposed by the Act, a tax is imposed upon any person engaged in business as a retailer of cigarettes at the rate of 20 mills per cigarette sold or otherwise disposed of in the course of such business in this State.~~
- h) ~~The total of these rates is 29 mills per cigarette, or 58¢ on a package of 20 cigarettes, except that, beginning July 1, 2002, the total of these rates is 49 mills per cigarette or 98¢ on a package of 20 cigarettes through June 23, 2012. Beginning June 24, 2012, in addition to any other tax imposed by the Act, a tax is imposed upon any person engaged in business as a retailer of cigarettes at the rate of 50 mills per cigarette sold or otherwise disposed of in the course of such business in this State (Section 2(a) of the Act). Beginning June 24, 2012, the total of these rates is 99 mills per cigarette or \$1.98 for a package of 20 cigarettes.~~
- b~~i~~) ~~The impact of these taxes is declared by the Cigarette Tax Act [35 ILCS 130] (Act) to be imposed upon the retailer, with the taxes being required to be prepaid~~

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or pre-collected by the distributor for the purpose of convenience and facility only, and the amount of the tax shall be added to the price of the cigarettes sold by the distributor. Collection of the tax shall be evidenced by a stamp or stamps affixed to each original package of cigarettes, as provided in the Act and in this Part.

- cj) It shall be the duty of each distributor to collect the tax from the retailer at or before the time of the sale, to affix the required stamps and to remit the tax collected from retailers to the Department of Revenue (Department). Any distributor who shall fail to properly collect and pay the tax imposed by the Act shall be liable for the tax.
- dk) The amount of the cigarette tax imposed by the Act shall be separately stated, apart from the price of the goods, by both distributors and retailers, in all advertisements, bills and sales invoices.
- el) The taxes so imposed are in addition to all other occupation or privilege taxes imposed by the State of Illinois, political subdivisions of the State or by any municipal corporation.
- fj) Out of the 149 mills per cigarette tax imposed by subsection (a), the revenues received from 4 mills shall be paid into the Common School Fund each month, not to exceed \$9,000,000 per month. Out of the 149 mills per cigarette tax imposed by subsection (a), all of the revenues received from 7 mills shall be paid into the Common School Fund each month. Out of the 149 mills per cigarette tax imposed by subsection (a), 50 mills per cigarette each month shall be paid into the Healthcare Provider Relief Fund.
- g) All moneys received by the Department under the Act, the Cigarette Use Tax Act [35 ILCS 135] , and the Tobacco Products Tax Act of 1995 [35 ILCS 143] from the additional tax of 50 mills per cigarette imposed by P.A. 101-0031 shall be paid each month into the Capital Projects Fund.
- m) *All moneys received by the Department under the Act and the Cigarette Use Tax Act from the additional tax of 50 mills per cigarette imposed by PA 97-688 shall be paid each month into the Healthcare Provider Relief Fund (Section 2(a) of the Act).*
- hn) Distributions

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## 1) Cigarettes

~~All~~ Except for the distributions provided for in subsections (b) and (m), all of the moneys received by the Department pursuant to the Act and the Cigarette Use Tax Act, other than the moneys that are dedicated to the Common School Fund, Healthcare Provider Relief Fund, and Capital Projects Fund pursuant to subsections (f) and (g), shall be distributed each month as follows: first, there shall be paid into the General Revenue Fund an amount that, when added to the amount paid into the Common School Fund for that month, equals \$29,200,000; then, from the moneys remaining, if any amounts required to be paid into the General Revenue Fund in previous months remain unpaid, those amounts shall be paid into the General Revenue Fund; then from the moneys remaining, \$5,000,000 per month shall be paid into the School Infrastructure Fund; then, if any amounts required to be paid into the School Infrastructure Fund in previous months remain unpaid, those amounts shall be paid into the School Infrastructure Fund; then the moneys remaining, if any, shall be paid into the Long-Term Care Provider Fund.

## 2) Little Cigars

~~Moneys~~ Except for the distributions provided for in subsection (g), moneys collected from the tax imposed on little cigars under Section 10-10 of the Tobacco Products Tax Act of 1995 shall be included with the moneys collected under the Cigarette Tax Act and the Cigarette Use Tax Act when making distributions to the Common School Fund, the Healthcare Provider Relief Fund, the General Revenue Fund, the School Infrastructure Fund, and the Long-Term Care Provider Fund under Section 2 of the Cigarette Tax Act. (Section 2(a) of the Act)

- i) Any distributor having cigarettes in his or her possession on July 1, 2019 to which tax stamps have been affixed, and any distributor having stamps in his or her possession on July 1, 2019 that have not been affixed to packages of cigarettes before July 1, 2019, is required to pay the additional tax that begins on July 1, 2019 imposed by P.A. 101-0031 to the extent that the volume of affixed and unaffixed stamps in the distributor's possession on July 1, 2019 exceeds the average monthly volume of cigarette stamps purchased by the distributor in calendar year 2018. This payment, less the discount provided in Section 2(l) of the Act, is due when the distributor first makes a purchase of cigarette stamps on or after July 1, 2019 or on the first due date of a return under the Act occurring

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on or after July 1, 2019, whichever occurs first. Those distributors may elect to pay the additional tax on packages of cigarettes to which stamps have been affixed and on any stamps in the distributor's possession that have not been affixed to packages of cigarettes in their possession on July 1, 2019 over a period not to exceed 12 months from the due date of the additional tax by notifying the Department in writing. The first payment for distributors making such election is due when the distributor first makes a purchase of cigarette tax stamps on or after July 1, 2019 or on the first due date of a return under the Act occurring on or after July 1, 2019, whichever occurs first. Distributors making such an election are not entitled to take the discount provided in Section 2(l) of the Act on such payments. (Section 2(l) of the Act)

- j) Any retailer having cigarettes in his or her possession on July 1, 2019 to which tax stamps have been affixed is not required to pay the additional 50 mill tax that begins on July 1, 2019 imposed by P.A. 101-0031. (Section 2 of the Act)

(Source: Amended at 44 Ill. Reg. 6061, effective April 3, 2020)

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- 1) Heading of the Part: Cigarette Use Tax Act
- 2) Code Citation: 86 Ill. Adm. Code 450
- 3) Section Number: 450.10                      Adopted Action:  
Amendment
- 4) Statutory Authority: 35 ILCS 130/8
- 5) Effective Date of Rule: April 3, 2020
- 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 *Illinois Register*: 43 Ill. Reg. 13266; November 15, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The only changes made were the ones agreed upon with JCAR. Only grammatical and technical changes were made. No substantive changes were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? None were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Section 450.10 is amended to implement changes to the Cigarette Use Tax Act made by PA 101-31. PA 101-31, effective July 1, 2019, increased the tax on cigarettes from 99 mills per cigarette to 149 mills per cigarette (\$1.98 per package of 20 cigarettes to \$2.98 per package of 20 cigarettes). Pursuant to Section 2 of the Cigarette Tax Act, all moneys received by the Department under the Cigarette Tax Act and the Cigarette Use Tax Act from the additional 50 mills per

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cigarette tax are payable into the Capital Projects Fund. A floor tax requires a distributor to pay the additional tax to the extent that the volume of affixed and unaffixed stamps in the distributor's possession on July 1, 2019 exceeds the average monthly volume of cigarette stamps purchased by the distributor in calendar year 2018.

- 16) Information and questions regarding this adopted rule shall be directed to:

Richard S Wolters  
Associate Counsel  
Legal Services Office  
Illinois Department of Revenue  
101 West Jefferson  
Springfield IL 62794

217/782-2844

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

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TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUEPART 450  
CIGARETTE USE TAX ACT

Section	
450.10	Nature and Rate of Tax
450.20	Tax Stamps – Affixed Out of State
450.30	Licenses and Permits – Bonds
450.40	Reports and Returns
450.50	Books and Records; Invoices; Penalties
450.60	Unused Stamps – Sale of – Notice to Department – Mutilated Stamps
450.70	Cigarettes Used Outside Illinois
450.80	Purchase of Cigarettes by Governmental Bodies for Use
450.90	Credit for Stamps that Are Damaged, Unused, Destroyed or on Packages Returned to the Manufacturer
450.100	Sample Packages of Cigarettes – Stamps or Other Evidence of Tax Collection Affixed
450.110	Forfeited Cigarettes and Vending Machines
450.120	Claims for Credit or Refund
450.130	Protest Procedures

AUTHORITY: Implementing and authorized by the Cigarette Use Tax Act [35 ILCS 135].

SOURCE: Filed and effective June 17, 1958; codified at 8 Ill. Reg. 13838; amended at 13 Ill. Reg. 10687, effective June 16, 1989; amended at 14 Ill. Reg. 6804, effective April 19, 1990; amended at 15 Ill. Reg. 122, effective December 24, 1990; amended by emergency rulemaking at 23 Ill. Reg. 9546, effective July 29, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 14753, effective December 8, 1999; amended at 24 Ill. Reg. 9909, effective June 23, 2000; emergency amendment at 24 Ill. Reg. 10759, effective July 6, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 17800, effective November 28, 2000; amended at 25 Ill. Reg. 937, effective January 8, 2001; emergency amendment at 26 Ill. Reg. 9027, effective June 10, 2002, for a maximum of 150 days; emergency expired November 5, 2002; amended at 27 Ill. Reg. 1647, effective January 15, 2003; emergency amendment at 27 Ill. Reg. 10529, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; amended at 28 Ill. Reg. 3911, effective February 13, 2004; amended at 32 Ill. Reg. 17580, effective October 27, 2008; amended at 42 Ill. Reg. 23186, effective November 29, 2018; amended at 43 Ill. Reg. 8915, effective July 30, 2019; amended at 44 Ill. Reg. 6069, effective April 3, 2020.

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**Section 450.10 Nature and Rate of Tax**

- a) The Cigarette Use Tax is imposed upon the privilege of using cigarettes in this State, and the tax rate is ~~29 mills per cigarette so used or 58 cents on a package of 20 cigarettes; except that, beginning July 1, 2002, the tax rate is 49 mills per cigarette or 98 cents on a package of 20 cigarettes. Beginning June 24, 2012, the tax rate is~~ 99 mills per cigarette or \$1.98 on a package of 20 cigarettes through June 30, 2019; and, beginning July 1, 2019, the tax rate is 149 mills per cigarette or \$2.98 on a package of 20 cigarettes. All moneys received by the Department under the Cigarette Use Tax Act (the Act) shall be distributed as provided in Section 2 of the Cigarette Tax Act (Section 35 of the Act).
- b) The tax must be collected by a distributor maintaining a place of business in this State or a distributor authorized by Section 7 of the Act to hold a permit to collect the tax, and the amount of the tax shall be added to the price of the cigarettes sold by the distributor and must be stated on the invoice as a separate item from the selling price of the cigarettes except when the purchaser is a federal or foreign government agency or instrumentality (see Section 450.50).
- c) Distributors who are not subject to the Cigarette Tax Act [35 ILCS 130], but who are subject to the Cigarette Use Tax Act [35 ILCS 135] ~~(the Act)~~, must remit, to the Department of Revenue (the Department), the amount of Cigarette Use Tax to be collected by them through the purchase and affixation of tax stamps or meter impression units (when the use of meters is authorized by the Department) to any original package of cigarettes before delivering the cigarettes (or causing them to be delivered) in this State to any purchaser, or (in the case of manufacturers of cigarettes in original packages that are contained inside a sealed transparent wrapper) by imprinting the language to be prescribed by the Department on the original package of cigarettes beneath the outside wrapper.
- 1) *No stamp or imprint may be affixed to, or made upon, any package of cigarettes unless that package complies with all requirements of the federal Cigarette Labeling and Advertising Act (15 USC 1331 and following), for the placement of labels, warnings, or any other information upon a package of cigarettes that is sold within the United States. Under the authority of Section 6 of the Cigarette Use Tax Act, the Department shall revoke the license of any distributor that is determined to have violated this subsection (c)(1). A person may not affix a stamp on a*

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*package of cigarettes, cigarette papers, wrappers, or tubes if that individual package has been marked for export outside the United States with a label or notice in compliance with 27 CFR 290.185. It is not a defense to a proceeding for violation of this subsection (c)(1) that the label or notice has been removed, mutilated, obliterated, or altered in any manner. (Section 3 of the ~~Cigarette Use Tax~~ Act)*

- 2) Packages of cigarettes, cigarette papers, wrappers, or tubes stamped or imprinted in a manner not in accordance with subsection (c)(1) and found in the possession of a distributor create a rebuttable presumption that the packages of cigarettes, cigarette papers, wrappers, or tubes were stamped or imprinted in violation of the Act.
- 3) Packages of cigarettes, cigarette papers, wrappers, or tubes stamped or imprinted in a manner not in accordance with subsection (c)(1) and found in the possession of a retailer create a rebuttable presumption that the packages of cigarettes, cigarette papers, wrappers, or tubes were stamped or imprinted by the distributor from whom they were obtained in violation of the Act.
- 4) *No stamp or imprint may be affixed to, or made upon, any package of cigarettes (Section 3 of the Act) that:*
  - A) *bears any statement, label, stamp, sticker, or notice indicating that the manufacturer did not intend the cigarettes to be sold, distributed, or used in the United States, including but not limited to labels stating "For Export Only", "U.S. Tax Exempt", "For Use Outside U.S.", or similar wording;*
  - B) *does not comply with:*
    - i) *all requirements imposed by or pursuant to federal law regarding warnings and other information on packages of cigarettes manufactured, packaged, or imported for sale, distribution, or use in the United States, including but not limited to the precise warning labels specified in the federal Cigarette Labeling and Advertising Act (15 USC 1333); and*

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- ii) *all federal trademark and copyright laws;*
- C) *is imported into the United States in violation of 26 USC 5754 or any other federal law or implementing federal regulations;*
- D) *the person affixing the stamp or imprint otherwise knows or has reason to know the manufacturer did not intend to be sold, distributed, or used in the United States;*
- E) *for which there has not been submitted to the Secretary of the U.S. Department of Health and Human Services the list or lists of the ingredients added to tobacco in the manufacture of the cigarettes required by the federal Cigarette Labeling and Advertising Act (15 USC 1335a); or*
- F) *has been altered, prior to sale or distribution to the ultimate consumer, so as to remove, conceal, or obscure:*
  - i) *any statement, label, stamp, sticker, or notice described in 86 Ill. Adm. Code 440.50(k)(1); or*
  - ii) *any health warning that is not specified in, or does not conform with the requirements of, the federal Cigarette Labeling and Advertising Act. (Section 3-10 of the Act)*
- 5) Packages of cigarettes, cigarette papers, wrappers, or tubes stamped or imprinted in a manner not in accordance with subsection (c)(4) and found in the possession of a distributor create a rebuttable presumption that the packages of cigarettes, cigarette papers, wrappers or tubes were stamped or imprinted in violation of the Act.
- 6) Packages of cigarettes, cigarette papers, wrappers or tubes stamped or imprinted in a manner not in accordance with subsection (c)(4) and found in the possession of a retailer create a rebuttable presumption that the packages of cigarettes, cigarette papers, wrappers or tubes were stamped or imprinted by the distributor from whom they were obtained in violation of the Act.
- 7) *On the first business day of each month, each person licensed to affix the*

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*State tax stamp to cigarettes shall file with the Department, for all cigarettes imported into the United States to which the person has affixed the tax stamp in the preceding month.*

- 8) *A copy of:*

  - A) *the permit issued pursuant to the Internal Revenue Code (26 USC 5713), to the person importing the cigarettes into the United States allowing the person to import the cigarettes; and*
  - B) *the customs form containing, with respect to the cigarettes, the internal revenue tax information required by the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives.*

- 9) *A statement, signed by the person under penalty of perjury, which shall be treated as confidential by the Department and exempt from disclosure under the Freedom of Information Act [5 ILCS 140], identifying the brand and brand styles of all such cigarettes, the quantity of each brand style of such cigarettes, the supplier of such cigarettes, and the person or persons, if any, to whom such cigarettes have been conveyed for resale.*
- 10) *In addition to the statement required in subsection (c)(9), a separate statement, signed by the individual under penalty of perjury, which shall not be treated as confidential or exempt from disclosure, separately identifying the brands and brand styles of such cigarettes.*
- 11) *In addition to the statement required in subsection (c)(9) and (c)(10), a separate statement, signed by an officer of the manufacturer or importer under penalty of perjury, certifying that the manufacturer or importer has complied with:*

  - A) *the package health warning and ingredient reporting requirements of the federal Cigarette Labeling and Advertising Act (15 USC 1333 and 1335a) with respect to such cigarettes; and*
  - B) *the provisions of Exhibit T of the Master Settlement Agreement entered in the case of People of the State of Illinois v. Philip Morris, et al. (Circuit Court of Cook County, No. 96-L13146), including a statement indicating whether the manufacturer is, or is*

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*not, a participating tobacco manufacturer within the meaning of Exhibit T. (Section 3-10 of the Act)*

- 12) The Department may revoke or suspend the license or licenses of any distributor, in the manner provided in Section 6 of the Cigarette Use Tax Act, if the Department determines that the distributor knew or had reason to know that the distributor was committing any of the acts prohibited in subsection (c)(4) of this Section or had failed to comply with any of the requirements of ~~subsection (b) of~~ Section 3-10(~~b~~) of the Act. In addition, the Department may impose on the distributor a civil penalty in an amount not to exceed the greater of 500% of the retail value of the cigarettes involved or \$5,000. Cigarettes acquired, held, owned, possessed, transported in, imported into, or sold or distributed in this State in violation of subsection (c)(4) ~~of this Section~~ shall be subject to seizure and forfeiture whether the violation is knowing or otherwise. (See Section 3-10(c)(1) of the Act.)
- d) At the time of purchasing stamps from the Department or any person authorized by the Department, when purchase of the stamps is required by the Cigarette Use Tax Act or at the time when the tax that he or she has collected is remitted by a distributor to the Department without the purchase of stamps from the Department or any person authorized by the Department when that method of remitting the tax that has been collected is required or authorized by the Act, the distributor will be allowed a discount during any year commencing July 1 and ending the following June 30. The discount shall be equal to 1.75% of the amount of the tax payable under the Act up to and including the first \$3,000,000.00 paid by the distributor to the Department during any year and 1.5% of the amount of any additional tax paid by the distributor to the Department during that year.
- e) This discount is to cover the distributor's cost of collecting the tax.
- f) Two or more distributors that use a common means of affixing revenue tax stamps or that are owned or controlled by the same interests shall be treated as a single distributor for the purpose of computing the discount.
- g) *All payment for revenue tax stamps must be made by means of electronic funds transfer. (Section 3 of the Act)*
- h) The Cigarette Use Tax collected by a distributor who is liable to collect and remit

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a like amount of tax with respect to the same cigarettes under the Cigarette Tax Act need not be remitted to the Department under the Act. In other words, the amount that the distributor is liable to collect and remit under the Cigarette Tax Act with respect to particular cigarettes is offset against the amount collected from the purchaser by the distributor under the Act with respect to the same cigarettes. Sections 3 and 10 of the Act permit this offset in order to avoid the double remittance of tax to the State on the same transactions in the case of sales of cigarettes in Illinois.

- i) In those instances in which a distributor is required to affix tax stamps or meter impressions to original packages of cigarettes under the Act, rather than under the Cigarette Tax Act, the provisions of the Part relating to the Cigarette Tax Act (86 Ill. Adm. Code 440) shall apply.
- j) When cigarettes are acquired for use in this State without Illinois tax stamps being affixed to the original packages and without authorized tax imprints placed underneath the sealed transparent wrapper of the original packages, the user is required to remit the amount of the Cigarette Use Tax directly to the Department. Before January 1, 2002, the tax shall be remitted to the Department by the user within 3 days after he acquires the cigarettes. On and after January 1, 2002, the tax shall be remitted to the Department by the user within 30 days after he or she acquires the cigarettes.
- k) *The Department may refuse to sell cigarette stamps to any person who does not comply with the provisions of the Act. (Section 3 of the Act)*
- l) Section 1 of the Act provides that the term "*distributor*" does not include any person who transfers cigarettes to a not-for-profit research institution that conducts tests concerning the health effects of tobacco products and who does not offer the cigarettes for resale.
- m) Any retailer having cigarettes in its possession on July 1, 2019 to which tax stamps have been affixed is not required to pay the additional tax that begins on July 1, 2019 imposed by PA 101-31 on those stamped cigarettes. Any distributor having cigarettes in his or her possession on July 1, 2019 to which tax stamps have been affixed, and any distributor having stamps in his or her possession on July 1, 2019 that have not been affixed to packages of cigarettes before July 1, 2019, is required to pay the additional tax that begins on July 1, 2019 imposed by PA 101-31 to the extent that the volume of affixed and unaffixed stamps in the

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distributor's possession on July 1, 2019 exceeds the average monthly volume of cigarette stamps purchased by the distributor in calendar year 2018. This payment, less the discount provided in Section 3 of the Act, is due when the distributor first makes a purchase of cigarette stamps on or after July 1, 2019 or on the first due date of a return under the Act occurring on or after July 1, 2019, whichever occurs first. Those distributors may elect to pay the additional tax on packages of cigarettes to which stamps have been affixed and on any stamps in the distributor's possession that have not been affixed to packages of cigarettes in their possession on July 1, 2019 over a period not to exceed 12 months from the due date of the additional tax by notifying the Department in writing. The first payment for distributors making this election is due when the distributor first makes a purchase of cigarette tax stamps on or after July 1, 2019 or on the first due date of a return under the Act occurring on or after July 1, 2019, whichever occurs first. Distributors making this election are not entitled to take the discount provided in Section 3 of the Act on those payments. (Section 2 of the Act)

(Source: Amended at 44 Ill. Reg. 6069, effective April 3, 2020)

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- 1) Heading of the Part: Tobacco Products Tax Act of 1995
- 2) Code Citation: 86 Ill. Adm. Code 660
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
660.5	Amendment
660.10	Amendment
660.19	New Section
- 4) Statutory Authority: Implementing the Tobacco Products Tax Act of 1995 [35 ILCS 143] and authorized by Section 2505-795 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-795].
- 5) Effective Date of Rules: April 3, 2020
- 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 rules, 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 *Illinois Register*: 43 Ill. Reg. 13687; December 2, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The only changes made were the ones agreed upon with JCAR. Only grammatical and technical changes were made. No substantive changes were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Sections 660.5 and 660.10 are Amended and Section 660.19 is created to implement changes to Tobacco Products Tax Act of 1995

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made by PA 101-31. PA 101-31, effective July 1, 2019, increased the tax on little cigars from 99 mills per little cigar to 149 mills per little cigar (\$1.98 per package of 20 little cigars to \$2.98 per package of 20 little cigars). All moneys received by the Department under the Tobacco Products Tax Act from the additional 50 mills tax per little cigar are to be paid in accordance with Section 2 of the Cigarette Tax Act.

PA 101-31 also defines "electronic cigarettes" and adds electronic cigarettes to the definition of "tobacco products". Beginning July 1, 2019, the tax on electronic cigarettes is at the rate of 15% of the wholesale price of electronic cigarettes sold or otherwise disposed of to consumers.

A new Section 660.19 regarding electronic cigarettes is created to respond to changes made by the Act. Because retailers of electronic cigarettes historically have not been subject to regulation, the new section makes it clear that Part 660 applies to distributors and retailers of electronic cigarettes. The new section addresses electronic cigarettes marketed as therapeutic products under the Compassionate Use of Medical Cannabis Program Act, the taxation of components or parts that can be used to build electronic cigarettes, registration of distributors and retailers, and the content of invoices issued by distributors to retailers of electronic cigarettes.

16) Information and questions regarding these adopted rules shall be directed to:

Richard S Wolters  
Associate Counsel  
Legal Services Office  
Illinois Department of Revenue  
101 West Jefferson  
Springfield IL 62794

217/782-2844

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

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TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUEPART 660  
TOBACCO PRODUCTS TAX ACT OF 1995

Section	
660.5	Nature and Rate of Tobacco Products Tax
660.10	General Definitions
660.15	Distributor Licenses
660.16	Retailer Licenses
660.18	Stamping Distributors; Purchasing Tax Stamps; Affixing Tax Stamps to Packages of Little Cigars
<a href="#">660.19</a>	<a href="#">Electronic Cigarettes</a>
660.20	Returns
660.24	Books and Records; Invoices – Retailers
660.25	Books and Records; Invoices – Distributors
660.26	Invoices Relating to Packages of Little Cigars
660.27	Manufacturers – Sale of Little Cigars
660.28	Retailers – Purchase and Possession of Tobacco Products
660.29	Wholesalers – Possession of Little Cigars
660.30	Exempt Sales
660.35	Claims for Credit
660.40	Credit for Stamps that Are Damaged, Unused, Destroyed or Affixed to Packages of Little Cigars Returned to the Manufacturer
660.45	License Actions: Revocations, Cancellations and Suspensions
660.50	Penalties, Interest and Procedures
660.55	Incorporation by Reference

AUTHORITY: Implementing the Tobacco Products Tax Act of 1995 [35 ILCS 143/Art. 10] and authorized by Section 2505-795 of the Civil Administrative Code of Illinois [20 ILCS 2505].

SOURCE: Adopted at 20 Ill. Reg. 10174, effective July 16, 1996; amended at 26 Ill. Reg. 13310, effective August 23, 2002; amended at 34 Ill. Reg. 12972, effective August 19, 2010; amended at 40 Ill. Reg. 10954, effective July 29, 2016; amended at 43 Ill. Reg. 8923, effective July 30, 2019; amended at 44 Ill. Reg. 6079, effective April 3, 2020.

**Section 660.5 Nature and Rate of Tobacco Products Tax**

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The Tobacco Products Tax Act [of 1995](#) imposes a tax on any person in business as a distributor of tobacco products. The tax is based on the wholesale price of tobacco products sold or otherwise disposed of to distributors located in Illinois, except moist snuff sold or otherwise disposed of on or after January 1, 2013 and little cigars sold or otherwise disposed of on or after July 1, 2013. Beginning January 1, 2013, under the Act, moist snuff is taxed by the ounce and all fractional parts of an ounce. Beginning July 1, 2013, little cigars are taxed under the Act at the same rate as cigarettes. Little cigars in packages of 20 or 25 little cigars sold by stamping distributors must have a tax stamp affixed. Stamping distributors must purchase tax stamps from the Department in same manner as licensed cigarette distributors purchase tax stamps that are affixed to packages of cigarettes. The same tax stamps are affixed to packages of little cigars and cigarettes containing 20 or 25 little cigars or cigarettes. Taxes on packages of little cigars containing other than 20 or 25 little cigars are reported on a return to be filed no later than the 15<sup>th</sup> of the month and paid on or before the date the return is due.

- a) Except as otherwise provided in this Section with respect to moist snuff, [electronic cigarettes](#), and little cigars, the Tobacco Products Tax is imposed upon the last distributor, as defined in Section 660.10, who sells tobacco products to a retailer or consumer located in Illinois at the rate of 18% of the wholesale price of tobacco products sold or otherwise disposed of in this State *prior to July 1, 2012 and 36% of the wholesale price of tobacco products sold or otherwise disposed of to retailers or consumers located in this State beginning on July 1, 2012. Beginning on January 1, 2013, the tax on moist snuff shall be imposed at a rate of \$0.30 per ounce, and a proportionate tax at the like rate on all fractional parts of an ounce, sold or otherwise disposed of to retailers or consumers located in this State, provided that the rate of tax imposed on moist snuff after any future rate increases may not exceed 15% of the tax imposed upon a package of 20 cigarettes pursuant to the Cigarette Tax Act [35 ILCS 130]. Beginning July 1, 2013, the tax on little cigars shall be imposed at the same rate, and the proceeds shall be distributed in the same manner as the tax imposed on cigarettes under the Cigarette Tax Act. ~~[35 ILCS 143/10-10]~~ Beginning July 1, 2013, [and prior to July 1, 2019](#), the tax on little cigars is 99 mills per little cigar sold or otherwise disposed of. [Beginning July 1, 2019, the tax on little cigars is 149 mills per little cigar sold or otherwise disposed of. Beginning July 1, 2019, the tax on electronic cigarettes shall be at the rate of 15% of the wholesale price of electronic cigarettes sold or otherwise disposed of to retailers or consumers located in this State. \[35 ILCS 143/10-10\]](#)*
- b) *The tax is in addition to all other occupation or privilege taxes imposed by the State of Illinois, by any political subdivision thereof, or by any municipal*

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*corporation* [35 ILCS ~~14314~~/10-10(a)].

- c) A retailer is required to register as a distributor, file returns and pay the Tobacco Products Tax imposed by the Act on all sales of tobacco products on which the tax has not been paid unless the sales are exempt under Section 660.30. (See Sections 660.15, 660.20 and 660.30.) *Retailers that are not stamping distributors shall purchase stamped packages of little cigars containing 20 or 25 little cigars for resale only from stamping distributors, distributors, or wholesalers. Retailers who are not stamping distributors may not purchase or possess unstamped packages of little cigars containing 20 or 25 little cigars. Retailers who are not stamping distributors may not purchase or possess packages of little cigars containing other than 20 or 25 little cigars, unless the retailer receives an invoice from a stamping distributor, distributor, or wholesaler stating the tax on the packages has been or will be paid.* [35 ILCS 143/10-27] (See Section 660.28.)
- d) The Tobacco Products Tax is paid on the wholesale price of tobacco products, except on moist snuff and little cigars. The wholesale price is the established list price for which a manufacturer sells tobacco products to a distributor, or the established list price for which a wholesaler or distributor sells tobacco products to the last distributor, before the allowance of any discounts, trade allowances, rebates or other reductions. Surcharges added by manufacturers or distributors are considered part of the wholesale price subject to tax.
- 1) The wholesale price for purposes of imposing the Tobacco Products Tax on the last distributor is the invoice price at which tobacco products are sold by a wholesaler or distributor to the last distributor before the allowance of any discounts, trade allowances, rebates or other reductions. Surcharges added by distributors are considered part of the wholesale price subject to tax.
  - 2) The wholesale price for purposes of imposing the tax on a retailer who receives or purchases tobacco products on which the tax has not been paid or will not be paid by a licensed distributor is the invoice price paid by the retailer to an unlicensed distributor or other supplier of tobacco products before the allowance of any discounts, trade allowances, rebates or other reductions. Surcharges added by manufacturers, distributors or other suppliers are considered part of the wholesale price subject to tax.

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- 3) The wholesale price for purposes of imposing tax on a manufacturer of a tobacco product who sells the tobacco product directly to consumers is the cost to the manufacturer to manufacture the tobacco product. When determining its cost, the time period used for purpose of the study should be long enough to include all costs incurred by the manufacturer to manufacture the product.
- e) Whenever any sales invoice issued by a supplier to a retailer for tobacco products sold to the retailer does not comply with the requirements of Section 660.25(d), (e) and (g), a prima facie presumption shall arise that the tax imposed by Section 10-10 of the Act and this Section has not been paid on the tobacco products listed on the sales invoice. A retailer that is unable to rebut this presumption is in violation of both the Act and this Part and is subject to applicable tax, the penalties, and interest provided in Section 10-50 of the Act.
- f) Beginning July 1, 2013, all moneys received by the Department under the Act from the tax imposed on little cigars shall be distributed as provided in Section 2 of the Cigarette Tax Act [35 ILCS 143/10-10].

(Source: Amended at 44 Ill. Reg. 6079, effective April 3, 2020)

**Section 660.10 General Definitions**

"Act" means the Tobacco Products Tax Act of 1995 [35 ILCS 143/Art. 10].

*"Business" means any trade, occupation, activity, or enterprise engaged in, at any location whatsoever, for the purpose of selling tobacco products. [35 ILCS 143/10-5]*

*"Contraband little cigar" means:*

*packages of little cigars containing 20 or 25 little cigars that do not bear a required tax stamp under the Act;*

*packages of little cigars containing 20 or 25 little cigars that bear a fraudulent, imitation, or counterfeit tax stamp;*

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*packages of little cigars containing 20 or 25 little cigars that are improperly tax stamped, including packages of little cigars that bear only a tax stamp of another state or taxing jurisdiction; or*

*packages of little cigars containing other than 20 or 25 little cigars in the possession of a distributor, retailer or wholesaler, unless the distributor, retailer, or wholesaler possesses, or produces within the time frame provided in Section 10-27 or 10-28 of the Act, an invoice from a stamping distributor, distributor, or wholesaler showing that the tax on the packages has been or will be paid. [35 ILCS 143/10-5]*

*"Department" means the Illinois Department of Revenue. [35 ILCS 143/10-5]*

*"Distributor" means any of the following:*

*Any manufacturer or wholesaler in this State engaged in the business of selling tobacco products who sells, exchanges, or distributes tobacco products to retailers or consumers in this State.*

*Any manufacturer or wholesaler engaged in the business of selling tobacco products from without this State who sells, exchanges, distributes, ships, or transports tobacco products to retailers or consumers located in this State, so long as that manufacturer or wholesaler has or maintains within this State, directly or by subsidiary, an office, sales house, or other place of business, or any agent or other representative operating within this State under the authority of the person or subsidiary, irrespective of whether the place of business or agent or other representative is located here permanently or temporarily.*

*Any retailer who receives tobacco products on which the tax has not been or will not be paid by another distributor.*

*Distributor does not include any person, wherever resident or located, who makes, manufactures, or fabricates tobacco products as a part of a Correctional Industries program for sale to residents incarcerated in penal institutions or resident patients of a State operated mental health facility. [35 ILCS 143/10-5] A Correctional Industries program is a program that employs committed persons confined in institutions and facilities of the Illinois Department of Corrections to make, manufacture, or fabricate tobacco*

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products for sale to residents incarcerated in penal institutions or resident patients of a State operated mental health facility.

"Electronic cigarette" means:

any device that employs a battery or other mechanism to heat a solution or substance to produce a vapor or aerosol intended for inhalation;

any cartridge or container of a solution or substance intended to be used with or in the device or to refill the device; or

any solution or substance, whether or not it contains nicotine, intended for use in the device.

"Electronic cigarette" includes, but is not limited to, any electronic nicotine delivery system, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or similar product or device, and any component or part that can be used to build the product or device. "Electronic cigarette" does not include:

cigarettes, as defined in Section 1 of the Cigarette Tax Act;

any product approved by the United States Food and Drug Administration for sale as a tobacco cessation product, a tobacco dependence product, or for other medical purposes that is marketed and sold solely for that approved purpose;

any asthma inhaler prescribed by a physician for that condition that is marketed and sold solely for that approved purpose; or

any therapeutic product approved for use under the Compassionate Use of Medical Cannabis Program Act [410 ILCS 130].

"Little cigar" means and includes any roll, made wholly or in part of tobacco, where such roll has an integrated cellulose acetate filter and weighs less than 4 pounds per thousand and the wrapper or cover of which is made in whole or in part of tobacco. [35 ILCS 143/10-5]

"Manufacturer" means any person, wherever resident or located, who

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*manufactures and sells tobacco products, except a person who makes, manufactures, or fabricates tobacco products as a part of a Correctional Industries program for sale to residents incarcerated in penal institutions or resident patients of a State operated mental health facility.* ~~[35 ILCS 143/10-5]~~

*"Moist snuff" means any finely cut, ground, or powdered tobacco that is not intended to be smoked, including tobacco products referred to as "snus", but does not include any finely cut, ground, or powdered tobacco that is intended to be placed in the nasal cavity.* ~~[35 ILCS 143/10-5]~~

*"Person" means any natural individual, firm, partnership, association, joint stock company, joint venture, limited liability company, or public or private corporation, however formed, or a receiver, executor, administrator, trustee, conservator, or other representative appointed by order of any court.* ~~[35 ILCS 143/10-5]~~

*"Place of business" means and includes any place where tobacco products are sold or where tobacco products are manufactured, stored, or kept for the purpose of sale or consumption, including any vessel, vehicle, airplane, train, or vending machine.* ~~[35 ILCS 143/10-5]~~

*"Retailer" means any person in this State engaged in the business of selling tobacco products to consumers in this State, regardless of quantity or number of sales.* ~~[35 ILCS 143/10-5]~~

*"Sale" means any transfer, exchange, or barter in any manner or by any means whatsoever for a consideration and includes all sales made by persons.* [35 ILCS 143/10-5]

*"Secondary distributor" means any person engaged in the business of selling cigarettes who purchases stamped original packages of cigarettes from a licensed distributor under the Cigarette Tax Act or the Cigarette Use Tax Act [\[35 ILCS 135\]](#), sells 75% or more of those cigarettes to retailers for resale, and maintains an established business where a substantial stock of cigarettes is available to retailers for resale.* [35 ILCS 130/1]

*"Stamp" or "stamps" mean the indicia required to be affixed on a package of little cigars that evidence payment of the tax on packages of little cigars containing 20*

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or 25 little cigars under Section 10-10 of the Act. These stamps shall be the same stamps used for cigarettes under the Cigarette Tax Act. [\[35 ILCS 143/10-5\]](#)

"Stamping distributor" means a distributor licensed under the Act and also licensed as a distributor under the Cigarette Tax Act or Cigarette Use Tax Act. [\[35 ILCS 143/10-5\]](#)

"Tobacco products" means any cigars, including little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff or snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings, and sweeping of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking; but does not include cigarettes as defined by Section 1 of the Cigarette Tax Act or tobacco purchased for the manufacture of cigarettes by cigarette distributors and manufacturers defined in the Cigarette Tax Act and persons who make, manufacture, or fabricate cigarettes as a part of a Correctional Industries program for sale to residents incarcerated in penal institutions or resident patients of a State operated mental health facility. Beginning on July 1, 2019, "tobacco products" also includes electronic cigarettes. [\[35 ILCS 143/10-5\]](#)

"Wholesale price" means the established list price for which a manufacturer sells tobacco products to a distributor, before the allowance of any discount, trade allowance, rebate, or other reduction. In the absence of such an established list price, the manufacturer's invoice price at which the manufacturer sells the tobacco product to unaffiliated distributors, before any discounts, trade allowances, rebates, or other reductions, shall be presumed to be the wholesale price. [\[35 ILCS 143/10-5\]](#) The wholesale price of tobacco products is the established list price at the time of purchase, by the distributor who remits tax to the Department, of such tobacco products. Surcharges added by manufacturers or distributors are considered part of the wholesale price subject to tax.

"Wholesaler" means any person, wherever resident or located, who is engaged solely in making sales of tobacco products to others for resale or sales that are otherwise exempt from tax. "Wholesaler", when used in the Act, does not include a person licensed as a distributor under Section 10-20 of the Act unless expressly stated in the Act. [\[35 ILCS 143/10-5\]](#)

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 44 Ill. Reg. 6079, effective April 3, 2020)

**Section 660.19 Electronic Cigarettes**

- a) Beginning July 1, 2019, electronic cigarettes are included in the definition of "tobacco products" and subject to the provisions of this Part.
- b) To be excluded from the definition of "electronic cigarette" as a therapeutic product approved for use under the Compassionate Use of Medical Cannabis Program Act, the product must be marketed as a therapeutic product and sold in a dispensary that possesses a dispensary license under the Compassionate Use of Medical Cannabis Program Act.
- c) Components or parts that can be used to build a product or device that are sold to consumers by a vape shop that are generally available from other retailers and can be used for purposes other than for use in a product or device are not taxable under the Act. For example, if the same cotton product sold at a vape store is sold by a drug store for general use, it would not be taxable under the Act. If the same batteries or coils sold at a vape store can be purchased from a hardware store for general use and other applications, they are not taxable under the Act. However, if the packaging or product description of the item states the item is for use in a vape device, or the product is designed, produced and marketed by the manufacturer for use in a specific device and cannot be used in other products or for other purposes, the item is taxable under the Act.
- d) Registration and Licenses
  - 1) Retailers selling electronic cigarettes at retail to users and consumers must obtain a tobacco retailer license. (See Section 660.16.)
  - 2) Retailers selling electronic cigarettes on which the tax has not or will not be paid by a distributor must obtain a distributor license, file returns, and remit the tax to the Department. (See Section 660.15.)
  - 3) Manufacturers of electronic cigarettes (e.g., devices, liquids, pods) meeting the definition of "distributor" selling electronic cigarettes directly to consumers must obtain both a distributor license and a tobacco retailer license.

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

- 4) Any manufacturer or wholesaler engaged in the business of selling tobacco products from outside of Illinois who sells, exchanges, distributes, ships, or transports electronic cigarettes to retailers or consumers located in Illinois must register to become a distributor if the manufacturer or wholesaler has or maintains within Illinois, directly or by subsidiary, an office, sales house, or other place of business, or any agent or other representative operating within Illinois under the authority of the person or subsidiary, irrespective of whether the place of business or agent or other representative is located here permanently or temporarily.

EXAMPLE: An out-of-state manufacturer of electronic cigarettes sells electronic cigarettes over the internet at retail to consumers in this State. It also sells electronic cigarettes to retailers in this State. The manufacturer has representatives that solicit sales by retail stores in this State. The manufacturer is required to obtain a distributor license and pay the tax on all sales made to retailers and consumers in this State.

- e) Invoices  
Whenever any sales invoice issued by an in-state or out-of-state seller for electronic cigarettes sold to a retailer does not comply with the requirements of Section 660.25(d) and (e), a prima facie presumption shall arise that the tax imposed by Section 10-10 of the Act and Section 660.5 has not been paid on the electronic cigarettes listed on the sales invoice. A retailer that is unable to rebut this presumption is in violation of both the Act and this Part and is subject to applicable taxes, penalties, and interest.

(Source: Added at 44 Ill. Reg. 6079, effective April 3, 2020)

## ILLINOIS DEPARTMENT OF CORRECTIONS

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Records of Offenders
- 2) Code Citation: 20 Ill. Adm. Code 107
- 3) Section Number: 107.210                      Emergency Action: Amendment
- 4) Statutory Authority: Implementing 730 ILCS 5/3-2-2, 3-3-2, 3-5-1, 3-5-2, 3-6-3, 3-8-1, 5-4-1, 5-4.5-100 and 5-8-6 and 705 ILCS 405/1-7 and authorized by 730 ILCS 5/3-7-1.
- 5) Effective Date of Rule: April 7, 2020
- 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: The emergency rule 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 6, 2020
- 8) The Department maintains a copy of the adopted rule including any reference materials in its principal office in Springfield IL and is available for public inspection.
- 9) Reason for Emergency: The Agency currently has limited housing capacity to provide social distancing within its facilities, as well as to isolate and quarantine offenders who present as symptomatic of, or test positive for, COVID-19. To ensure the Director of the IDOC may take all necessary steps, consistent with public health guidance, to prevent the spread of COVID-19 in the IDOC facilities and provide necessary healthcare to those impacted by COVID-19, it is critical to provide the Director with discretion to award earned discretionary sentencing credit to offenders to reduce the population of IDOC facilities.
- 10) A Complete Description of the Subjects and Issues Involved: This rulemaking expands eligibility parameters under which the Director may award earned discretionary sentence credit.
- 11) Are there any other rulemakings to this Part pending? No
- 12) Statement of Statewide Policy Objective: This rulemaking does not impact, create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].

ILLINOIS DEPARTMENT OF CORRECTIONS

NOTICE OF EMERGENCY AMENDMENT

- 13) Information and questions regarding this emergency rule shall be directed to:

Echo Beekman, Rules Coordinator  
Illinois Department of Corrections  
1301 Concordia Court  
P. O. Box 19277  
Springfield IL 62794-9277

217/558-2200, extension 6507  
echo.beekman@doc.illinois.gov

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

ILLINOIS DEPARTMENT OF CORRECTIONS

NOTICE OF EMERGENCY AMENDMENT

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT  
CHAPTER I: DEPARTMENT OF CORRECTIONS  
SUBCHAPTER a: ADMINISTRATION AND RULES

PART 107  
RECORDS OF OFFENDERS

SUBPART A: ADMISSION DOCUMENTS

Section	
107.10	Applicability
107.15	Responsibilities
107.17	Definitions
107.20	Required Admission Documents

SUBPART B: DIMINUTION OF SENTENCE

Section	
107.100	Applicability
107.105	Responsibilities
107.107	Definitions
107.110	Diminution of Felony Sentences
107.120	Good Time Schedules and Sentence Credit Applicable to Felony Sentences
107.130	Consecutive Sentences
107.140	Concurrent Sentences
107.142	Earned Discretionary Sentence Credit
107.145	Earned Program Sentence Credit
107.150	Revocation of Time and Credit
107.160	Restoration of Time and Credit
107.170	Institution Credits (Repealed)
107.180	Misdemeanant Good Time Allowance (Repealed)
107.190	Reporting of Earned Sentence Credit

SUBPART C: MERITORIOUS GOOD TIME, SUPPLEMENTAL SENTENCE CREDIT,  
AND EARNED DISCRETIONARY SENTENCE CREDIT

Section	
107.200	Applicability
107.205	Responsibilities

ILLINOIS DEPARTMENT OF CORRECTIONS

NOTICE OF EMERGENCY AMENDMENT

- 107.207 Definitions
- 107.210 Awarding of Earned Discretionary Sentence Credit
- EMERGENCY
- 107.220 Reporting of Supplemental Sentence Credit (Repealed)
- 107.230 Revocation and Restoration of Earned Discretionary Sentence Credit

SUBPART D: MAINTENANCE OF RECORDS

- Section
- 107.300 Applicability
- 107.305 Responsibilities
- 107.307 Definitions
- 107.310 Access to Records
- 107.320 Disclosure of Master Record File Material for Youth Committed to the Juvenile Division – Court Agreement
- 107.330 Release of Clinical Records to Offenders and Authorized Attorneys (Adult Facilities Excluding Transition Centers) – Court Agreement
- 107.340 Release of Clinical Records to Offenders and Authorized Attorneys (Transition Centers)

SUBPART E: ACCESS AND REVIEW OF  
CRIMINAL HISTORY RECORD INFORMATION

- Section
- 107.400 Applicability
- 107.405 Responsibilities
- 107.410 Definitions
- 107.420 Right to Access and Review
- 107.430 Requests for Access and Review
- 107.440 Challenge of Record

SUBPART F: HIGH SCHOOL EQUIVALENCY  
AND PROGRAM SENTENCE CREDIT

- Section
- 107.500 Applicability
- 107.505 Responsibilities
- 107.510 Definitions
- 107.520 Eligibility for Earned Program Sentence Credit

## ILLINOIS DEPARTMENT OF CORRECTIONS

## NOTICE OF EMERGENCY AMENDMENT

107.525	High School Equivalency (HSE) Earned Program Sentence Credit
107.530	Goal Statements
107.540	Program Goals
107.550	Goal Periods
107.560	Award of High School Equivalency Earned Program Sentence Credit and Program Sentence Credit
107.570	Revocation and Restoration of Earned Program Sentence Credit

**AUTHORITY:** Implementing Sections 3-2-2, 3-3-2, 3-5-1, 3-5-2, 3-6-3, 3-8-1, 5-4-1, 5-4.5-100 and 5-8-6 of the Unified Code of Corrections [730 ILCS 5] and Section 1-7 of the Juvenile Court Act of 1987 [705 ILCS 405] and authorized by Section 3-7-1 of the Unified Code of Corrections [730 ILCS 5]. Subparts B and F are also implementing two Supreme Court rulings (*Barger v. Peters*, 163 Ill.2d 357, 645 N.E.2d 175, 1994 and *State of Illinois v. Jameson*, 162 Ill.2d 282, 642 N.E.2d 1207, 1994. Subpart D is also implementing two Consent Decrees (*Beavers vs. Sielaff*, #75 C 317, N.D. Ill., 1977, and *Lower vs. Franzen*, #78 C 1870, N.D. Ill., 1980) and Section 8-802 of the Code of Civil Procedure [735 ILCS 5].

**SOURCE:** Adopted at 8 Ill. Reg. 14572, effective August 1, 1984; amended at 10 Ill. Reg. 20497, effective January 1, 1987; amended at 13 Ill. Reg. 6992, effective May 1, 1989; emergency amendment at 14 Ill. Reg. 12273, effective July 17, 1990, for a maximum of 150 days; modified in response to an objection of the Joint Committee on Administrative Rules at 14 Ill. Reg. 15600, not to exceed the 150 day time limit of the original rulemaking; amended at 14 Ill. Reg. 18461, effective November 1, 1990; emergency amendment at 14 Ill. Reg. 20074, effective December 1, 1990, for a maximum of 150 days; amended at 15 Ill. Reg. 5638, effective April 15, 1991; emergency amendment at 17 Ill. Reg. 16215, effective September 17, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 2939, effective February 14, 1994; amended at 20 Ill. Reg. 6745, effective May 5, 1996; amended at 37 Ill. Reg. 1598, effective February 1, 2013; recodified at 42 Ill. Reg. 16362; amended at 43 Ill. Reg. 3217, effective March 1, 2019; emergency amendment at 44 Ill. Reg. 6091, effective April 7, 2020, for a maximum of 150 days.

**SUBPART C: MERITORIOUS GOOD TIME, SUPPLEMENTAL SENTENCE CREDIT,  
AND EARNED DISCRETIONARY SENTENCE CREDIT**

**Section 107.210 Awarding of Earned Discretionary Sentence Credit**

**EMERGENCY**

- a) The Director, or his or her designee, may award eligible offenders additional credit up to a maximum of 180 days, in accordance with Section 3-6-3(a)(3) of the UCOC, for good conduct. However, offenders shall not be eligible to receive

## ILLINOIS DEPARTMENT OF CORRECTIONS

## NOTICE OF EMERGENCY AMENDMENT

earned discretionary sentence credit, supplemental sentence credit, meritorious good time, or an aggregation of these credits:

- 1) Greater than the statutory maximum during one term of incarceration.
  - 2) If the sentence credit reduces the sentence to less than:
    - A) 85% for offenders required to serve 85% of their sentence; or
    - B) 60% for offenders required to serve 75% of their sentence, except for the offense of gunrunning, which shall not be reduced less than 75%.
- b) In determining whether or not to award earned discretionary sentence credit, the Director, or his or her designee:
- 1) Shall make a determination, either in written or electronic form, that the offender:
    - A) Is eligible, based on his or her holding offenses, to receive earned discretionary sentence credit;
    - B) Has served a minimum of 60 days of his or her sentence in the custody of the Department;
    - C) Has received a risk and needs assessment administered with a validated instrument; and
    - D) Has met the eligibility criteria established in this Section.
  - 2) May examine or consider, among other matters:
    - A) The complete master record file of the offender, including, but not limited to, sentencing material including the facts and circumstances of the holding offense, disciplinary records, and reports or recommendations made concerning the offender.
    - B) Results of an available risk and needs assessment analysis or an evaluation from a validated instrument.

## ILLINOIS DEPARTMENT OF CORRECTIONS

## NOTICE OF EMERGENCY AMENDMENT

- C) History of conviction for forcible felony as provided in Section 2-8 of the Criminal Code of 2012.
  - D) The assignment performance of the offender while in the custody of the Department.
  - E) Educational or program performance and achievements of the offender while in the custody of the Department.
  - F) Service to the Department, community or State.
  - G) Heroic action of the offender such as saving the life of an employee or other offender.
  - H) The offender's commitment to rehabilitation.
- c) The decision to award earned discretionary sentence credit shall be at the sole discretion of the Director or his or her designee.
- d) No offender shall be eligible to receive earned discretionary sentence credit if he or she:
- 1) Is serving a term of natural life or has been sentenced to death;
  - 2) Is serving a sentence for first degree murder or for the offense of terrorism;
  - 3) Has been found guilty of a 100-level disciplinary offense under 20 Ill. Adm. Code 504 [during the 12 months preceding the review](#); or
  - 4) Has been found guilty of, or has a pending charge resulting from, a criminal offense committed during his or her current term of incarceration.
- e) No offender whose court sentencing order recommends substance abuse treatment for offenses committed on or after September 1, 2003 shall be awarded earned discretionary sentence credit unless:

## ILLINOIS DEPARTMENT OF CORRECTIONS

## NOTICE OF EMERGENCY AMENDMENT

- 1) He or she participates in and completes a substance abuse treatment program; or
  - 2) The Director waives the requirement to participate in or complete the treatment program in specific instances in which the offender is not a good candidate for the program due to medical, programming or operations reasons. When substance abuse treatment is not available, offenders shall be placed on a waiting list for treatment. Offenders on a waiting list who are not placed in a substance abuse treatment program prior to release may be eligible for a waiver and receive earned discretionary sentence credit as determined by the Director or his or her designee.
- f) No offender who has been convicted of a sex offense, as defined in the Sex Offender Registration Act, committed on or after June 1, 2008 shall be awarded earned discretionary sentence credit unless he or she:
- 1) Successfully completes or is participating in sex offender treatment as defined by the Sex Offender Management Board (see 20 Ill. Adm. Code 1905); or
  - 2) Receives a waiver due solely to lack of Department resources.
- g) Habitual juvenile offenders or violent juvenile offenders shall not be eligible for earned discretionary sentence credit.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 6091, effective April 7, 2020, for a maximum of 150 days)

## NOTICE OF EMERGENCY AMENDMENT

## DEPARTMENT OF EMPLOYMENT SECURITY

- 1) Heading of the Part: Payment of Unemployment Contributions, Interest and Penalties
- 2) Code Citation: 56 Ill. Adm. Code 2765
- 3) 

<u>Section Numbers</u> :	<u>Emergency Action</u> :
2765.62	Amendment
2765.68	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 212, 302, 500, 601, 602, 603, 612, 701, 706, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1507, 1508, 1509, 1700, 1701, 2401 and 2600 of the Unemployment Insurance Act [820 ILCS 405].
- 5) Effective Date of Amendment: April 8, 2020
- 6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which it is to expire:
- 7) Date Filed with the Index Department: April 8, 2020
- 8) A copy of the emergency rules, 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: Given the COVID-19 pandemic, many nonessential businesses remain closed. Assessing penalties in such circumstances would be an undue burden on them.
- 10) A Complete Description of the Subjects and Issues Involved: Requiring good cause to be found to waive penalties for the failure to timely file the employer's wage report for the month of February 2020, as provided by Section 1402 of the Unemployment Insurance Act, due to the COVID-19 Pandemic, retroactive to April 1, 2020.
- 11) Are there any amendments to this Part Pending? No
- 12) Statement of Statewide Policy Objective: This rulemaking neither creates nor expands a State mandate.
- 13) Information and questions regarding these emergency rules shall be directed to:

Kevin Lovellette, Chief Legal Counsel

NOTICE OF EMERGENCY AMENDMENT

DEPARTMENT OF EMPLOYMENT SECURITY

Illinois Department of Employment Security  
33 South State Street – Room 930  
Chicago IL 60603

312/793-1224  
fax: 312/793-5645  
Kevin.Lovellette@illinois.gov

The full text of the Emergency Amendments begin on the next page:

## NOTICE OF EMERGENCY AMENDMENT

## DEPARTMENT OF EMPLOYMENT SECURITY

TITLE 56: LABOR AND EMPLOYMENT  
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY  
SUBCHAPTER c: RIGHTS AND DUTIES OF EMPLOYERS

## PART 2765

## PAYMENT OF UNEMPLOYMENT CONTRIBUTIONS, INTEREST AND PENALTIES

## SUBPART A: GENERAL PROVISIONS

## Section

- 2765.1 Unemployment Contributions Not Deductible From Wages
- 2765.5 Definitions
- 2765.10 Payment Of Contributions
- 2765.11 Employers Who Employ Household Workers and Pay Contributions on an Annual Basis
- 2765.15 Liability For The Entire Year
- 2765.18 Liability of a Third Party Purchaser or Transferee for the Due And Unpaid Contributions, Interest and Penalties of the Seller or Transferor's Seller or Transferor
- 2765.20 Contributions Of Employer By Election
- 2765.25 Payments In Lieu Of Contributions
- 2765.30 When Payments in Lieu of Contributions Are Payable
- 2765.35 Payments When Reimbursable Employer Becomes Contributory
- 2765.40 Payments When Contributory Employer Becomes Reimbursable
- 2765.44 Fee For Not Sufficient Funds (NSF) Checks
- 2765.45 Application of Payment
- 2765.50 Accrual Of Interest
- 2765.55 Imposition Of Penalty
- 2765.56 Imposition of Late Reporting Penalty for Employers Who Employ Household Workers and Elect to File Reports on an Annual Basis
- 2765.60 Payment Or Filing By Mail
- 2765.61 Waiver of Interest and Penalty for Employers Who Employ Household Workers and Who File Reports and Pay Contributions on an Annual Basis (Repealed)
- 2765.62 Temporary Waivers of Penalty
- EMERGENCY
- 2765.63 When Payment Due and Consequences of Upward Revision in Employer's Contribution Rate
- 2765.64 Consequences When an Employee Leasing Company Has Erroneously Reported Wages And Paid Contributions When the Wages Should Have Been Reported and

## NOTICE OF EMERGENCY AMENDMENT

## DEPARTMENT OF EMPLOYMENT SECURITY

- Contributions Paid By Its Client
- 2765.65 Waiver Of Interest Or Penalty
- 2765.66 Waiver Of Interest Accruing Because Of Certain Types Of Employees For  
Periods Prior To January 1, 1988
- 2765.67 Partial Waiver Of Interest Where An Employer Has Erroneously Reported Wages  
To The Wrong State
- 2765.68 Waiver of Penalty for Certain Employers for 1987 and Thereafter Wage Reports
- EMERGENCY
- 2765.69 Partial Waiver Of Interest Where An Employer Has Erroneously Paid Its Federal  
Unemployment Tax Act (FUTA) Tax In Full But Has Failed To Pay Its Illinois  
Unemployment Insurance Contributions
- 2765.70 Waiver of Interest For Certain Nonprofit Organizations or Local Governmental  
Entities
- 2765.71 Waiver of Interest Accruing Due to a Delay in the Issuance of a Decision on a  
Protested Determination and Assessment
- 2765.73 Waiver of Penalties and Interest for Certain Nonprofit Organizations
- 2765.74 Time For Paying Or Filing Delayed Payment Or Report
- 2765.75 Application for Waiver
- 2765.80 Approval Of Application For Waiver
- 2765.85 Insufficient or Incomplete Application
- 2765.90 Disapproval Of Application Conclusive
- 2765.95 Appeal And Hearing

## SUBPART B: EXPERIENCE RATING

- Section
- 2765.200 Transfer of Trade or Business Subject to Section 1507.1 of the Act
- 2765.210 Prohibition on Withdrawal of Joint Application for Partial Transfer of Experience  
Rating Record
- 2765.220 Determination of Benefit Ratio
- 2765.225 Requirement for Privity in Order to Have a Predecessor Successor Relationship
- 2765.228 No Requirement for Continuous Operation in Order for a Predecessor Successor  
Relationship to Exist
- 2765.230 Effect of a Transfer of Physical Assets on a Finding That A Predecessor  
Successor Relationship Exists

## SUBPART C: BENEFIT CHARGES

Section

## NOTICE OF EMERGENCY AMENDMENT

## DEPARTMENT OF EMPLOYMENT SECURITY

- 2765.325 Application Of "30 Day" Requirement For Determining The Chargeable Employer Pursuant To Section 1502.1 Of The Act
- 2765.326 Requirement For A Separation Or A Reduction In The Work Offered In Determining The Chargeable Employer Pursuant To Section 1502.1 Of The Act
- 2765.328 What Constitutes A Day For Purposes Of The "30 Day" Requirement In Section 1502.1 Of The Act
- 2765.329 Application of "30 Day" Requirement for Determining the Chargeable Employer Pursuant to Section 1502.1 of the Act for Benefit Years Beginning on or After January 1, 1993
- 2765.330 Chargeability Where The Individual Is Discharged As A Result Of His Incarceration
- 2765.332 Effect Of Ineligibility Under Section 602(B) On Chargeability Under Section 1502.1 Of The Act
- 2765.333 Effect of Ineligibility Under Section 612 on Chargeability Under Section 1502.1 Of The Act
- 2765.334 Effect Of Ineligibility Under Section 614 On Chargeability Under Section 1502.1 Of The Act
- 2765.335 Procedural Requirements And Right Of Appeal

AUTHORITY: Implementing and authorized by Sections 212, 302, 500, 601, 602, 603, 612, 701, 706, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1507, 1508, 1509, 1700, 1701, 2401 and 2600 of the Unemployment Insurance Act [820 ILCS 405].

SOURCE: Adopted at 6 Ill. Reg. 3863, effective March 31, 1982; amended at 7 Ill. Reg. 13266, effective September 28, 1983; recodified at 8 Ill. Reg. 15027; amended at 11 Ill. Reg. 3972, effective February 23, 1987; amended at 11 Ill. Reg. 11743, effective June 26, 1987; amended at 11 Ill. Reg. 12882, effective July 22, 1987; emergency amendment at 12 Ill. Reg. 225, effective January 1, 1988, for a maximum of 150 days; emergency expired May 30, 1988; amended at 12 Ill. Reg. 11740, effective July 5, 1988; amended at 12 Ill. Reg. 17342, effective October 12, 1988; amended at 12 Ill. Reg. 20484, effective November 28, 1988; emergency amendment at 13 Ill. Reg. 11911, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17410, effective October 30, 1989; amended at 14 Ill. Reg. 6218, effective April 16, 1990; amended at 14 Ill. Reg. 19886, effective November 29, 1990; amended at 15 Ill. Reg. 185, effective December 28, 1990; amended at 15 Ill. Reg. 11122, effective July 19, 1991; amended at 16 Ill. Reg. 2131, effective January 27, 1992; amended at 16 Ill. Reg. 12165, effective July 20, 1992; amended at 17 Ill. Reg. 308, effective December 28, 1992; amended at 17 Ill. Reg. 614, effective January 4, 1993; amended at 17 Ill. Reg. 10275, effective June 29, 1993; emergency amendment at 17 Ill. Reg. 13801, effective August 20, 1993, for a maximum of 150 days; emergency expired January 1, 1994; amended at 18 Ill. Reg. 14952, effective September 27,

## NOTICE OF EMERGENCY AMENDMENT

## DEPARTMENT OF EMPLOYMENT SECURITY

1994; emergency amendment at 19 Ill. Reg. 16113, effective November 13, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 4307, effective February 29, 1996; amended at 25 Ill. Reg. 2011, effective January 18, 2001; emergency amendment at 29 Ill. Reg. 6788, effective April 25, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 13988, effective September 1, 2005; amended at 33 Ill. Reg. 9658, effective July 1, 2009; emergency amendment at 36 Ill. Reg. 18968, effective December 17, 2012 through June 30, 2013; emergency amendment at 37 Ill. Reg. 2506, effective February 11, 2013 through June 30, 2013; amended at 37 Ill. Reg. 7471, effective May 14, 2013; emergency amendment at 38 Ill. Reg. 22262, effective November 17, 2014, for a maximum of 150 days; emergency expired April 15, 2015; amended at 39 Ill. Reg. 10768, effective July 27, 2015; amended at 43 Ill. Reg. 1585, effective January 15, 2019; expedited correction at 43 Ill. Reg. 11054, effective January 15, 2019; amended at 43 Ill. Reg. 6480, effective May 14, 2019; emergency amendment at 44 Ill. Reg. 6099, effective April 8, 2020, for a maximum of 150 days.

## SUBPART A: GENERAL PROVISIONS

**Section 2765.62 Temporary Waivers of Penalty****EMERGENCY**

- a) Subject to the limitations set forth in subsection (b), the penalties for failure to file a report as required by 56 Ill. Adm. Code 2760.125(a) for either or both of the first 2 months of a calendar quarter in compliance with 56 Ill. Adm. Code 2760.141(a) shall be waived when the employer timely files the report required for the third month of that quarter as required by 56 Ill. Adm. Code 2760.125(a)(1), in compliance with 56 Ill. Adm. Code 2760.141.
- b) Subsection (a) shall not apply for months following the first 2 quarters that include months for which penalties have been waived pursuant to subsection (a) or for any months beginning after November 30, 2014.
- c) Notwithstanding any other provision of this Part to the contrary, as a result of business interruptions and widespread closures resulting from COVID-19, the Director finds good cause for waiving any penalties imposed upon any employer for failing to submit or timely submit the report required under 56 Ill. Adm. Code 2760.125(a) for the month of February 2020.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 6099, effective April 8, 2020, for a maximum of 150 days)

## NOTICE OF EMERGENCY AMENDMENT

## DEPARTMENT OF EMPLOYMENT SECURITY

**Section 2765.68 Waiver of Penalty for Certain Employers for 1987 and Thereafter Wage Reports****EMERGENCY**

- a) Notwithstanding any other provisions of this Part to the contrary, the Director shall waive the reporting penalty provided in Section 1402 of the Act for 1987 and for any reports of wages paid in calendar year 1987 and any calendar year thereafter, if the employer, within 30 working days after the date of mailing of the notice from the Agency that its report is delinquent, shows that the delinquent report is the employer's first late report during the last 20 calendar quarters, including quarters during which the employer was not required to file reports under the Act and:
- 1) in the case a contributory employer, the total amount of contributions due for the calendar quarter of the report is less than \$500 (the amount due is disregarded for reimbursable employers); and
- EXAMPLE: Employer A is required to file two reports for a quarter under 56 Ill. Adm. Code 2760.120. The total amount of contributions attributable to the first report is \$400. The total amount of contributions attributable to the second report is \$200. Employer A will not be entitled to waiver of penalty under this Section with respect to either report because the total amount of contributions due for the quarter is more than \$500.
- 2) This delinquent report is the employer's first late report during the last 20 calendar quarters, including quarters during which the employer was not required to file reports under the Act.
- b) The employer's application for this waiver shall be made in the form provided in Section 2765.75, except that it need not be sworn and instead of stating the "good cause applicable", the employer shall state that it met the requirements of subsections (a)(1) and (2). In support of its statement that it met the requirements of subsection (a)(1), the employer shall attach a copy of its Contribution and Wage Report for the applicable calendar quarter.
- c) If the employer is required to file two reports under 56 Ill. Adm. Code 2760.120 and both reports are filed untimely, for the purposes of subsection (a)(2), both reports will be deemed to be a single delinquent report.

## NOTICE OF EMERGENCY AMENDMENT

## DEPARTMENT OF EMPLOYMENT SECURITY

- d) For purposes of subsection (a), a month for which the late filing penalty has been waived under [any provision of](#) Section 2765.62 shall not be considered a month for which the employer filed a late report.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 6099, effective April 8, 2020, for a maximum of 150 days)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: General Administrative Provisions
- 2) Code Citation: 89 Ill. Adm. Code 10
- 3) Section Number: 10.410                      Emergency Action: Amendment
- 4) Statutory Authority: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].
- 5) Effective Date of Emergency Rule: April 6, 2020
- 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 amendment 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 6, 2020
- 8) A copy of the emergency rule, 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: Due to the COVID-19 pandemic, IDHS is receiving an increase in applications for assistance. In order for the Family Community Resource Centers (FCRCs) to be able to assist in accepting applications, the option of verbal attestation for the signature is required. This rulemaking adds a verbal signature option for the following assistance applications – Request for Cash Assistance, Medical Assistance, and Supplemental Nutrition Assistance Program (SNAP). This amendment will allow an applicant to verbally assent by telephone constituting a telephonic signature with the intent to authenticate the information given on the application. IDHS is proposing this rule as an emergency because it addresses a threat to public interest, including the safety and welfare of the citizens of Illinois.
- 10) A Complete Description of the Subject and Issues: Due to the COVID-19 pandemic, IDHS is receiving an increase in applications for assistance. This rulemaking adds a verbal signature option for the following assistance applications – Request for Cash Assistance, Medical Assistance, and Supplemental Nutrition Assistance Program (SNAP). This amendment will allow an applicant to verbally assent by telephone constituting a telephonic signature with the intent to authenticate the information given on the application.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

- 11) Are there any other rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 13) Information and questions regarding this emergency rule shall be directed to:  
Interested persons may present their comments concerning these rules 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, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
Harris Bldg., 3<sup>rd</sup> 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 a: GENERAL PROGRAM PROVISIONSPART 10  
GENERAL ADMINISTRATIVE PROVISIONS

## SUBPART A: APPLICABILITY AND DEFINITIONS

Section	
10.101	Incorporation by Reference
10.110	Applicability
10.120	Definitions
10.130	Assistance Programs
10.140	Assistance Program Restrictions

## SUBPART B: RIGHTS AND RESPONSIBILITIES

Section	
10.210	Rights of Clients
10.220	Nondiscrimination
10.225	Grievance Rights of Clients
10.230	Confidentiality of Case Information
10.235	Case Records
10.250	Reporting Change of Circumstances
10.263	Reporting Child Abuse/Neglect
10.268	Reporting Elder Abuse/Neglect
10.270	Notice to Client
10.280	Right to Appeal
10.281	Continuation of Assistance Pending Appeal
10.282	Time Limit for Filing an Appeal
10.283	Examining Department Records
10.284	Child Care
10.290	Voluntary Repayment of Assistance
10.295	Correction of Underpayments
10.300	Recovery of Assistance
10.310	Estate Claims
10.320	Real Property Liens
10.330	Filing and Renewal of Liens

## DEPARTMENT OF HUMAN SERVICES

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- 10.340 Foreclosure of Liens
- 10.350 Release of Liens
- 10.360 Personal Injury Claims
- 10.370 Convictions of Fraud – Eligibility
- 10.380 Single Conviction of Fraud – Administrative Review Board
- 10.390 Request for Case Transfer

## SUBPART C: APPLICATION PROCESS

## Section

- 10.410 Application for Assistance

EMERGENCY

- 10.415 Local Office Action on Application for Public Assistance
- 10.420 Time Limitations on the Disposition of an Application
- 10.430 Approval of an Application and Initial Authorization of Financial Assistance
- 10.438 General Assistance Approval Provisions
- 10.440 Denial of an Application

**AUTHORITY:** Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].

**SOURCE:** Emergency rules adopted at 21 Ill. Reg. 9515, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 15515, effective November 26, 1997; amended at 22 Ill. Reg. 19816, effective November 1, 1998; amended at 23 Ill. Reg. 6944, effective June 1, 1999; amended at 24 Ill. Reg. 7856, effective May 16, 2000; amended at 24 Ill. Reg. 18153, effective November 30, 2000; amended at 25 Ill. Reg. 7170, effective May 24, 2001; amended at 28 Ill. Reg. 1083, effective December 31, 2003; amended at 28 Ill. Reg. 5650, effective March 22, 2004; amended at 29 Ill. Reg. 8148, effective May 18, 2005; amended at 31 Ill. Reg. 6962, effective April 30, 2007; amended at 31 Ill. Reg. 7638, effective May 15, 2007; amended at 32 Ill. Reg. 4375, effective March 12, 2008; amended at 33 Ill. Reg. 16814, effective November 30, 2009; amended at 33 Ill. Reg. 17345, effective December 14, 2009; amended at 34 Ill. Reg. 10079, effective July 1, 2010; amended at 35 Ill. Reg. 7670, effective April 29, 2011; emergency amendment at 36 Ill. Reg. 10421, effective July 1, 2012, for a maximum of 150 days; emergency amendment at 36 Ill. Reg. 11486, effective July 1, 2012, for a maximum of 150 days; emergency expired November 27, 2012; amended at 37 Ill. Reg. 1865, effective February 4, 2013; amended at 37 Ill. Reg. 3402, effective March 8, 2013; emergency amendment at 37 Ill. Reg. 16838, effective October 1, 2013, for a maximum of 150 days; amended at 38 Ill. Reg. 5375, effective February 7, 2014; amended at 43 Ill. Reg. 6987, effective May 31, 2019; emergency amendment at 44 Ill. Reg. 6107, effective April 6, 2020, for a maximum of 150 days.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

## SUBPART C: APPLICATION PROCESS

**Section 10.410 Application for Assistance**  
**EMERGENCY**

- a) An application is a request for cash, medical or SNAP assistance on a Department of Human Services (Department) form or a DHS web application submitted electronically that has been completed to the best of the client's knowledge and ability.
- b) The application must contain a name, address, and signature (or signatures). ~~An electronic signature may be accepted if it meets the relevant minimum security requirements established by the Department of Central Management Services, including but not limited to the requirements of 14 Ill. Adm. Code 105.210.~~
  - 1) The Department's application for assistance captures the electronic signature on a secure directory and places the electronic signature into a secure database.
  - 2) An electronic signature may be made by an applicant who checks a box and types his or her name; by an applicant who telephonically records his or her voice, constituting a telephonic signature; by an applicant who verbally assents by telephone, constituting a telephonic signature; or by any other symbol that is executed or adopted, using electronic means, by the applicant with the intent to authenticate the record.
  - 3) The application, which includes the electronic signature, is sent to a secure database with auditing capabilities that track the user when the application is modified to ensure the integrity, security and confidentiality of the electronic signature. This requirement does not apply to applications to which an applicant verbally assents by telephone.
- c) If the application does not contain a name, address, and signature (or signatures), the local office shall return the application to the sender to obtain the missing information.
  - 1) If a person is homeless, he or she may use the address of a friend or relative, supervised shelter, church, halfway house, or similar facility.

## DEPARTMENT OF HUMAN SERVICES

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- 2) If a person is homeless and does not have a permanent address, he or she may use the address of the local office where he or she applied or where his or her case is currently active.
- d) The application must be signed by the applicant with the following exceptions:
- 1) When a conservator has been appointed for the applicant, the conservator must sign the application.
  - 2) When the applicant is physically or mentally unable to sign the application, the application may be signed by someone acting responsibly on behalf of the applicant.
  - 3) When application is made on behalf of a child, the child's caretaker must sign the application.
  - 4) When the applicant has appointed an authorized representative with the Department. (An authorized representative is a person authorized by the applicant to act on his or her behalf.)
- e) Application for medical assistance may be made on behalf of a deceased person. In order for payment to be made by the Department for the funeral and burial expenses of the decedent, the completed application must be received in the local office not more than 30 calendar days after the individual's death, excluding the day on which death occurred, unless delay in receipt of the form occurred through no fault of the individual applying.
- f) The applicant may be assisted by the Department and by individuals of the applicant's choice in completing the application.
- g) The date of application shall be the date a completed application is received by any local office, with the following exceptions:
- 1) For applications completed by pregnant women and children under age 18 at a disproportionate share hospital or federally-qualified health center, the date the application is signed by the applicant shall be the date of application.
  - 2) When an application is faxed to a local office or a web application is

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

submitted and received over the Internet after 5:00 P.M. on a workday, or on a weekend or holiday, the application date is the next workday following the date the application is received in the local office.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 6107, effective April 6, 2020, for a maximum of 150 days)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Related Program Provisions
- 2) Code Citation: 89 Ill. Adm. Code 117
- 3) Section Number: 117.50                      Emergency Action: Amendment
- 4) Statutory Authority: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI, and 12-13].
- 5) Effective Date of Rule: April 6, 2020
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency amendment 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 6, 2020
- 8) A copy of the emergency amendment, 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: Due to the COVID-19 pandemic, this rulemaking increases the maximum reimbursement amount for funeral expenses of an eligible descendant to \$1370.00 effective April 6, 2020. It also increases the maximum reimbursement amount for burial (including cremation) expenses to \$686.00 effective April 6, 2020. DHS is proposing this rule as an emergency because it addresses a threat to public interest, including the safety and welfare of the citizens of Illinois.
- 10) A Complete Description of the Subject and Issues: Due to an increase in the Consumer Price Index and the COVID-19 crisis, this rulemaking increases the maximum reimbursement amount for funeral expenses of an eligible descendant to \$1370.00 effective April 6, 2020. It also increases the maximum reimbursement amount for burial (including cremation) expenses to \$686.00 effective April 6, 2020.
- 11) Are there any other rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

- 13) Information and questions regarding this emergency rule shall be directed to: Interested persons may present their comments concerning this emergency rule 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, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
Harris Bldg., 3<sup>rd</sup> 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 PROGRAMSPART 117  
RELATED PROGRAM PROVISIONS

## Section

117.1	Incorporation By Reference
117.10	Payee for Financial Assistance
117.11	Issuance of Cash Assistance Benefits
117.12	Client Training Brochure for the Electronic Benefits Transfer (EBT) System
117.13	Replacement of the EBT Card
117.15	Reinstatement Upon Cooperation
117.20	Replacement of Missing Warrants
117.30	Withholding of Rent (Repealed)
117.40	Recovery of Interim Assistance – Aid to the Aged, Blind or Disabled and General Assistance (Repealed)
117.50	Funerals and Burials
<u>EMERGENCY</u>	
117.51	Funeral Home Services
117.52	Burial Expenses
117.53	Payment to Vendor(s)
117.54	Claims for Reimbursement
117.55	Submittal of Claims
117.60	Substitute Parental Care/Supplemental Child Care – TANF and AABD
117.70	Charge for Replacement of Photo ID Cards (Repealed)
117.80	Direct Deposit of Recipients' Warrants
117.90	State Income Tax Match
117.91	New Hire Match
117.92	Electronic Finger Imaging

**AUTHORITY:** Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5].

**SOURCE:** Filed and effective December 30, 1977; amended at 2 Ill. Reg. 31, p. 68, effective August 3, 1978; amended at 3 Ill. Reg. 38, p. 258, effective September 20, 1979; amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 16111, effective November 22, 1983; amended at 9 Ill. Reg. 3726, effective March 13, 1985;

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

amended at 9 Ill. Reg. 4526, effective March 20, 1985; amended at 9 Ill. Reg. 8733, effective May 29, 1985; amended at 9 Ill. Reg. 10779, effective July 5, 1985; amended at 9 Ill. Reg. 16914, effective October 16, 1985; amended at 11 Ill. Reg. 4759, effective March 13, 1987; amended at 12 Ill. Reg. 2985, effective January 13, 1988; amended at 12 Ill. Reg. 13608, effective August 15, 1988; amended at 12 Ill. Reg. 14296, effective August 30, 1988; amended at 13 Ill. Reg. 3936, effective March 10, 1989; amended at 14 Ill. Reg. 780, effective January 1, 1990; amended at 14 Ill. Reg. 9488, effective June 1, 1990; amended at 15 Ill. Reg. 13533, effective August 1, 1991; amended at 16 Ill. Reg. 16644, effective October 23, 1992; emergency amendment at 17 Ill. Reg. 2368, effective February 8, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 8191, effective May 24, 1993; amended at 18 Ill. Reg. 3746, effective February 28, 1994; amended at 18 Ill. Reg. 7403, effective April 29, 1994; amended at 19 Ill. Reg. 1103, effective January 26, 1995; amended at 19 Ill. Reg. 10702, effective July 7, 1995; emergency amendment at 19 Ill. Reg. 15267, effective November 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 877, effective January 1, 1996; amended at 20 Ill. Reg. 5706, effective March 30, 1996; emergency amendment at 20 Ill. Reg. 10381, effective July 23, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 395, effective December 20, 1996; amended at 21 Ill. Reg. 7759, effective June 4, 1997; emergency amendment at 21 Ill. Reg. 8677, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15591, effective November 26, 1997; amended at 22 Ill. Reg. 16251, effective September 1, 1998; amended at 22 Ill. Reg. 18951, effective October 1, 1998; amended at 23 Ill. Reg. 5263, effective April 19, 1999; amended at 23 Ill. Reg. 11174, effective August 27, 1999; amended at 23 Ill. Reg. 12638, effective October 15, 1999; emergency amendment at 24 Ill. Reg. 6723, effective April 14, 2000, for maximum of 150 days; amended at 24 Ill. Reg. 13422, effective August 18, 2000; amended at 24 Ill. Reg. 16305, effective October 17, 2000; amended at 27 Ill. Reg. 14028, effective August 7, 2003; amended at 30 Ill. Reg. 11549, effective June 20, 2006; amended at 32 Ill. Reg. 9614, effective June 23, 2008; emergency amendment at 36 Ill. Reg. 10503, effective July 1, 2012 until June 30, 2013; amended at 37 Ill. Reg. 1884, effective February 4, 2013; amended at 38 Ill. Reg. 18659, effective August 29, 2014; amended at 42 Ill. Reg. 7696, effective April 13, 2018; emergency amendment at 44 Ill. Reg. 6114, effective April 6, 2020, for a maximum of 150 days.

**Section 117.50 Funerals and Burials****EMERGENCY**

- a) Funeral and burial services shall be provided to eligible deceased individuals in accordance with Section 117.53.
- b) Payment for Funeral Expenses

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

- 1) The maximum allowable amount which the Department may pay for funeral expenses of an eligible decedent is:
  - A) \$700 effective 11/17/99, \$850 effective 7/1/00, and \$1000 effective 7/1/01 for an adult or child 5 years of age or older;
  - B) \$436 effective 11/17/99, \$529 effective 7/1/00, \$622 effective 7/1/01, and \$1000 effective 1/1/02 for a child between the ages of 3 months and 5 years; and
  - C) \$350 effective 11/17/99, \$425 effective 7/1/00, \$500 effective 7/1/01, and \$1000 effective 01/1/02 for a child under 3 months of age or stillborn.
- 2) On January 1, 2006, July 1, 2006, and July 1, 2007, the Department shall increase the maximum reimbursement amount by a percentage equal to the percentage increase in the Consumer Price Index for All Urban Consumers, if any, during the 12 months immediately preceding that January 1 or July 1. On April 6, 2020, the Department shall increase the maximum reimbursement amount for funeral expenses of an eligible decedent to \$1370.
- 3) Prior to 1/1/02, the maximum allowable amount the Department would pay for funeral expenses of an eligible decedent was based on the decedent's age.
- c) The maximum allowable amount which the Department will pay for burial (including cremation) expenses of an eligible decedent is \$350 effective 11/17/99, \$425 effective 7/1/00, and \$500 effective 7/1/01. On January 1, 2006, July 1, 2006, and July 1, 2007, the Department shall increase the maximum reimbursement amount by a percentage equal to the percentage increase in the Consumer Price Index for All Urban Consumers, if any, during the 12 months immediately preceding that January 1 or July 1. On April 6, 2020, the Department shall increase the maximum reimbursement amount for burial (including cremation) expenses to \$686.
- d) When there is no hospital facility for disposal of amputated limbs by cremation or if burial is desired by the recipient, an allowance of \$15 for burial of amputated limbs may be paid to a funeral director.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

- e) No additional payment shall be made for burial of amputated limbs with the remainder of the body.
- f) The maximum allowable amount which the Department will pay for an Anatomical Gift case is \$100 effective 11/17/99, \$121 effective 7/1/00, and \$142 effective 7/1/01 for the funeral home services and \$50 for a memorial service held in the funeral home. In a Anatomical Gift case, the body has been donated for scientific study.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 6114, effective April 6, 2020, for a maximum of 150 days)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Plumbers Licensing Code
- 2) Code Citation: 68 Ill. Adm. Code 750
- 3) Section Number: 750.1                      Emergency Action:  
New Section
- 4) Statutory Authority: Illinois Plumbing License Law [225 ILCS 320]
- 5) Effective Date of Rule: March 31, 2020
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which they are to expire: This rulemaking will not expire before the end of the 150-day period.
- 7) Date Filed with the Index Department: March 31, 2020
- 8) A copy of the emergency rule, 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: This emergency rule is adopted in response to Governor JB Pritzker's Gubernatorial Disaster Proclamations issued during 2020 related to COVID-19.  
  
Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45] defines "emergency" as "the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare." The COVID-19 outbreak in Illinois is a significant public health crisis that warrants these emergency rules.
- 10) A Complete Description of the Subject and Issues: This emergency rule extends the deadline for plumbers' license renewals, apprentice plumbers' license renewal, and plumbing inspectors' certificate renewals 150 days to August 28, 2020.
- 11) Are there any other rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking will not create or expand a State mandate.
- 13) Information and questions regarding this emergency rule shall be directed to:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

Erin Conley  
Rules Coordinator  
Division of Legal Services  
Illinois Department of Public Health  
535 W. Jefferson St., 5<sup>th</sup> floor  
Springfield IL 62761

217/782-2043  
dph.rules@illinois.gov

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER IV: DEPARTMENT OF PUBLIC HEALTH

PART 750  
PLUMBERS LICENSING CODE

SUBPART A: GENERAL PROVISIONS

Section

750.1      COVID-19 Emergency Provisions  
EMERGENCY

- 750.100      Applicability (Repealed)
- 750.110      Definitions
- 750.115      Statutory Authority (Repealed)
- 750.120      Administrative Hearings
- 750.125      Referenced Materials

SUBPART B: STATE BOARD OF PLUMBING EXAMINERS

Section

- 750.200      Organization of the State Board of Plumbing Examiners
- 750.205      Election of Officers (Repealed)
- 750.210      Duties of the State Board of Plumbing Examiners
- 750.215      Duties of Chairman (Repealed)
- 750.220      Records of the State Board of Plumbing Examiners
- 750.225      Duties of Vice-Chairman (Repealed)
- 750.235      Quorum (Repealed)
- 750.245      Meetings (Repealed)

SUBPART C: ADMINISTRATION OF AND REQUIREMENTS FOR  
PLUMBING LICENSE EXAMINATION

Section

- 750.300      Requirements for Admission to the Plumbing License Examination
- 750.310      Administration of the Plumbing License Examination
- 750.320      Plumbing License Examination Results
- 750.330      Course Credit (Repealed)

SUBPART D: PLUMBING PROGRAM FEES

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

Section

- 750.400 Licensing of Plumbers
- 750.410 Licensing of Apprentice Plumbers
- 750.420 Documentation Required for Sponsors of Apprentices
- 750.430 Plumbers' and Apprentice Plumbers' License Records

SUBPART E: PROGRAMS OF INSTRUCTION  
AND CONTINUING EDUCATION

Section

- 750.500 Continuing Education Requirements for Licensed Plumbers
- 750.510 Department Approval of Continuing Education Sponsors and Courses
- 750.520 Continuing Education Course Records
- 750.530 Department Approval and Evaluation of Courses of Instruction in Plumbing
- 750.540 Topics for Approved Programs of Instruction in Plumbing and Approved Continuing Education Courses
- 750.550 Programs of Instruction and Practical Training in Plumbing Approved as Equivalent to Illinois Licensed Apprenticeship

SUBPART F: REQUIREMENTS FOR PLUMBING FIRMS

Section

- 750.600 Organization of Plumbing Firms

SUBPART G: PLUMBING INSPECTORS

Section

- 750.700 Purpose and Authority for Certification of Plumbing Inspectors
- 750.710 Certification of Plumbing Inspectors
- 750.720 Renewal of Plumbing Inspector Certification and Continuing Education Requirements for Certified Plumbing Inspectors
- 750.730 Plumbing Inspectors

SUBPART H: APPROVAL OF PLUMBING PROGRAMS  
ESTABLISHED BY GOVERNMENTAL UNITS

Section

- 750.800 Governmental Units Establishing Plumbing Programs

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

SUBPART I: VIOLATIONS OF PLUMBER'S LICENSE  
AND PLUMBING INSPECTOR'S CERTIFICATION

## Section

750.900 Plumber's and Apprentice Plumber's License Violations

750.910 Plumbing Inspector Violations

## SUBPART J: CIVIL PENALTIES FOR UNLICENSED PLUMBERS

## Section

750.1000 Civil Penalties for Unlicensed Plumbers

## SUBPART K: ADMINISTRATIVE FEES

## Section

750.1100 Plumbers' and Apprentice Plumbers' Examination and Licensure Fees

750.1110 Other Fees

AUTHORITY: Authorized by and implementing the Illinois Plumbing License Law [225 ILCS 320].

SOURCE: Adopted at 2 Ill. Reg. 40, p. 1, effective October 1, 1978; codified at 5 Ill. Reg. 10870; Part repealed, new Part adopted at 13 Ill. Reg. 19564, effective December 1, 1989; emergency amendment at 16 Ill. Reg. 12785, effective July 30, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 417, effective December 28, 1992; recodified at 23 Ill. Reg. 14649; amended at 24 Ill. Reg. 12019, effective August 1, 2000; amended at 38 Ill. Reg. 19715, effective September 23, 2014; amended at 40 Ill. Reg. 8786, effective June 17, 2016; emergency amendment at 44 Ill. Reg. 6120, effective March 31, 2020, for a maximum of 150 days.

## SUBPART A: GENERAL PROVISIONS

**Section 750.1 COVID-19 Emergency Provisions****EMERGENCY**

Due to the public health emergency related to the COVID-19 outbreak, the following shall apply to this Part:

- a) The plumbers' license renewal deadline set forth in Section 750.400(b) is extended to August 28, 2020.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

- b) [The apprentice plumbers' license renewal deadline set forth in Section 750.410\(b\) is extended to August 28, 2020.](#)
  
- c) [The plumbing inspector certificate renewal deadline set forth in Section 750.720\(a\) is extended to August 28, 2020.](#)

(Source: Added by emergency rulemaking at 44 Ill. Reg. 6120, effective March 31, 2020, for a maximum of 150 days)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: School-Based/Linked Health Centers
- 2) Code Citation: 77 Ill. Adm. Code 641
- 3) Section Number: 641.1                      Emergency Action: New Section
- 4) Statutory Authority: Implementing the Developmental Disability Prevention Act [410 ILCS 250], the Lead Poisoning Prevention Act [410 ILCS 45], and the Problem Pregnancy Health Services Care Act [410 ILCS 230] and authorized by Sections 80-15 and 80-30 of the Department of Human Services Act [20 ILCS 1305].
- 5) Effective Date of Rule: April 2, 2020
- 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 rulemaking will not expire before the end of the 150-day period.
- 7) Date Filed with the Index Department: April 2, 2020
- 8) A copy of the emergency rule, 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: This emergency rule is adopted in response to Governor JB Pritzker's Gubernatorial Disaster Proclamations issued during 2020 related to COVID-19.

Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45] defines "emergency" as "the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare." The COVID-19 outbreak in Illinois is a significant public health crisis that warrants these emergency rules.

- 10) A Complete Description of the Subject and Issues: This emergency rule extends the current certifications for school-based/linked health centers whose certifications are scheduled to expire before June 30, 2020. The rule extends the certification for 150 days from the current expiration. In addition, it ensures that school based/linked centers can remain operational, able to provide necessary services to the communities they serve, and eligible to obtain Medicaid reimbursement. While schools are closed now, some of these centers continue to provide services. Without the emergency rule, the certification for

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

some school-based/linked health centers would expire and their ability to receive Medicaid reimbursement would be in jeopardy.

- 11) Are there any other rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking will not create or expand a State mandate.
- 13) Information and questions regarding this emergency rule shall be directed to:

Erin Conley  
Rules Coordinator  
Division of Legal Services  
Illinois Department of Public Health  
535 W. Jefferson St., 5<sup>th</sup> floor  
Springfield IL 62761

217/782-2043  
dph.rules@illinois.gov

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

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

TITLE 77: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER i: MATERNAL AND CHILD HEALTHPART 641  
SCHOOL-BASED/LINKED HEALTH CENTERS

## Section

[641.1](#) [COVID-19 Emergency Provisions](#)[EMERGENCY](#)

641.5	Purpose
641.10	Definitions
641.15	Certification/Re-certification
641.20	Introduction
641.30	Organizational Structure
641.40	Policies and Procedures
641.50	Compliance Standards
641.60	Scope of Services
641.70	Staffing Standards
641.80	Access Standards
641.90	Student Identification
641.100	Data, Medical Record Keeping, Exchange and Confidentiality
641.110	Care Coordination
641.120	Student Rights and Responsibilities
641.130	Quality Improvement Standards
641.140	Marketing and Community Outreach
641.150	Finance

AUTHORITY: Implementing the Developmental Disability Prevention Act [410 ILCS 250], the Lead Poisoning Prevention Act [410 ILCS 45], and the Problem Pregnancy Health Services Care Act [410 ILCS 230] and authorized by Sections 80-15 and 80-30 of the Department of Human Services Act [20 ILCS 1305].

SOURCE: Adopted at 23 Ill. Reg. 1662, effective January 20, 1999; amended at 24 Ill. Reg. 14435, effective September 13, 2000; transferred from the Department of Human Services to the Department of Public Health pursuant to P.A. 99-901 on August 26, 2016 and recodified from 77 Ill. Adm. Code 2200 to 77 Ill. Adm. Code 641 at 42 Ill. Reg. 12358; emergency amendment at 44 Ill. Reg. 6126, effective April 2, 2020, for a maximum of 150 days.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

**Section 641.1 COVID-19 Emergency Provisions**  
**EMERGENCY**

Consistent with Section 641.15(b) and for the duration of the Gubernatorial Disaster Proclamation related to the Coronavirus Disease 2019 (COVID-19) pandemic, any school-based/linked health center certified by the Department that has a 2-year certification scheduled to expire before June 30, 2020 shall have its certification extended for a period of 150 days from the initial expiration date. This extension will allow time for the Department to complete its on-site inspection disrupted by the COVID-19 pandemic, as well as to receive and assess all program and financial reports for recertification. During this extension period, certified school-based/linked health centers are permitted to continue to operate and provide services as usual under Section 641.15(b). The Department will issue an extension letter to all certified school-based/linked health centers affected by this emergency rule.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 6126, effective April 2, 2020, for a maximum of 150 days)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Lead Poisoning Prevention Code
- 2) Code Citation: 77 Ill. Adm. Code 845
- 3) Section Number: 845.1                      Emergency Action: New Section
- 4) Statutory Authority: Lead Poisoning Prevention Act [410 ILCS 45]
- 5) Effective Date of Rule: March 31, 2020
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which they are to expire: This rulemaking will not expire before the end of the 150-day period.
- 7) Date Filed with the Index Department: March 31, 2020
- 8) A copy of the emergency rule, 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: This emergency rule is adopted in response to Governor JB Pritzker's Gubernatorial Disaster Proclamations issued during 2020 related to COVID-19.  
  
Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45] defines "emergency" as "the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare." The COVID-19 outbreak in Illinois is a significant public health crisis that warrants these emergency rules.
- 10) A Complete Description of the Subject and Issues: This emergency rule extends the license and certificate renewal deadlines for lead services, including lead inspection, lead risk assessment, lead mitigation and lead abatement work and supervision. It also allows lead case management and environmental risk assessments to be conducted through phone consultation when possible.
- 11) Are there any other rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking will not create or expand a State mandate.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

- 13) Information and questions regarding this emergency rule shall be directed to:

Erin Conley  
Rules Coordinator  
Division of Legal Services  
Illinois Department of Public Health  
535 W. Jefferson St., 5<sup>th</sup> floor  
Springfield IL 62761

217/782-2043  
dph.rules@illinois.gov

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER p: HAZARDOUS AND POISONOUS SUBSTANCES

PART 845  
LEAD POISONING PREVENTION CODE

SUBPART A: GENERAL PROVISIONS

Section

845.1      COVID-19 Emergency Provisions  
EMERGENCY

- 845.10      Applicability (Repealed)
- 845.15      Incorporated and Referenced Materials
- 845.20      Definitions
- 845.25      Disclosure Requirements

SUBPART B: DEPARTMENT AND DELEGATE AGENCY ACTIVITIES

Section

- 845.50      Approval of Units of Local Government or Health Departments as Delegate Agencies to Administer and Enforce the Act
- 845.55      Lead Testing
- 845.60      Reporting
- 845.65      Provision of Data
- 845.70      Laboratory Fees for Blood Lead Testing
- 845.75      Requirements for Licensing of Department and Delegate Agency Personnel
- 845.80      Case Management
- 845.85      Environmental Follow-Up

SUBPART C: TRAINING COURSE APPROVAL AND  
LICENSING OF INDIVIDUALS AND FIRMS

Section

- 845.100      Approval of Lead Training Program Providers
- 845.105      Lead Training Course Approval Requirements
- 845.110      Lead Training Course Notification Requirements
- 845.115      Application Fees for Approval and Renewal of Lead Training Courses
- 845.120      Lead Training Program Provider Record Keeping Requirements

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

- 845.125 Individual Licensing Requirements for Lead Activities
- 845.130 Requirements for Lead Abatement Contractor Licensing
- 845.135 Third Party Examination Requirements
- 845.140 Reciprocity Requirements

SUBPART D: RESPONSIBILITIES OF LICENSED INDIVIDUALS,  
CONTRACTORS AND APPROVED TRAINING PROGRAM PROVIDERS

## Section

- 845.150 Lead Abatement Worker Responsibilities
- 845.155 Lead Abatement Supervisor Responsibilities
- 845.160 Lead Inspector Responsibilities
- 845.165 Lead Risk Assessor Responsibilities
- 845.170 Lead Abatement Contractor Responsibilities
- 845.175 Lead Training Program Provider Responsibilities

SUBPART E: STANDARDS FOR CONDUCTING  
ENVIRONMENTAL INVESTIGATIONS FOR LEAD

## Section

- 845.200 Environmental Lead Sampling Protocol
- 845.205 Regulatory Limits of Lead
- 845.210 Procedures for Lead Inspections in Regulated Facilities
- 845.215 Procedures for Lead Risk Assessments in Regulated Facilities
- 845.220 Procedures for Lead Hazard Screens in Regulated Facilities (Repealed)
- 845.225 Final Clearance Evaluations in Regulated Facilities
- 845.230 Record Keeping Requirements for Environmental Investigations for Lead

SUBPART F: STANDARDS FOR LEAD MITIGATION  
AND LEAD ABATEMENT

## Section

- 845.250 Submissions and Notices
- 845.255 Work Practice and Occupant Protection Program
- 845.260 Personnel Protection Program
- 845.265 Lead Work Area Isolation, Preparation and Containment
- 845.270 Prohibited Work Practices
- 845.275 Safe Work Practices
- 845.280 Abatement and Mitigation of Lead-Contaminated Soil

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

845.285	Cleanup Procedures
845.290	Disposal Procedures
845.295	Re-occupation of the Lead Work Area
845.300	Record Keeping Requirements for Lead Mitigation and Lead Abatement Activities

## SUBPART G: FINES, PENALTIES AND ADMINISTRATIVE HEARINGS

## Section

845.350	Denial, Suspension and Revocation of Lead Training Course Approval
845.355	Denial, Suspension and Revocation of Licenses
845.360	Fines and Penalties
845.365	Stop Work Orders for Regulated Facilities
845.370	Administrative Hearings
845.APPENDIX A	Instructions for Childhood Blood Lead Poisoning Reporting System (Repealed)
845.EXHIBIT A	Instructions for Completing the Laboratory-Based Report of Childhood Lead Poisoning (Repealed)
845.EXHIBIT B	Instructions for Submitting Follow-Up Data for Children With Blood Lead Levels $\geq 15$ mcg/dL (Repealed)
845.APPENDIX B	Information Agreement (Repealed)

AUTHORITY: Implementing and authorized by the Lead Poisoning Prevention Act [410 ILCS 45].

SOURCE: Adopted July 15, 1976; amended at 2 Ill. Reg. 43, effective October 23, 1978; rules repealed; new rules adopted and codified at 6 Ill. Reg. 14849, effective November 24, 1982; amended at 7 Ill. Reg. 7652, effective June 14, 1983; amended at 8 Ill. Reg. 8242, effective May 25, 1984; amended at 10 Ill. Reg. 5138, effective April 1, 1986; amended at 17 Ill. Reg. 1884, effective February 1, 1993; amended at 19 Ill. Reg. 238, effective December 31, 1994; amended at 21 Ill. Reg. 7444, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 14680, effective October 31, 1997, for a maximum of 150 days; emergency amendment modified in response to JCAR objection at 22 Ill. Reg. 6252; amended at 22 Ill. Reg. 16000, effective August 20, 1998; amended at 24 Ill. Reg. 11974, effective July 26, 2000; old Part repealed at 32 Ill. Reg. 19019, and new Part adopted at 32 Ill. Reg. 19023, effective November 25, 2008; amended at 43 Ill. Reg. 2440, effective February 8, 2019; emergency amendment at 44 Ill. Reg. 6130, effective March 31, 2020, for a maximum of 150 days.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

## SUBPART A: GENERAL PROVISIONS

**Section 845.1 COVID-19 Emergency Provisions**  
**EMERGENCY**

Due to the public health emergency related to the COVID-19 outbreak, the following shall apply to this Part:

- a) The license renewal and current certificate deadlines set forth in Sections 845.125(c), 845.125(d) and 845.130(b) are extended to August 28, 2020;
- b) The case management measures set forth in Section 845.80 are modified so that the required interviews and home visits shall be conducted by means other than in person meetings, such as by telephone, when practicable;
- c) The environmental follow-up measures set forth in Section 845.85 are modified so that the required follow-up shall be conducted by means other than in person inspections, such as by telephone interviews, when practicable.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 6130, effective March 31, 2020, for a maximum of 150 days)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Asbestos Abatement for Public and Private Schools and Commercial and Public Buildings in Illinois
- 2) Code Citation: 77 Ill. Adm. Code 855
- 3) Section Number: 855.1                      Emergency Action: New Section
- 4) Statutory Authority: Asbestos Abatement Act [105 ILCS 105] and the Commercial and Public Building Asbestos Abatement Act [225 ILCS 207].
- 5) Effective Date of Rule: March 31, 2020
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which they are to expire: This rulemaking will not expire before the end of the 150-day period.
- 7) Date Filed with the Index Department: March 31, 2020
- 8) A copy of the emergency rule, 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: This emergency rule is adopted in response to Governor JB Pritzker's Gubernatorial Disaster Proclamations issued during 2020 related to COVID-19.  
  
Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45] defines "emergency" as "the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare." The COVID-19 outbreak in Illinois is a significant public health crisis that warrants these emergency rules.
- 10) A Complete Description of the Subject and Issues: This emergency rule extends license renewal dates for the asbestos program.
- 11) Are there any other rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking will not create or expand a State mandate.
- 13) Information and questions regarding this emergency rule shall be directed to:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

Erin Conley  
Rules Coordinator  
Division of Legal Services  
Illinois Department of Public Health  
535 W. Jefferson St., 5<sup>th</sup> floor  
Springfield IL 62761

217/782-2043  
[dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER p: HAZARDOUS AND POISONOUS SUBSTANCE

PART 855  
ASBESTOS ABATEMENT FOR PUBLIC AND PRIVATE  
SCHOOLS AND COMMERCIAL AND PUBLIC BUILDINGS IN ILLINOIS

SUBPART A: GENERAL PROVISIONS

Section

855.1 COVID-19 Emergency Provisions  
EMERGENCY

- 855.5 Applicability
- 855.10 Incorporation by Reference-Federal Regulations and Other Standards
- 855.20 Definitions
- 855.25 Alternative Procedures and Variances

SUBPART B: LICENSURE AND TRAINING COURSE APPROVAL

Section

- 855.100 License Requirements
- 855.110 Contractor Licensing
- 855.120 Training Course Approval and Accreditation

SUBPART C: RESPONSIBILITIES OF LICENSED PERSONS

Section

- 855.140 Supervisor Responsibilities
- 855.150 Project Designer Responsibilities
- 855.160 Management Planner Responsibilities
- 855.170 Project Manager Responsibilities, Air Sampling Professional Responsibilities and Laboratory Services

SUBPART D: GENERAL ABATEMENT REQUIREMENTS  
FOR COMMERCIAL AND PUBLIC BUILDINGS

Section

- 855.220 Notification and Procedures for Abatement of Asbestos in Commercial and Public

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

- Buildings  
855.230 Equipment and Waste Container Removal Procedures  
855.240 Reestablishment of the Work Area and HVAC Systems in Commercial and Public Buildings

SUBPART E: LOCAL EDUCATIONAL AGENCY RESPONSIBILITIES  
AND STANDARDS FOR ABATEMENT

- Section  
855.300 Local Education Agency (LEA) Requirements  
855.310 Procedures for School Inspections and Reinspections  
855.325 Management Plan  
855.330 Operations and Maintenance  
855.350 Submissions and Notices  
855.360 Demolition of a School Building  
855.370 Workplace Entry and Exit Procedures  
855.380 Building Protection  
855.390 Materials and Equipment  
855.400 Work Area Preparation  
855.410 Worker Decontamination Enclosure System  
855.420 Remote Decontamination Enclosure System  
855.425 Equipment Decontamination Enclosure System  
855.430 Separation Barriers  
855.440 Maintenance of Decontamination Enclosure Systems and Workplace Barriers  
855.450 Commencement of Work  
855.460 Removal Procedures  
855.465 Cleanup Procedures  
855.470 Clearance Air Monitoring and Analysis  
855.475 Disposal Procedures  
855.480 Glovebag Procedures  
855.490 Response Contractor Indemnification Fund  
855.500 Encapsulation Procedures for Schools  
855.510 Enclosure Procedures for Schools  
855.520 Reestablishment of the Work Area and HVAC Systems in Schools

SUBPART F: FINES, PENALTIES, ADMINISTRATIVE HEARINGS AND  
EMERGENCY STOP WORK ORDERS

Section

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

855.600	Adverse Licensure Action
855.610	Fines and Penalties
855.620	Administrative Hearings
855.630	Emergency Stop Work Orders for Commercial and Public Buildings
855.640	Emergency Stop Work Orders for Schools
855.APPENDIX A	Illustration – Project Form
855.ILLUSTRATION A	Worker and Equipment Decontamination Systems
855.APPENDIX B	Illustrations – Inspection and Management Plan Forms
855.ILLUSTRATION A	Building Inspection for Friable and Nonfriable Materials
855.ILLUSTRATION B	Inspection Report Form
855.ILLUSTRATION C	Sampling Area Diagram (Ceiling and Floor)
855.ILLUSTRATION D	Sampling Area Diagram (Boiler Room)
855.ILLUSTRATION E	Random Sampling Table
855.ILLUSTRATION F	Irregularly Shaped Random Sampling Area
855.ILLUSTRATION G	Regular Shaped Random Sampling Area
855.ILLUSTRATION H	Protocol for Asbestos Management Plan
855.ILLUSTRATION I	Outline for Asbestos Management Plan

**AUTHORITY:** Authorized by and implementing the Asbestos Abatement Act [105 ILCS 105] and the Commercial and Public Building Asbestos Abatement Act [225 ILCS 207].

**SOURCE:** Adopted at 9 Ill. Reg. 19052, effective November 29, 1985; amended at 10 Ill. Reg. 14800, effective September 12, 1986; emergency amendments at 12 Ill. Reg. 4357, effective February 5, 1988, for a maximum of 150 days; emergency expired July 4, 1988; amended at 13 Ill. Reg. 2768, effective February 16, 1989; amended at 13 Ill. Reg. 17029, effective November 1, 1989; emergency amendments at 14 Ill. Reg. 335, effective January 1, 1990, for a maximum of 150 days; emergency expired May 30, 1990; amended at 14 Ill. Reg. 172, effective July 20, 1990; old Part repealed, new Part adopted at 23 Ill. Reg. 4010, effective March 12, 1999; emergency amendment at 44 Ill. Reg. 6136, effective March 31, 2020, for a maximum of 150 days.

## SUBPART A: GENERAL PROVISIONS

**Section 855.1 COVID-19 Emergency Provisions**  
**EMERGENCY**

Due to the public health emergency related to the COVID-19 outbreak, the following shall apply to this Part: The license renewal, training course accreditation, and current course certificate

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

deadlines set forth in Sections 855.100(b), 855.110(c) and 855.120(o) are extended to August 28, 2020.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 6136, effective March 31, 2020, for a maximum of 150 days)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Private Sewage Disposal Code
- 2) Code Citation: 77 Ill. Adm. Code 905
- 3) Section Number: 905.1                      Emergency Action:  
New Section
- 4) Statutory Authority: Private Sewage Disposal Licensing Act [225 ILCS 225]
- 5) Effective Date of Rule: March 31, 2020
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which they are to expire: This rulemaking will not expire before the end of the 150-day period.
- 7) Date Filed with the Index Department: March 31, 2020
- 8) A copy of the emergency rule, 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: This emergency rule is adopted in response to Governor JB Pritzker's Gubernatorial Disaster Proclamations issued during 2020 related to COVID-19.  
  
Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45] defines "emergency" as "the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare." The COVID-19 outbreak in Illinois is a significant public health crisis that warrants these emergency rules.
- 10) A Complete Description of the Subject and Issues: This emergency rule extends license and certification renewal dates for portable sanitation businesses and technicians.
- 11) Are there any other rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking will not create or expand a State mandate.
- 13) Information and questions regarding this emergency rule shall be directed to:

Erin Conley

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

Rules Coordinator  
Division of Legal Services  
Illinois Department of Public Health  
535 W. Jefferson St., 5<sup>th</sup> floor  
Springfield IL 62761

217/782-2043  
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The full text of the Emergency Amendment begins on the next page:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER r: WATER AND SEWAGEPART 905  
PRIVATE SEWAGE DISPOSAL CODE

## Section

[905.1 COVID-19 Emergency Provisions](#)[EMERGENCY](#)

905.10	Definitions
905.15	Incorporated and Referenced Materials
905.20	General Requirements
905.30	Approved Private Sewage Disposal Systems
905.40	Septic Tanks
905.50	Distribution Boxes
905.55	Subsurface Seepage System Design Requirements
905.60	Subsurface Seepage System Construction Requirements
905.70	Buried Sand Filters
905.80	Re-circulating Sand Filter
905.90	Waste Stabilization Ponds
905.95	Illinois Raised Filter Bed
905.96	Peat Filter Systems
905.100	Aerobic Treatment Plants and NSF International/ANSI Standard 40 Wastewater Treatment Systems
905.110	Effluent Discharges
905.115	NPDES Permit Compliance
905.120	Disinfection
905.125	Pumps, Pumping/Dosing Chambers, and Ancillary Equipment
905.130	Human Waste Disposal
905.135	Portable Sanitation
905.140	Holding Tanks
905.150	Sanitary Dump Stations
905.160	Swimming Pool Wastewater
905.170	Servicing, Cleaning, Transporting and Disposing of Wastes from Private Sewage Disposal Systems
905.180	Examinations for Licensure
905.190	Installation Approval
905.200	Licenses and Fees

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

905.205	Civil Penalties and Time Allowances for Corrective Action
905.210	Notification of Disposal Site (Repealed)
905.APPENDIX A	Illustrations and Exhibits
905.ILLUSTRATION A	Quantity of Sewage Flows
905.ILLUSTRATION B	Approved Plastic Pipe Materials (Repealed)
905.ILLUSTRATION C	List of Approved Plastic Pipe for Private Sewage Disposal System
905.ILLUSTRATION D	Location of Components of Private Sewage Disposal Systems
905.ILLUSTRATION E	Septic Tanks
905.EXHIBIT A	Septic Tank with Slip-In Baffles
905.EXHIBIT B	Septic Tank with T-Baffles
905.EXHIBIT C	Typical Gas Deflection Devices
905.ILLUSTRATION F	Minimum Volumes for Septic Tanks Serving Residential Units
905.ILLUSTRATION G	Instructions for Conducting Percolation Tests
905.ILLUSTRATION H	Subsurface Seepage System Size Determination
905.EXHIBIT A	Gravel System
905.EXHIBIT B	Gravelless System
905.ILLUSTRATION I	Seepage Field Construction
905.EXHIBIT A	Gravel System
905.EXHIBIT B	Size and Spacing – Gravel System
905.EXHIBIT C	Gravelless and Chamber System
905.EXHIBIT D	Spacing – Gravelless and Chamber Systems
905.EXHIBIT E	Chamber Sizing Requirements
905.ILLUSTRATION J	Septic Tank Subsurface Seepage Field
905.EXHIBIT A	Plan View – Gravel System
905.EXHIBIT B	Section View – Gravel System
905.EXHIBIT C	Plan View – Gravelless and Chamber System
905.EXHIBIT D	Section View – Gravelless and Chamber System
905.ILLUSTRATION K	Serial Distribution
905.EXHIBIT A	Plan View #1 – Gravel System
905.EXHIBIT B	Section View #1 – Gravel System
905.EXHIBIT C	Plan View #2 – Gravel System
905.EXHIBIT D	Section View #2 – Gravel System
905.EXHIBIT E	Plan View #1 – Gravelless System
905.EXHIBIT F	Section View #1 – Gravelless System
905.EXHIBIT G	Plan View #2 – Gravelless System

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

905.EXHIBIT H	Section View #2 – Gravelless System
905.ILLUSTRATION L	Seepage Bed
905.EXHIBIT A	Plan View
905.EXHIBIT B	Side View
905.EXHIBIT C	End View
905.ILLUSTRATION M	Soil Suitability for On-Site Sewage Design
905.EXHIBIT A	Loading Rates in Square Feet Per Bedroom and Gallons/Square Feet/Day
905.EXHIBIT B	Key for Determining Sewage Loading Rates (Gallons/Square Foot/Day)
905.ILLUSTRATION N	Buried Sand Filter
905.EXHIBIT A	Plan View
905.EXHIBIT B	Section View
905.EXHIBIT C	End View
905.ILLUSTRATION O	Recirculating Sand Filter System
905.EXHIBIT A	System Diagram
905.EXHIBIT B	Flow Splitter Detail
905.ILLUSTRATION P	Recirculating Sand Filter Sizing Chart
905.ILLUSTRATION Q	Recirculating Tank Pump Control
905.ILLUSTRATION R	Waste Stabilization Pond
905.EXHIBIT A	Plan View
905.EXHIBIT B	Section View
905.EXHIBIT C	Waste Stabilization Pond Surface Area in Square Feet
905.ILLUSTRATION S	Chlorine Contact Tank
905.EXHIBIT A	Minimum Required Chlorine Contact Tank Volume
905.EXHIBIT B	Chlorine Feeder, Contact Tank, and Sampling Port
905.ILLUSTRATION T	Sanitary and Concrete Vault Privy
905.ILLUSTRATION U	Septic Privy Distribution System
905.EXHIBIT A	Plan View
905.EXHIBIT B	Section View
905.ILLUSTRATION V	Sanitary Dump Station
905.EXHIBIT A	Section View #1
905.EXHIBIT B	Plan View
905.EXHIBIT C	Section View #2
905.ILLUSTRATION W	Swimming Pool Backwash Water Holding Tank
905.ILLUSTRATION X	Illinois Raised Filter Bed
905.EXHIBIT A	Sizing Requirements
905.EXHIBIT B	Batch Treatment Aeration Tank Design

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

	Requirements
905.EXHIBIT C	Filter Bed Cross Section (Side View)
905.EXHIBIT D	Filter Bed Cross Section (End View)
905.EXHIBIT E	Sizing Requirements Using Soils Investigation Information
905.APPENDIX B	Contact Information for the Central and Regional Offices

AUTHORITY: Implementing and authorized by the Private Sewage Disposal Licensing Act [225 ILCS 225].

SOURCE: Filed October 19, 1974, effective October 25, 1974; rules repealed, new rules adopted at 6 Ill. Reg. 3095, effective March 9, 1982; amended at 8 Ill. Reg. 8552, effective June 4, 1984; codified at 8 Ill. Reg. 19821; amended at 9 Ill. Reg. 20738, effective January 3, 1986; amended at 10 Ill. Reg. 11054, effective July 1, 1986; amended at 20 Ill. Reg. 2431, effective March 15, 1996; amended at 23 Ill. Reg. 5080, effective April 10, 1999; amended at 27 Ill. Reg. 3074, effective February 10, 2003; amended at 37 Ill. Reg. 14994, effective August 28, 2013; emergency amendment at 44 Ill. Reg. 6142, effective March 31, 2020, for a maximum of 150 days.

**Section 905.1 COVID-19 Emergency Provisions**  
**EMERGENCY**

Due to the public health emergency related to the COVID-19 outbreak, the following shall apply to this Part:

- a) The license renewal deadline for portable sanitation business licenses set forth in Section 905.135(e) is extended to August 28, 2020;
- b) The certification renewal deadline for portable sanitation technician certifications set forth in Section 905.135(l) is extended to August 28, 2020;
- c) The certification deadline for portable sanitation technician certifications set forth in Section 905.135(g)(3) is extended to August 28, 2020.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 6142, effective March 31, 2020, for a maximum of 150 days)

## OFFICE OF THE SECRETARY OF STATE

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Illinois Library System Act
- 2) Code Citation: 23 Ill. Adm. Code 3030
- 3) Section Number: 3030.200                      Emergency Action:  
Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Library System Act [75 ILCS 10].
- 5) Effective Date of Rule: April 6, 2020
- 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: The emergency amendment will expire at the end of the 150-day period.
- 7) Date Filed with the Index Department: April 6, 2020
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file at the Illinois State Library and is available for public inspection.
- 9) Reason for Emergency: Section 3030.200 (a)(2)(I) stipulates that libraries shall complete, on an annual basis, the certification process required for library system membership. Due to the Covid-19 pandemic, certification for calendar year 2020 is suspended because libraries are closed, and unable to respond to their library system on certification process.
- 10) A Complete Description of the Subjects and Issues Involved: Because of the uncertainty of the duration of the Gubernatorial Disaster Proclamation, it is difficult for public, school, academic and special libraries to participate in the certification process. When libraries reopen, there are other issues besides annual certification for libraries to attend to, and requiring certification could be an undue burden in the aftermath of a public health crisis.
- 11) Are there any other rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: The primary policy objective of this emergency rulemaking is to adequately administer the Illinois Library System Act.

OFFICE OF THE SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

- 13) Information and questions regarding this emergency rule shall be directed to:

Joseph Natale  
Chief Deputy Director  
Illinois State Library  
Gwendolyn Brooks Building  
Springfield IL 62701-1796

217/558-4185  
jnatale@ilsos.net

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

## OFFICE OF THE SECRETARY OF STATE

## NOTICE OF EMERGENCY AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE B: CULTURAL RESOURCES  
CHAPTER I: SECRETARY OF STATEPART 3030  
THE ILLINOIS LIBRARY SYSTEM ACT

## SUBPART A: PURPOSE AND DEFINITIONS

Section	
3030.100	Purpose
3030.110	Definitions

## SUBPART B: MULTITYPE LIBRARY SYSTEM

Section	
3030.200	Membership in a Multitype Library System
<a href="#">EMERGENCY</a>	
3030.205	Changes in Multitype Library System Membership Status
3030.210	Establishment of Systems
3030.215	Standards for Core Services to Members
3030.225	Geographic Boundaries and Demographics
3030.230	Adjustment of the Geographic Boundaries of Multitype Library Systems
3030.235	Mergers
3030.240	Liquidation
3030.245	Revocation of Approval
3030.250	Board of Directors Requirements
3030.255	Board of Directors Policies
3030.260	Finances and Records
3030.265	Annual Application
3030.270	Annual System Report

## SUBPART C: PUBLIC LIBRARY SYSTEM

Section	
3030.300	Membership in a Public Library System
3030.310	Establishment of Systems
3030.315	Standards for Core Services
3030.325	Revocation of Approval

## OFFICE OF THE SECRETARY OF STATE

## NOTICE OF EMERGENCY AMENDMENT

3030.330	Board of Directors Requirements
3030.335	Board of Directors Policies
3030.340	Finances and Records
3030.345	Annual Application
3030.350	Annual System Report

## SUBPART D: APPEALS PROCEDURES

## Section

3030.400	Hearing
3030.410	Administrative Review of State Librarian's Decision in Contested Cases
3030.420	Notice of Hearing
3030.430	Conduct of Hearing
3030.440	Motions
3030.450	Order of the Hearing
3030.455	Authority of Administrative Law Judge
3030.460	Record of the Hearing
3030.470	Oral Proceedings
3030.480	Findings of Fact
3030.490	Rules of Evidence; Official Notice
3030.495	Decisions and Orders

3030.EXHIBIT A ILLINET Interlibrary Load Code

**AUTHORITY:** Implementing and authorized by the Illinois Library System Act [75 ILCS 10].

**SOURCE:** Rules and Regulations for Library Systems and State Aid, November 8, 1965; rules repealed, new rules adopted and codified at 8 Ill. Reg. 16914, effective September 4, 1984; amended at 13 Ill. Reg. 1244, effective January 15, 1989; amended at 14 Ill. Reg. 20066, effective December 1, 1990; amended at 16 Ill. Reg. 10329, effective June 12, 1992; emergency amendment at 17 Ill. Reg. 9725, effective June 11, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 12449, effective July 15, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 21187, effective November 23, 1993; amended at 17 Ill. Reg. 22048, effective December 14, 1993; amended at 18 Ill. Reg. 7452, effective May 3, 1994; expedited correction at 18 Ill. Reg. 13154, effective May 3, 1994; amended at 20 Ill. Reg. 3909, effective February 16, 1996; emergency amendment at 21 Ill. Reg. 4853, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 11774, effective August 11, 1997; amended at 26 Ill. Reg. 5969, effective July 1, 2002; amended at 28 Ill. Reg. 7666, effective June 1, 2004; amended at 31 Ill. Reg. 16273, effective November 20, 2007; amended at 32 Ill. Reg. 9635, effective June 23,

## OFFICE OF THE SECRETARY OF STATE

## NOTICE OF EMERGENCY AMENDMENT

2008; amended at 36 Ill. Reg. 12377, effective July 18, 2012; old Part repealed at 39 Ill. Reg. 5137 and new Part adopted at 39 Ill. Reg. 5140, effective March 20, 2015; emergency amendment at 44 Ill. Reg. 6148, effective April 6, 2020, for a maximum of 150 days.

## SUBPART B: MULTITYPE LIBRARY SYSTEM

**Section 3030.200 Membership in a Multitype Library System**  
**EMERGENCY**

- a) Libraries may apply for full membership in a library system at any time. The library system may not charge an application fee to the applying library or an annual membership fee. As part of the application process, a site visit by a system staff member to the applicant library is required. Membership criteria specified in this Section must be met by applicants.
  - 1) Upon recommendation of the library system board of directors, the State Librarian shall review the recommendation of the library system board in approving an application of a library for full membership in a library system when the library is located within the geographic boundaries of the library system and meets the following criteria for membership:
    - A) A library applying for membership in a library system shall be an entity that meets the definition of "library" in Section 3030.110 and the definition of academic, public, school or special library.
    - B) A public library that is applying for membership in any library system shall meet the definition of public "library" in Section 3030.110 and shall meet the financial requirements for State per capita grants to public libraries as stated in Section 8.1 of the Act.
    - C) A public school district that is applying for membership in any library system shall meet the requirements for school library grants specified in Section 8.4 of the Act. The governing authority of an elementary/secondary or consolidated school district or the governing authority of private elementary and/or secondary schools shall authorize the application for system membership.

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- D) The governing authority of an academic institution recognized by the Illinois Board of Higher Education shall authorize an application for its academic library.
  - E) The governing authority of a special library shall authorize the application for library system membership. The applicant library shall agree to participate in interlibrary loan.
  - F) In special circumstances, the library system board may, with concurrence from the State Librarian, accept libraries as full members with special noncirculating research collections.
- 2) Once membership status is approved, the following requirements apply to all full members except when otherwise specific in this subsection (a):
- A) The library is entitled to the library system services for which it meets system requirements.
  - B) The library shall meet the primary information needs of the library's primary clientele. The library shall build and maintain collections of books, serials, media and electronic resources sufficient to meet the needs of its primary clientele.
  - C) The library must comply with the ILLINET Interlibrary Loan Code (see Exhibit A), making its collection available via interlibrary loan. The library shall share its collection with the patrons of other full member libraries as freely and easily as permitted by law, this Part and the system resource sharing plan, treating patrons of all other libraries the same. To facilitate resource sharing, the library shall publish its lending and borrowing policies in all appropriate directories. The library shall provide sufficient staff to fulfill interlibrary loan requests and prepare materials in compliance with system delivery policies and practices. An exception to compliance with the code may be granted by the State Librarian and library system to special research libraries with noncirculating collections.

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- D) The library shall participate in appropriate resource sharing training provided or facilitated by the library system staff or the Illinois State Library.
- E) The library shall provide reciprocal access to its library resources, according to the library system's resource sharing plan.
- F) A public library member shall provide reciprocal borrowing to registered patrons of other public libraries who are full members of the same Illinois library system. Public libraries shall circulate various materials to eligible reciprocal borrowers under the same conditions that they circulate those materials to their own patrons. Limitations in reciprocal borrowing, if any, must not exceed limitations approved in the system's resource sharing plan and must be imposed equally among all reciprocal borrowing patrons. If the library participates in the nonresident program, the library shall honor library cards issued to nonresidents by participating public libraries within the same system.
- G) The library is eligible to vote for representatives on the library system Board of Directors, and a representative of the library may serve on the library system Board of Directors.
- H) The library shall participate in the system decisionmaking process through involvement in meetings, responding to surveys, board membership and serving on committees.
- I) The library shall complete, on an annual basis, the certification process required for library system membership. [Due to the COVID-19 pandemic, certification for calendar year 2020 is suspended.](#)
- J) A public library shall complete the public library annual report required in Section 7 of the State Library Act.
- K) A public library member shall regularly assess possibilities for library service to adjacent unserved areas, if any.

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- L) The library shall evaluate its need for upgrades to automated discovery tools.
  - M) The library shall consider participation in a Local Library System Automation Program in order to readily expand access to resources for the library's patrons. A library participating in a shared integrated library system shall be responsible for all policy and assessed financial requirements associated with participation in the program.
  - N) The library shall, within seven years from the effective date of this Part, evaluate and report to the library system regarding the library's plans to provide and maintain access to its new acquisitions via a Local Library System Automation Program or a shared bibliographic database, if such access is not already available via a shared database.
  - O) The library shall complete the Illinois State Library's annual survey of interlibrary loan traffic by the specified deadline.
  - P) The library shall abide by established system policies for the resolution of problems and conflicts associated with resource sharing.
  - Q) The library shall comply with all applicable State statutes and administrative rules, and with the system's bylaws, policies and plan of service.
  - R) Violations of any of the requirements of subsection (a)(2) may be grounds for suspension of system membership.
- b) Phasing Out of Developmental Library Membership Status
- 1) No applications for new developmental libraries shall be approved, as of the effective date of this Part.
  - 2) Existing developmental libraries, as of the effective date of this Part, will have a maximum of five years to meet the full membership criteria.

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- 3) All developmental libraries shall complete, on an annual basis, the certification process required by the State Librarian. Each year, as part of the annual certification, the library shall submit a developmental progress plan, for review by the library system and State Librarian, that sets forth the library's annual goals and explains how the library will meet the criteria for membership in the library system. The library system board and the State Librarian will review the progress plan and make a joint determination about whether progress has been made and if membership criteria specified for full member libraries has been reached.
  - 4) Failure to make annual progress or failure to address full membership criteria by the end of the five consecutive years will be grounds for suspension of system membership as specified in Section 3030.205.
  - 5) A developmental member library is eligible for library system communications and assistance from library system staff in addressing full membership criteria.
  - 6) A developmental library is entitled to apply for specified grants (see 23 Ill. Adm. Code 3035).
  - 7) Representatives from developmental libraries are not eligible for system board seats.
- c) No other category of system membership is recognized.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 6148, effective April 6, 2020, for a maximum of 150 days)

## OFFICE OF THE SECRETARY OF STATE

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Illinois State Library Grant Programs
- 2) Code Citation: 23 Ill. Adm. Code 3035
- 3) Section Number: 3035.520                      Emergency Action:  
Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Library System Act [75 ILCS 10], the State Library Act [15 ILCS 320], the Illinois Literacy Act [15 ILCS 322], the Federal Library Services and Technology Act (20 USC 9141), the Accessible Electronic Information Act [15 ILCS 323] and 36 CFR 701.10, and Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3].
- 5) Effective Date of Rule: April 6, 2020
- 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: The emergency amendment will expire at the end of the 150-day period.
- 7) Date Filed with the Index Department: April 6, 2020
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file at the Illinois State Library and is available for public inspection.
- 9) Reason for Emergency: Because of public library closures around the State due to the Gubernatorial Disaster Proclamation, an extension of the deadline for public library construction act grants applications is be extended from April 15, 2020 to June 15, 2020.
- 10) A Complete Description of the Subjects and Issues Involved: Section 3030.520(f) stipulates, "In Fiscal Year 2013 and in subsequent fiscal years, grant applications are due on April 15 prior to the fiscal year in which a grant award will be made". Due to Executive Order Number in Response to COVID-19 (2020-18), which extended the statewide stay-at-home order, public library staffs, trustees and others working on a grant application would find it difficult to put a grant application together by that deadline due to social distancing and if they are unable to meet and work with each other and other parties and gather the documentation required in this Part to submit along with a construction grant application by the prescribed deadline. Extending the deadline to June 15, 2020 within the 150 days allowed by emergency rule should provide the necessary time to complete and submit an application to the Illinois State Library.

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NOTICE OF EMERGENCY AMENDMENT

- 11) Are there any other rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: The primary policy objective of this emergency rule is to adequately administer the Public Library Grant program.
- 13) Information and questions regarding this emergency rule shall be directed to:

Joseph Natale  
Chief Deputy Director  
Illinois State Library  
Gwendolyn Brooks Building  
Springfield IL 62701-1796

217/558-4185  
jnatale@ilsos.net

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

OFFICE OF THE SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE B: CULTURAL RESOURCES  
CHAPTER I: SECRETARY OF STATE

PART 3035  
ILLINOIS STATE LIBRARY GRANT PROGRAMS

SUBPART A: STATE GRANTS

Section	
3035.10	Definitions
3035.100	System Area and Per Capita Grants
3035.105	Library System Technology Grants
3035.110	Special Library Services to Persons with a Print Disability
3035.115	Public Library Per Capita and Equalization Aid Grants
3035.120	School District Library Grant Program
3035.125	Library Grants for Veterans' Homes
3035.130	Educate & Automate Automation/Technology Grants
3035.135	Requirements, Denial and Revocation of Approval
3035.140	Grants, Expenditures and Audits
3035.150	Appeal Procedure

SUBPART B: LITERACY GRANT PROGRAM

Section	
3035.200	Purpose
3035.210	Definitions
3035.220	Application for Grant
3035.230	Review of Grant Applications
3035.240	Award of Grants, Accountability and Recordkeeping
3035.250	Cancellation of Grant
3035.260	Fiscal Procedures
3035.270	Other Requirements (Repealed)
3035.280	Penny Severns' Grant Program (Repealed)

SUBPART C: SCHOLARSHIP PROGRAM GRANTS

Section	
3035.300	Purpose

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3035.310	Definitions
3035.320	Number and Amount of Scholarship Program Grants
3035.330	Illinois Library Schools and Attendance Requirements
3035.340	Eligibility Requirements
3035.350	Application Process
3035.360	Selection of Scholarship Program Grantees
3035.370	Conditions of Scholarship Program Grants

## SUBPART D: LIVE AND LEARN CONSTRUCTION GRANTS

Section	
3035.400	Purpose
3035.410	Definitions
3035.420	Duty to Administer
3035.430	Priorities in Library Grant Construction Proposals
3035.435	Grant Funding Limitations
3035.440	Additional Grant Funds
3035.450	Grant Application Procedure
3035.460	Requirements and Conditions of Grant Funds
3035.470	Remodeling for Accessibility
3035.480	Shared Use Facilities
3035.490	Disbursement of Grant Funds

## SUBPART E: PUBLIC LIBRARY CONSTRUCTION ACT GRANTS

Section	
3035.500	Purpose
3035.510	Definitions
3035.515	Eligibility Requirements
3035.520	Grant Applications
<u>EMERGENCY</u>	
3035.525	Priority of Public Library Construction Act Projects
3035.530	Grant Amounts and Use
3035.535	Grant Awards
3035.540	Supervision of Public Library Construction Act Projects
3035.550	Carry-over Projects
3035.555	Referendum Requirements
3035.560	Public Library Capital Needs Assessment
3035.565	Public Library Site Selection

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- 3035.570 Eligible Project Costs
- 3035.575 General Standards and Guidelines for the Appropriate Utilization of Bond Proceeds
- 3035.580 Standardized Definitions and Guidelines
- 3035.585 Limitations on Expenditures of Bond Proceeds

## SUBPART F: TALKING BOOK AND BRAILLE SERVICE (TBBS)

## Section

- 3035.600 Purpose
- 3035.610 Definitions
- 3035.620 Eligibility
- 3035.630 Application for Service
- 3035.640 Application for Grant
- 3035.650 Provision of Information Transmission Services
- 3035.660 Remittance for Information Transmission Services

## SUBPART G: LIBRARY SERVICES AND TECHNOLOGY ACT GRANTS (LSTA)

## Section

- 3035.700 Purpose
- 3035.710 Definitions
- 3035.720 Duty to Administer
- 3035.730 Grant Application and Awards

3035.EXHIBIT A Differences Among the Three Types of Literacy Grant Programs

3035.EXHIBIT B Guidelines for Rating Life Safety/Legal Issues (Repealed)

**AUTHORITY:** Implementing and authorized by the Illinois Library System Act [75 ILCS 10], the State Library Act [15 ILCS 320], the Illinois Literacy Act [15 ILCS 322], the federal Library Services and Technology Act (20 USC 9141), the Accessible Electronic Information Act [15 ILCS 323] and 36 CFR 701.10, and Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420].

**SOURCE:** Adopted at 31 Ill. Reg. 16310, effective November 20, 2007; amended at 32 Ill. Reg. 9666, effective June 23, 2008; amended at 33 Ill. Reg. 4180, effective February 27, 2009; amended at 35 Ill. Reg. 18366, effective October 18, 2011; amended at 36 Ill. Reg. 12385, effective July 18, 2012; amended at 37 Ill. Reg. 4348, effective March 19, 2013; amended at 37 Ill. Reg. 18922, effective November 7, 2013; amended at 39 Ill. Reg. 5218, effective March 20,

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2015; amended at 40 Ill. Reg. 2808, effective January 22, 2016; amended at 44 Ill. Reg. 1990, effective January 7, 2020; emergency amendment at 44 Ill. Reg. 6157, effective April 6, 2020, for a maximum of 150 days.

## SUBPART E: PUBLIC LIBRARY CONSTRUCTION ACT GRANTS

**Section 3035.520 Grant Applications****EMERGENCY**

- a) For projects with a total cost equal to or greater than \$75,000, an architect or engineer licensed to practice in Illinois is required. The selection of an architect-engineer shall be in accordance with the Local Government Professional Services Selection Act [50 ILCS 510]. Public libraries are allowed to choose the architect and engineer for their public library construction projects. No project may be disapproved by the State Librarian solely due to a public library's selection of an architect or engineer as stipulated in this subsection.
- b) To qualify for and be eligible for a public library construction grant, public libraries shall apply to the State Librarian for public library construction project grants on the forms prepared and made available for this purpose. The grant application shall include these components:
  - 1) A service plan statement of no more than two pages that states:
    - A) How the project addresses one or more to the five levels of priority described in Section 15-30 of the Act.
    - B) The necessity for the proposed project.
    - C) Plans to meet Serving Our Public 3.0: Standards for Illinois Public Libraries (2014), incorporated by reference in Section 3035.115(a).
    - D) A description of the project's potential contribution to the improvement of library services within the library's area of service and in any other portions of the State.
  - 2) A public library facilities plan with the following components:

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- A) An examination of the present and future public library facility needs of present and anticipated public library programming. Library buildings are to be planned for 20 year population projection (for new construction, conversions and additions to buildings).
  - B) A site analysis, space needs assessment and project design.
  - C) How the library facility will provide access for the physically handicapped, as required in the Illinois Capital Development Board's Illinois Accessibility Code (71 Ill. Adm. Code 400) and shall display the symbol of accessibility.
- 3) Supporting Documentation
- A) A letter from the Illinois Historic Preservation Office evidencing compliance with the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420].
  - B) For new construction, additions and projects involving evacuation of soil:
    - i) Documentation stating whether the project site is located in a Special Flood Hazard Area (found at the Illinois State Water Survey's Illinois Floodplain Map website, <http://www.illinoisfloodmaps.org/>). If the project site is located in a Special Flood Hazard Area, the applicant shall submit an assurance letter from the Division of Water Resources of the Department of Natural Resources stating that the project meets the requirements of Executive Order 2006-5 regarding flood damages.
    - ii) A subsurface soil analysis by a soils engineer and environmental site assessment, if applicable.
    - iii) A site assessment by a licensed environmental/hazardous materials consultant to determine the existence of asbestos and/or lead paint. This assurance does not apply to new

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buildings unless demolition of existing buildings (other than residences) is necessary.

- C) Documentation that a deed of ownership or proof of long-term occupancy (20-year minimum) is or will be available to the public library. The deed or lease agreement shall include a legal description of the affected real estate. The building must remain in use as a public library facility for not less than 20 years after its construction unless other use is approved by the State Librarian.
  - D) Funding sources and cost estimates, including the availability of local financial resources, current revenues, fund balances, and unused bonding capacity, and a fiscal plan for meeting present and anticipated debt service obligations.
  - E) A timeline of major events, including dates of the letting of bids, groundbreaking, substantial completion, occupancy and dedication.
  - F) A maintenance plan and schedule that contains necessary assurances that new, renovated and existing facilities are being or will be properly maintained.
- c) Each public library that is determined to be eligible shall annually update its public library facilities plan and submit the revised plan to the State Librarian for approval.
  - d) Eligible libraries are qualified for a library construction project grant, but are not guaranteed receipt of a grant.
  - e) Grant applications are subject to the conditions stipulated in Section 3035.140.
  - f) In Fiscal Year 2013 and in subsequent fiscal years, grant applications are due on April 15 prior to the fiscal year in which a grant award will be made. In the case of a disaster described in Section 3035.525(a)(1), a library may submit an application for a Public Library Construction Act grant at any time. [Due to the changes in normal operations necessary for compliance with Gubernatorial Proclamations in response to COVID-19 and ensuing Executive Orders, for calendar year 2020, applications are due on June 15, 2020.](#)

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- g) In all projects in which the acquisition of property is pending as permitted in Section 3035.565(c), supporting documentation related to the project site shall be provided before a grant award is made.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 6157, effective April 6, 2020, for a maximum of 150 days)

## ILLINOIS STATE POLICE

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Firearm Owners Identification Card Act
- 2) Code Citation: 20 Ill. Adm. Code 1230
- 3) Section Number: 1230.30                      Emergency Action: Amendment
- 4) Statutory Authority: Implementing and authorized by the Firearm Owners Identification Card Act [430 ILCS 65] and authorized by Section 2605-120 of the Civil Administrative Code of Illinois [20 ILCS 2605].
- 5) Effective Date of Emergency Rule: April 6, 2020
- 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 rulemaking is not set to expire before the end of the 150-day period. This rulemaking is set to expire at the end of the 180-day period in accordance with the Illinois Administrative Procedure Act [5 ILCS 100/5-45(gg)].
- 7) Date Filed with the Index Department: April 6, 2020
- 8) A copy of the emergency rule, 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: The General Assembly finds that the adoption of rules to regulate Firearm Owners Identification Cards is deemed an emergency necessary for the public interest, safety, and welfare [430 ILCS 65].
- 10) A Complete Description of the Subjects and Issues Involved: The regulations implement the Firearm Owners Identification Card Act [430 ILCS 65-1] by establishing an application process for individuals subject to regulation under the Act, setting forth a renewal process, mechanisms for sponsorship of minors, and guidelines for return and revocation. Additionally, the regulations implement an appeal process for licensees and applicants to formally challenge determinations of the Department. Finally, the regulations create a procedure to determining clear and present danger.
- 11) Are there any rules to this Part pending? No

ILLINOIS STATE POLICE

NOTICE OF EMERGENCY AMENDMENT

- 12) Statement of Statewide Policy Objective: These rules will not require a local government to establish, expend, or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 13) Information and questions regarding this emergency rule shall be directed to:

Ms. Yvette C. Loizon  
Chief Legal Counsel  
Illinois State Police  
801 South 7<sup>th</sup> Street, Suite 1000-S  
Springfield IL 62703

217/782-7658

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

## ILLINOIS STATE POLICE

## NOTICE OF EMERGENCY AMENDMENT

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT  
CHAPTER II: ILLINOIS STATE POLICEPART 1230  
FIREARM OWNER'S IDENTIFICATION CARD ACT

## Section

- 1230.10 Definitions  
1230.20 Application Procedures  
1230.30 Duration and Renewal of Identification Card

EMERGENCY

- 1230.40 Sponsorship of a Minor  
1230.50 Return of FOID Card – Applicant  
1230.60 Return of Revoked FOID Card – Other  
1230.70 Appeal  
1230.80 Judicial Review (Repealed)  
1230.90 Certification (Repealed)  
1230.100 Reduction of Remittance (Repealed)  
1230.110 Retention of Remittance  
1230.120 Clear and Present Danger Reporting

- 1230.EXHIBIT A Application for Firearm Owner's Identification Card (Form FOID-1.2)  
(Repealed)  
1230.EXHIBIT B Certification (Repealed)

**AUTHORITY:** Implementing and authorized by the Firearm Owners Identification Card Act [430 ILCS 65] and authorized by Section 2605-120 of the Civil Administrative Code of Illinois [20 ILCS 2605].

**SOURCE:** Filed March 8, 1973; codified at 7 Ill. Reg. 9557; amended at 8 Ill. Reg. 21306, effective October 10, 1984; recodified from the Department of Law Enforcement to the Department of State Police at 10 Ill. Reg. 3279; amended at 17 Ill. Reg. 18856, effective October 18, 1993; amended at 22 Ill. Reg. 16629, effective September 8, 1998; amended at 27 Ill. Reg. 10308, effective June 26, 2003; amended at 38 Ill. Reg. 2301, effective December 31, 2013; emergency amendment at 44 Ill. Reg. 6166, effective April 6, 2020, for a maximum of 150 days.

**Section 1230.30 Duration and Renewal of Identification Card**EMERGENCY

## ILLINOIS STATE POLICE

## NOTICE OF EMERGENCY AMENDMENT

A FOID Card shall expire 10 years from the date of issuance. The first day of the month in which the related FOID Card Application was received is designated as the date of issuance for purposes of this Part. For the duration of the Gubernatorial Disaster Proclamation related to COVID-19 and for a period of 12 months following its termination by the Governor, any FOID Card that has expired or will expire shall remain valid provided that the submitted renewal application is completed accurately and in its entirety pursuant to the provisions of Section 4 of the Act and the applicant's FOID card is not subject to revocation pursuant to the provisions of Section 8 of the Act. Any FOID card renewed during the duration of the Gubernatorial Disaster Proclamation shall expire 10 years from the date of issuance.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 6166, effective April 6, 2020, for a maximum of 150 days)

## ILLINOIS STATE POLICE

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Firearm Concealed Carry Act Procedures
- 2) Code Citation: 20 Ill. Adm. Code 1231
- 3) Section Number: 1231.60                      Emergency Action: Amendment
- 4) Statutory Authority: Implements the Firearm Concealed Carry Act [430 ILCS 66] and authorized by Section 95 of that Act.
- 5) Effective Date of Emergency Rule: April 6, 2020
- 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 rulemaking is not set to expire before the end of the 150-day period. This rulemaking is set to expire at the end of the 180-day period in accordance with the Illinois Administrative Procedure Act [5 ILCS 100/5-45(gg)].
- 7) Date Filed with the Index Department: April 6, 2020
- 8) A copy of the emergency rule, 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: The General Assembly finds that the adoption of rules to regulate Firearm Concealed Carry Act is deemed an emergency necessary for the public interest, safety, and welfare [430 ILCS 66].
- 10) A Complete Description of the Subjects and Issues Involved: The regulations implement the Firearm Concealed Carry Act [430 ILCS 66-1] by establishing criteria for issuing a concealed carry license, setting forth qualifications required for eligibility, and creating an application process for individuals subject to regulation under the Act. Additionally, the regulations create a mechanism for law enforcement objections and an objection review process. The regulations also set forth mechanisms for renewal, change requests, a fee schedule prohibitions on concealed carry in certain locations and mechanisms for suspension, revocation and invalidation. Finally, the regulations establish an appeal process for licensees and applicants to formally challenge determinations of the Department.
- 11) Are there any rules to this Part pending? No

ILLINOIS STATE POLICE

NOTICE OF EMERGENCY AMENDMENT

- 12) Statement of Statewide Policy Objective: These rules will not require a local government to establish, expend, or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 13) Information and questions regarding this emergency rule shall be directed to:

Ms. Yvette C. Loizon  
Chief Legal Counsel  
Illinois State Police  
801 South 7<sup>th</sup> Street, Suite 1000-S  
Springfield IL 62703

217/782-7658

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

ILLINOIS STATE POLICE

NOTICE OF EMERGENCY AMENDMENT

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT  
CHAPTER II: ILLINOIS STATE POLICE

PART 1231  
FIREARM CONCEALED CARRY ACT PROCEDURES

SUBPART A: DEFINITIONS

Section  
1231.10 Definitions

SUBPART B: INSTRUCTOR AND CURRICULUM APPROVAL

1231.20 Instructor Approval  
1231.30 Instructor Approval Revocation  
1231.40 Curriculum Approval  
1231.50 Training Certification

SUBPART C: FIREARM CONCEALED CARRY LICENSURE

1231.60 Issuance of License  
EMERGENCY  
1231.70 Objections  
1231.80 Review Board  
1231.90 Qualifications for License  
1231.100 Application  
1231.110 Non-Resident Application  
1231.120 Renewal  
1231.130 Change Requests  
1231.140 Fees  
1231.150 Prohibited Areas  
1231.160 FCCL Suspension, Revocation and Invalidation  
1231.170 Appeals

SUBPART D: MISCELLANEOUS

1231.180 Law Enforcement Fingerprinting Registration  
1231.APPENDIX A Prohibited Area Posting

## ILLINOIS STATE POLICE

## NOTICE OF EMERGENCY AMENDMENT

1231.APPENDIX B      Prior Training Credit  
1231.APPENDIX C      Concealed Carry Firearm Training Certification Form (Repealed)

**AUTHORITY:** Implements the Firearm Concealed Carry Act [430 ILCS 66] and authorized by Section 95 of that Act.

**SOURCE:** Adopted by emergency rulemaking at 37 Ill. Reg. 15146, effective August 30, 2013, for a maximum of 150 days; adopted at 38 Ill. Reg. 2322, effective December 31, 2013; emergency amendment at 38 Ill. Reg. 9703, effective April 16, 2014, for a maximum of 150 days; emergency rule modified in response to JCAR Objection at 38 Ill. Reg. 13410, effective June 10, 2014, for the remainder of the 150 days; emergency amendment at 38 Ill. Reg. 16010, effective July 10, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 19282, effective September 12, 2014; emergency amendment at 44 Ill. Reg. 6170, effective April 6, 2020, for a maximum of 150 days.

## SUBPART C: FIREARM CONCEALED CARRY LICENSURE

**Section 1231.60 Issuance of License****EMERGENCY**

- a) An FCCL shall expire 5 years after the date of issuance. For the duration of the Gubernatorial Disaster Proclamation related to COVID-19 and for a period of 12 months following its termination by the Governor, any FCCL that has expired or will expire shall remain valid provided that the submitted renewal application is completed pursuant to the requirements of Sections 30, 40 and 50 of the Act, as well as Sections 4 and 8 of the FOID Act, and the applicant's FCCL card is not subject to revocation pursuant to the provisions of Section 70 of the Act. Any FCCL card renewed during the duration of the Gubernatorial Disaster Proclamation shall expire 5 years from the date of issuance.
- b) The Department shall, at least 60 days prior to the expiration of an FCCL, forward to the last known address of each person whose FCCL is to expire a notification of the expiration.
- c) The Department shall make applications available via its website no later than January 5, 2014. No later than July 1, 2014, the Department will provide an alternative to the web-based application process for Illinois residents who have limited or no access to the web-based application process.

## ILLINOIS STATE POLICE

## NOTICE OF EMERGENCY AMENDMENT

- d) FCCL applicants must obtain a digital signature through the Department of Central Management Services (see 14 Ill. Adm. Code 105) before applying for an FCCL. The Department will provide a link to the digital signature application through its website.
- e) Applicants submitting fingerprints shall do so electronically by submitting a full set of fingerprints to the Department in an electronic format using a Live Scan vendor licensed by the Department of Financial and Professional Regulation or a law enforcement agency registered by the Department. Manual fingerprints will not be accepted.
- f) Upon receiving a Live Scan Fingerprint Transaction Control Number (TCN) from the licensed Live Scan vendor or law enforcement agency, the applicant shall electronically complete and submit the FCCL to the Department.
- g) The TCN for FCCL applicants will have a unique purpose code for the FCCL application process. Concealed Carry Firearm Instructors may use the TCN previously obtained for the instructor application process. No other previously obtained TCNs may be used as they will not have the appropriate purpose code.
- h) The database of FCCL applicants maintained by the Department pursuant to Section 10(i) of Act shall be exempt from FOIA pursuant to FOIA Section 7.5(v) [5 ILCS 140/7.5(v)].
  - 1) Persons authorized to access the database shall register with the Department to obtain a unique password granting them secure access to the database.
  - 2) The entity employing persons requesting access to the database shall appoint a person to act as the entity's point of contact and shall enter into an agreement with the Department defining the security protocols of the database and access to the database.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 6170, effective April 6, 2020, for a maximum of 150 days)

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON BUILDING  
ROOM C-1  
SPRINGFIELD, ILLINOIS  
APRIL 21, 2020  
10:30 A.M.

***NOTICE:** It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:*

*Joint Committee on Administrative Rules  
700 Stratton Office Building  
Springfield, Illinois 62706*

**RULEMAKINGS SCHEDULED FOR JCAR REVIEW**

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

**PROPOSED RULEMAKINGS**Aging

1. Community Care Program (89 Ill. Adm. Code 240)
  - First Notice Published: 44 Ill. Reg. 1724 – 1/24/20
  - Expiration of Second Notice: 5/6/20

Agriculture

2. Animal Welfare Act (8 Ill. Adm. Code 25)
  - First Notice Published: 44 Ill. Reg. 1745 – 1/24/20
  - Expiration of Second Notice: 4/29/20

Children and Family Services

3. Department of Children and Family Services Scholarship Program (89 Ill. Adm. Code 312)
  - First Notice Published: 43 Ill. Reg. 5341 – 5/17/19

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

-Expiration of Second Notice: 5/16/20

4. Employee Conflict of Interest (89 Ill. Adm. Code 437)
  - First Notice Published: 43 Ill. Reg. 13853 – 12/6/19
  - Expiration of Second Notice: 4/22/20

Education

5. Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)
  - First Notice Published: 43 Ill. Reg. 14596 – 12/20/19
  - Expiration of Second Notice: 5/16/20
6. Standards for Endorsements in Specific Teaching Fields (23 Ill. Adm. Code 27)
  - First Notice Published: 43 Ill. Reg. 12246 – 11/1/19
  - Expiration of Second Notice: 4/23/20
7. Standards for Endorsements in Special Education (23 Ill. Adm. Code 28)
  - First Notice Published: 43 Ill. Reg. 12600 – 11/1/19
  - Expiration of Second Notice: 4/23/20
8. Standards for Administrative Endorsement (23 Ill. Adm. Code 29)
  - First Notice Published: 43 Ill. Reg. 12727 – 11/1/19
  - Expiration of Second Notice: 4/23/20
9. Requirements for Accounting, Budgeting, Financial Reporting, and Auditing (23 Ill. Adm. Code 100)
  - First Notice Published: 43 Ill. Reg. 13700 – 12/2/19
  - Expiration of Second Notice: 4/22/20
10. Driver Education (23 Ill. Adm. Code 252)
  - First Notice Published: 43 Ill. Reg. 13384 – 11/22/19
  - Expiration of Second Notice: 4/30/20
11. State Seal of Biliteracy (23 Ill. Adm. Code 680)
  - First Notice Published: 43 Ill. Reg. 14636 – 12/20/19
  - Expiration of Second Notice: 5/16/20

Gaming Board

12. Video Gaming (General) (11 Ill. Adm. Code 1800)
  - First Notice Published: 43 Ill. Reg. 13354 – 11/22/19

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

-Expiration of Second Notice: 5/27/20

13. Video Gaming (General) (11 Ill. Adm. Code 1800)  
-First Notice Published: 43 Ill. Reg. 13488 – 12/2/19  
-Expiration of Second Notice: 4/23/20

14. Riverboat Gambling (86 Ill. Adm. Code 3000)  
-First Notice Published: 44 Ill. Reg. 1752 – 1/24/20  
-Expiration of Second Notice: 5/1/20

Guardianship and Advocacy Commission

15. Fee Schedule for the Office of State Guardian (59 Ill. Adm. Code 301)  
-First Notice Published: 43 Ill. Reg. 13902 – 12/6/19  
-Expiration of Second Notice: 5/8/20

Human Rights Commission

16. Procedural Rules (56 Ill. Adm. Code 5300)  
-First Notice Published: 43 Ill. Reg. 13913 – 12/6/19  
-Expiration of Second Notice: 4/29/20

Human Services

17. Temporary Assistance for Needy Families (89 Ill. Adm. Code 112)  
-First Notice Published: 43 Ill. Reg. 14540 – 12/20/19  
-Expiration of Second Notice: 4/23/20
18. Supplemental Nutrition Assistance Program (SNAP) (89 Ill. Adm. Code 121)  
-First Notice Published: 43 Ill. Reg. 14555 – 12/20/19  
-Expiration of Second Notice: 4/23/20
19. Supplemental Nutrition Assistance Program (SNAP) (89 Ill. Adm. Code 121)  
-First Notice Published: 43 Ill. Reg. 14972 – 12/27/19  
-Expiration of Second Notice: 4/29/20

Investment

20. Rules and Regulations of the Board (74 Ill. Adm. Code 800)  
-First Notice Published: 43 Ill. Reg. 13763 – 12/2/19  
-Expiration of Second Notice: 4/25/20

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

Revenue

21. Parking Excise Tax (86 Ill. Adm. Code 195)
  - First Notice Published: 43 Ill. Reg. 13242 – 11/15/19
  - Expiration of Second Notice: 5/12/20
22. Cannabis Cultivation Privilege Tax (86 Ill. Adm. Code 422)
  - First Notice Published: 44 Ill. Reg. 2624 – 2/14/20
  - Expiration of Second Notice: 5/16/20
23. Cannabis Purchaser Excise Tax (86 Ill. Adm. Code 423)
  - First Notice Published: 44 Ill. Reg. 2643 – 2/14/20
  - Expiration of Second Notice: 5/16/20
24. County Cannabis Retailers' Occupation Tax (86 Ill. Adm. Code 424)
  - First Notice Published: 44 Ill. Reg. 2669 – 2/14/20
  - Expiration of Second Notice: 5/16/20
25. Municipal Cannabis Retailers' Occupation Tax (86 Ill. Adm. Code 425)
  - First Notice Published: 44 Ill. Reg. 2682 – 2/14/20
  - Expiration of Second Notice: 5/16/20
26. Medical Cannabis Cultivation Privilege Tax Law (86 Ill. Adm. Code 429)
  - First Notice Published: 44 Ill. Reg. 2695 – 2/14/20
  - Expiration of Second Notice: 5/16/20
27. Amnesty Regulations (86 Ill. Adm. Code 520)
  - First Notice Published: 43 Ill. Reg. 8677 – 8/16/19
  - Expiration of Second Notice: 5/17/20

Transportation

28. Procedures (92 Ill. Adm. Code 107)
  - First Notice Published: 44 Ill. Reg. 1814 – 1/24/20
  - Expiration of Second Notice: 4/25/20

**INTERNAL RULEMAKING**Auditor General

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

29. Public Information, Rulemaking, Organization and Personnel (2 Ill. Adm. Code 600)  
-First Notice Published: 44 Ill. Reg. 5873 – 4/10/20

**EMERGENCY RULEMAKINGS**Children and Family Services

30. Licensing Standards for Day Care Centers (89 Ill. Adm. Code 407)  
-First Notice Published: 44 Ill. Reg. 5734 – 4/3/20

Education

31. Public School Evaluation, Recognition and Supervision (Emergency Amendment to Emergency Rule) (23 Ill. Adm. Code 1)  
-First Notice Published: 44 Ill. Reg. 4085 – 3/13/20
32. Remote Learning Days (23 Ill. Adm. Code 5)  
-First Notice Published: 44 Ill. Reg. 5905 – 4/10/20
33. Pupil Transportation Reimbursement (23 Ill. Adm. Code 120)  
-First Notice Published: 44 Ill. Reg. 5910 – 4/10/20
34. Special Education (23 Ill. Adm. Code 226)  
-First Notice Published: 44 Ill. Reg. 5917 – 4/10/20
35. Early Childhood Block Grant (23 Ill. Adm. Code 235)  
-First Notice Published: 44 Ill. Reg. 5924 – 4/10/20

Employment Security

36. Claimant's Availability for Work, Ability to Work and Active Search for Work (56 Ill. Adm. Code 2865)  
-First Notice Published: 44 Ill. Reg. 5458 – 3/27/20

Gaming Board

37. Sports Wagering (Emergency Amendment to Emergency Rule) (11 Ill. Adm. Code 1900)  
-First Notice Published: 44 Ill. Reg. 4062 – 3/13/20
38. Sports Wagering (Emergency Amendment to Emergency Rule) (11 Ill. Adm. Code 1900)  
-First Notice Published: 44 Ill. Reg. 4670 – 3/20/20

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

Healthcare and Family Services

39. Medical Payment (89 Ill. Adm. Code 140)  
-First Notice Published: 44 Ill. Reg. 5745 – 4/3/20

Joint Committee on Administrative Rules

40. Review of Proposed Rulemaking (1 Ill. Adm. Code 220)  
-First Notice Published: 44 Ill. Reg. 5471 – 3/27/20

Labor

41. Six Day Week Law (56 Ill. Adm. Code 220)  
-First Notice Published: 44 Ill. Reg. 5775 – 4/3/20

Public Health

42. Plumbers Licensing Code (68 Ill. Adm. Code 750)  
-First Notice Published: 44 Ill. Reg. 6120 – 4/17/20
43. Home Health, Home Services, and Home Nursing Agency Code (77 Ill. Adm. Code 245)  
-First Notice Published: 44 Ill. Reg. 5929 – 4/10/20
44. Hospital Licensing Requirements (77 Ill. Adm. Code 250)  
-First Notice Published: 44 Ill. Reg. 5934 – 4/10/20
45. Long-Term Care Assistants and Aide Training Programs Code (77 Ill. Adm. Code 395)  
-First Notice Published: 44 Ill. Reg. 5946 – 4/10/20
46. School-Based/Linked Health Centers (77 Ill. Adm. Code 641)  
-First Notice Published: 44 Ill. Reg. 6126 – 4/17/20
47. Lead Poisoning Prevention Code (77 Ill. Adm. Code 845)  
-First Notice Published: 44 Ill. Reg. 6130 – 4/17/20
48. Asbestos Abatement for Public and Private Schools and Commercial and Public Buildings in Illinois (77 Ill. Adm. Code 855)  
-First Notice Published: 44 Ill. Reg. 6136 – 4/17/20
49. Private Sewage Disposal Code (77 Ill. Adm. Code 905)

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

-First Notice Published: 44 Ill. Reg. 6142 – 4/17/20

50. Health Care Worker Background Check Code (77 Ill. Adm. Code 955)

-First Notice Published: 44 Ill. Reg. 5951 – 4/10/20

Revenue

51. Income Tax (86 Ill. Adm. Code 100)

-First Notice Published: 44 Ill. Reg. 4700 – 3/20/20

Secretary of State

52. Statements of Economic Interests (2 Ill. Adm. Code 565)

-First Notice Published: 44 Ill. Reg. 5782 – 4/3/20

53. Business Corporation Act (14 Ill. Adm. Code 150)

-First Notice Published: 44 Ill. Reg. 5786 – 4/3/20

54. General Not For Profit Corporations (14 Ill. Adm. Code 160)

-First Notice Published: 44 Ill. Reg. 5792 – 4/3/20

55. Uniform Partnership Act (1997) (14 Ill. Adm. Code 166)

-First Notice Published: 44 Ill. Reg. 5796 – 4/3/20

56. Uniform Limited Partnership Act (2001) (14 Ill. Adm. Code 171)

-First Notice Published: 44 Ill. Reg. 5800 – 4/3/20

57. Limited Liability Company Act (14 Ill. Adm. Code 178)

-First Notice Published: 44 Ill. Reg. 5804 – 4/3/20

58. Uniform Commercial Code (14 Ill. Adm. Code 180)

-First Notice Published: 44 Ill. Reg. 5809 – 4/3/20

59. Court of Claims (74 Ill. Adm. Code 790)

-First Notice Published: 44 Ill. Reg. 5815 – 4/3/20

60. Merit Commission (80 Ill. Adm. Code 50)

-First Notice Published: 44 Ill. Reg. 5820 – 4/3/20

61. Procedures and Standards (92 Ill. Adm. Code 1001)

-First Notice Published: 44 Ill. Reg. 5824 – 4/3/20

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

62. Certificates of Title, Registration of Vehicles (92 Ill. Adm. Code 1010)  
-First Notice Published: 44 Ill. Reg. 5831 – 4/3/20
63. Issuance of Licenses (92 Ill. Adm. Code 1030)  
-First Notice Published: 44 Ill. Reg. 5477 – 3/27/20
64. Issuance of Licenses (92 Ill. Adm. Code 1030)  
-First Notice Published: 44 Ill. Reg. 5839 – 4/3/20
65. Rules of the Road – Persons with Disabilities Parking Program (92 Ill. Adm. Code 1100)  
-First Notice Published: 44 Ill. Reg. 5847 – 4/3/20

Treasurer

66. Revised Uniform Unclaimed Property Act (74 Ill. Adm. Code 760)  
-First Notice Published: 44 Ill. Reg. 5489 – 3/27/20

**PEREMPTORY RULEMAKINGS**Central Management Services

67. Pay Plan (80 Ill. Adm. Code 310)  
-First Notice Published: 44 Ill. Reg. 5497 – 3/27/20

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION  
TO PROPOSED RULEMAKING

DEPARTMENT OF EMPLOYMENT SECURITY

Heading of the Part: Payment of Unemployment Contributions, Interest and Penalties

Code Citation: 56 Ill. Adm. Code 2765

Section Numbers: 2765.335 2765.336

Date Originally Published in the *Illinois Register*: 1/3/20  
44 Ill. Reg. 38

At its meeting on March 31, 2020, the Joint Committee on Administrative Rules considered the above-referenced rulemaking and recommended that with respect to the Department of Employment Security's rulemaking titled Payment of Unemployment Contributions, Interest and Penalties (56 IAC 2765; 44 Ill. Reg. 38), the Department continue to ensure that statutory changes be reflected in rule in a timely manner. PA 97-791, which this rulemaking implements, was effective on 1/1/13.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## SECOND NOTICES RECEIVED

The following second notices were received during the period of March 31, 2020 through April 6, 2020. These rulemakings are scheduled for the April 21, 2020 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
5/16/20	<u>Children and Family Services</u> , Department of Children and Family Services Scholarship Program (89 Ill. Adm. Code 312)	5/16/19 43 Ill. Reg. 5341	4/21/20
5/16/20	<u>State Board of Education</u> , Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)	12/20/19 43 Ill. Reg. 14596	4/21/20
5/16/20	<u>Department of Revenue</u> , Cannabis Cultivation Privilege Tax (86 Ill. Adm. Code 422)	2/14/20 44 Ill. Reg. 2624	4/21/20
5/16/20	<u>Department of Revenue</u> , Cannabis Purchaser Excise Tax (86 Ill. Adm. Code 423)	2/14/20 44 Ill. Reg. 2643	4/21/20
5/16/20	<u>Department of Revenue</u> , County Cannabis Retailers' Occupation Tax (86 Ill. Adm. Code 424)	2/14/20 44 Ill. Reg. 2669	4/21/20
5/16/20	<u>Department of Revenue</u> , Municipal Cannabis Retailers' Occupation Tax (86 Ill. Adm. Code 425)	2/14/20 44 Ill. Reg. 2682	4/21/20
5/16/20	<u>Department of Revenue</u> , Medical Cannabis Cultivation Privilege Tax Law (86 Ill. Adm. Code 429)	2/14/20 44 Ill. Reg. 2695	4/21/20

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SECOND NOTICES RECEIVED

5/17/20

Department of Revenue, Amnesty  
Regulations (86 Ill. Adm. Code 520)

8/16/19

43 Ill. Reg.  
8677

4/21/20

## EXECUTIVE ORDERS

2020-18

**EXECUTIVE ORDER IN RESPONSE TO COVID-19**  
**(COVID-19 EXECUTIVE ORDER NO. 16)**

**WHEREAS**, Coronavirus 2019 (COVID-19) is a novel severe acute respiratory illness that can spread among people through respiratory transmissions and present with symptoms similar to those of influenza; and,

**WHEREAS**, on March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic; and,

**WHEREAS**, despite efforts to contain COVID-19, the World Health Organization (WHO) and the federal Centers for Disease Control and Prevention (CDC) have declared that it is expected to spread; and,

**WHEREAS**, certain populations are at higher risk of experiencing more severe illness as a result of COVID-19, including older adults and people who have serious chronic medical conditions such as heart disease, diabetes, or lung disease; and,

**WHEREAS**, in a short period of time, COVID-19 has rapidly spread throughout Illinois, necessitating updated and more stringent guidance from federal, state, and local public health officials; and,

**WHEREAS**, social distancing, which requires maintaining at least a six-foot distance between people, is a paramount strategy for minimizing the spread of COVID-19 in our communities; and,

**WHEREAS**, current testing availability has identified further spread of confirmed cases throughout the State of Illinois, and it is expected that increased testing capacity would demonstrate that COVID-19 is circulating in communities across Illinois that currently have not identified a confirmed case; and,

**WHEREAS**, the number of suspected COVID-19 cases in Illinois is increasing exponentially and across more locations in Illinois, indicating that drastic social distancing measures are needed, even in communities where confirmed cases have not yet been identified, to reduce the number of people who become sick at any given time and the possibility of exhausting our health care resources; and,

**WHEREAS**, I, JB Pritzker, Governor of Illinois, declared all counties in the State of Illinois as a disaster area on March 9, 2020 (the First Gubernatorial Disaster Proclamation) in response to the outbreak of COVID-19; and,

## EXECUTIVE ORDERS

**WHEREAS**, I again declared all counties in the State of Illinois as a disaster area on April 1, 2020 (the Second Gubernatorial Disaster Proclamation, and, together with the First Gubernatorial Disaster Proclamation, the Gubernatorial Disaster Proclamations) in response to the exponential spread of COVID-19; and,

**WHEREAS**, for the preservation of public health and safety throughout the entire State of Illinois, and to ensure that our healthcare delivery system is capable of serving those who are sick, I find it necessary to take additional measures consistent with public health guidance to slow and stop the spread of COVID-19; and,

**WHEREAS**, I find it necessary to continue and extend the Executive Orders issued to date in response to the outbreak of COVID-19, Executive Orders 2020-03, 2020-04, 2020-05, 2020-06, 2020-07, 2020-08, 2020-09, 2020-10, 2020-11, 2020-12, 2020-13, 2020-14, 2020-15, 2020-16, and 2020-17, and hereby incorporate the WHEREAS clauses of those Executive Orders;

**THEREFORE**, by the powers vested in me as the Governor of the State of Illinois, pursuant to Sections 7(1), 7(2), 7(3), 7(8), 7(9), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, and consistent with the powers in public health laws, I hereby order the following:

**Part 1: Continuing and Extending Prior Executive Orders.**

Executive Orders 2020-03, 2020-04, 2020-05, 2020-06, 2020-07, 2020-08, 2020-09, 2020-10, 2020-11, 2020-12, 2020-13, 2020-14, 2020-15, 2020-16, and 2020-17 hereby are continued and extended by this Executive Order 2020-18 as follows:

**Executive Order 2020-04 (Closure of James R. Thompson Center; Waiver of Sick Leave Requirement for State Employees):**

Section 1. Beginning March 16, 2020, the James R. Thompson Center located at 100 W. Randolph Street, Chicago, Illinois, is closed for the duration of the Gubernatorial Disaster Proclamations to members of the public, except as necessary for the conduct of state business, to obtain services from a state agency or constitutional office, or to operate a business located in the James R. Thompson Center. This closure does not affect public access to businesses located on the ground floor in the James R. Thompson Center through exterior entrances, except as otherwise specified in this Order.

Section 2. Beginning March 13, 2020, the two-year continuous service requirement for state employees to receive advancement of sick leave pursuant to Title 80, Section

## EXECUTIVE ORDERS

303.110 of the Illinois Administrative Code Personnel Rules, is suspended during the duration of the Gubernatorial Disaster Proclamations.

**Executive Orders 2020-05 and 2020-06 (School Closures):**

Executive Orders 2020-05 and 2020-06 are continued and extended in their entirety for the duration of the Gubernatorial Disaster Proclamations, which currently extends through **April 30, 2020**.

**Executive Order 2020-07 (Suspension of on-premises consumption at restaurants and bars; Unemployment insurance; Open Meetings Act):**

Section 1. Beginning March 16, 2020 at 9 p.m. through **April 30, 2020**, all businesses in the State of Illinois that offer food or beverages for on-premises consumption—including restaurants, bars, grocery stores, and food halls—must suspend service for and may not permit on-premises consumption. Such businesses are permitted and encouraged to serve food and beverages so that they may be consumed off-premises, as currently permitted by law, through means such as in-house delivery, third-party delivery, drive-through, and curbside pick-up. In addition, customers may enter the premises to purchase food or beverages for carry-out. However, establishments offering food or beverages for carry-out, including food trucks, must ensure that they have an environment where patrons maintain adequate social distancing. Businesses located in airports, hospitals, and dining halls in colleges and universities are exempt from the requirements of this Executive Order. Hotel restaurants may continue to provide room service and carry-out. Catering services may continue.

Section 2. Pursuant to Sections 7(2) and 7(3) of the Illinois Emergency Management Act, the Illinois State Police, the Illinois Department of Public Health, the State Fire Marshal, and the Illinois Liquor Control Commission are directed to cooperate with one another and to use available resources to enforce the provisions of this Executive Order with respect to entities under their jurisdiction under Illinois law.

Section 3. Nothing in this Executive Order shall amend or supersede the authority of the Illinois Department of Public Health pursuant to Section 2310-15 of the Department of Public Health Powers and Duties Law, 20 ILCS 2310/2310-15.

Section 4. During the duration of the Gubernatorial Disaster Proclamations, the provision of the Unemployment Insurance Act, 820 ILCS 405/500(D), requiring a one-week waiting period for unemployment insurance claims is suspended for claimants who are unemployed and who are otherwise eligible for unemployment insurance benefits.

## EXECUTIVE ORDERS

Section 5. During the duration of the Gubernatorial Disaster Proclamations, the provisions of the Open Meetings Act, 5 ILCS 120, requiring or relating to in-person attendance by members of a public body are suspended. Specifically, (1) the requirement in 5 ILCS 120/2.01 that "members of a public body must be physically present" is suspended; and (2) the conditions in 5 ILCS 120/7 limiting when remote participation is permitted are suspended. Public bodies are encouraged to postpone consideration of public business where possible. When a meeting is necessary, public bodies are encouraged to provide video, audio, and/or telephonic access to meetings to ensure members of the public may monitor the meeting, and to update their websites and social media feeds to keep the public fully apprised of any modifications to their meeting schedules or the format of their meetings due to COVID-19, as well their activities relating to COVID-19.

**Executive Order 2020-08 (Secretary of State Operations):**

Executive Order 2020-08 is continued and extended in its entirety for the duration of the Gubernatorial Disaster Proclamations, which currently extends through **April 30, 2020**.

**Executive Order 2020-09 (Telehealth):**

Executive Order 2020-09 is continued and extended in its entirety for the duration of the Gubernatorial Disaster Proclamations, which currently extends through **April 30, 2020**.

**Executive Order 2020-10 (Stay at Home; Social distancing; Evictions ceased):**

Executive Order 2020-10 is continued and extended in its entirety for the duration of the Gubernatorial Disaster Proclamations, which currently extends through **April 30, 2020**.

**Executive Order 2020-11 (Revisions to Executive Orders 2020-05 and 2020-10; Department of Corrections notification period):**

Executive Order 2020-11 is continued and extended in its entirety for the duration of the Gubernatorial Disaster Proclamations, which currently extends through **April 30, 2020**.

**Executive Order 2020-12 (Health care worker background checks; Department of Juvenile Justice notification period; Coal Mining Act):**

Executive Order 2020-12 is continued and extended in its entirety for the duration of the Gubernatorial Disaster Proclamations, which currently extends through **April 30, 2020**.

## EXECUTIVE ORDERS

**Executive Order 2020-13 (Suspending Department of Corrections admissions from county jails):**

Executive Order 2020-13 is continued and extended in its entirety for the duration of the Gubernatorial Disaster Proclamations, which currently extends through **April 30, 2020**.

**Executive Order 2020-14 (Notary and witness guidelines):**

Executive Order 2020-14 is continued and extended in its entirety for the duration of the Gubernatorial Disaster Proclamations, which currently extends through April 30, 2020.

Executive Order 2020-14, Section 2, Paragraphs (h) and (i) hereby are amended and revised as follows:

- h. The signatory must transmit by overnight mail, fax, or electronic means a legible copy of the entire signed document directly to the witness no later than the day after the document is signed;
- i. The witness must sign the transmitted copy of the document as a witness and transmit the signed copy of the document back via overnight mail, fax, or electronic means to the signatory within 24 hours of receipt; and

**Executive Order 2020-15 (Suspending provisions of the Illinois School Code):**

Executive Order 2020-15 is continued and extended in its entirety for the duration of the Gubernatorial Disaster Proclamations, which currently extends through April 30, 2020.

**Executive Order 2020-16 (Repossession of vehicles; suspension of classroom training requirement for security services):**

Executive Order 2020-16 is continued and extended in its entirety for the duration of the Gubernatorial Disaster Proclamations, which currently extends through April 30, 2020.

**Executive Orders 2020-03 and 2020-17 (Cannabis deadlines and applications):**

Section 1. The application submission deadlines in the Cannabis Regulation and Tax Act and implementing regulations for submitting applications by March 16, 2020, which previously were suspended pursuant to Executive Order 2020-03 and extended through March 30, 2020, and extended through Executive Order 2020-17 to April 7, 2020, hereby are suspended as follows:

## EXECUTIVE ORDERS

- a. The March 16, 2020, deadline for submission of craft grower license applications pursuant to Title 8, Section 1300.300(b) of the Illinois Administrative Code, which was extended through Executive Order 2020-03 to March 30, 2020, and extended through Executive Order 2020-17 to April 7, 2020, is extended to **April 30, 2020**; and
- b. The March 16, 2020, deadline for submission of infuser license applications pursuant to Section 35-5(b) of the Cannabis Regulation and Tax Act, 410 ILCS 705/35-5(b) and Title 8, Section 1300.400(b) of the Illinois Administrative Code, which was extended through Executive Order 2020-03 to March 30, 2020, and extended through Executive Order 2020-17 to April 7, 2020, is extended to **April 30, 2020**; and
- c. The March 16, 2020, deadline for submission of transporter license applications pursuant to Section 40-5(b) of the cannabis Regulation and Tax Act, 40 ILCS 705/40-5(b) and Title 8, Section 1300.510(b)(1)(A) of the Illinois Administrative Code, which was extended through Executive Order 2020-03 to March 30, 2020, and extended through Executive Order 2020-17 to April 7, 2020, is extended to **April 30, 2020**.

Section 2. Any statutory or regulatory requirement to accept such applications in-person is suspended and the Department of Agriculture is directed to cease accepting in-person applications beginning 5 p.m. Central Time March 12, 2020.

Section 3. The Illinois Department of Agriculture is further directed to accept all craft grower, infuser, and transporter license applications post-marked on or before April 30, 2020, via certified US Mail at:

Illinois Department of Agriculture  
c/o Bureau of Medicinal Plants  
P.O. Box 19281  
Springfield, IL 62794-9281 USA

**Part 2: Savings Clause.** 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.

Issued by the Governor April 1, 2020  
Filed by the Secretary of State April 1, 2020

## EXECUTIVE ORDERS

**2020-19****EXECUTIVE ORDER IN RESPONSE TO COVID-19**  
**(COVID-19 EXECUTIVE ORDER NO. 17)**

**WHEREAS**, I, JB Pritzker, Governor of Illinois, declared all counties in the State of Illinois as a disaster area on March 9, 2020 (First Gubernatorial Disaster Proclamation) in response to the outbreak of Coronavirus Disease 2019 (COVID-19); and,

**WHEREAS**, I again declared all counties in the State of Illinois as a disaster area on April 1, 2020 (the Second Gubernatorial Disaster Proclamation, and, together with the First Gubernatorial Disaster Proclamation, the Gubernatorial Disaster Proclamations) in response to the exponential spread of COVID-19; and,

**WHEREAS**, in a short period of time, COVID-19 has rapidly spread throughout Illinois, necessitating updated and more stringent guidance from federal, state, and local public health officials; and,

**WHEREAS**, for the preservation of public health and safety throughout the entire State of Illinois, and to ensure that our healthcare delivery system is capable of serving those who are sick, I find it necessary to take additional measures consistent with public health guidance; and,

**WHEREAS**, ensuring the State of Illinois has adequate bed capacity, supplies, and providers to treat patients afflicted with COVID-19, as well as patients afflicted with other maladies, is of critical importance; and,

**WHEREAS**, eliminating obstacles or barriers to the provision of supplies and health care services is necessary to ensure the Illinois healthcare system has adequate capacity to provide care to all who need it; and,

**WHEREAS**, the Illinois Department of Financial and Professional Regulation and the Illinois Department of Public Health (DPH) have taken measures, and continue to take measures, to enable inactive and out-of-state health care workers to come back to work in the State of Illinois through proclamations, emergency rules and variances; and,

**WHEREAS**, DPH has taken measures, and continues to take measures, to enable hospitals to increase bed capacity and provide levels of care necessary to respond to the COVID-19 outbreak; and,

## EXECUTIVE ORDERS

**WHEREAS**, Section 6(c)(1) of the Illinois Emergency Management Agency Act (IEMA Act), 20 ILCS 3305/6, provides that the Governor is authorized to "make, amend, and rescind all lawful necessary orders, rules, and regulations to carry out the provisions of this Act within the limits of the authority conferred upon the Governor"; and,

**WHEREAS**, Section 15 of the IEMA Act, 20 ILCS 3305/15, provides that "Neither the State, any political subdivision of the State, nor, except in cases of gross negligence or willful misconduct, the Governor, the Director, the Principal Executive Officer of a political subdivision, or the agents, employees, or representatives of any of them, engaged in any emergency management response or recovery activities, while complying with or attempting to comply with this Act or any rule or regulations promulgated pursuant to this Act is liable for the death of or any injury to persons, or damage to property, as a result of such activity"; and,

**WHEREAS**, Section 21(b) of the IEMA Act, 20 ILCS 3305/21, provides that "Any private person, firm or corporation and employees and agents of such person, firm or corporation in the performance of a contract with, and under the direction of, the State, or any political subdivision of the State under the provisions of this Act shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of willful misconduct"; and,

**WHEREAS**, Section 21(c) of the IEMA Act, 20 ILCS 3305/21, provides that "Any private person, firm or corporation, and any employee or agent of such person, firm or corporation, who renders assistance or advice at the request of the State, or any political subdivision of the State under this Act during an actual or impending disaster, shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of willful misconduct"; and,

**WHEREAS**, Section 3.150(a) of the Emergency Medical Services (EMS) Systems Act, 210 ILCS 50/3.150, provides that persons "who in good faith provide[] emergency or non-emergency medical services during a Department [of Public Health] approved training course, in the normal course of conducting their duties, or in an emergency, shall not be civilly liable as a result of their acts or omissions in providing such services unless such acts or omissions, including the bypassing of nearby hospitals or medical facilities in accordance with the protocols developed pursuant to this Act, constitute willful and wanton misconduct"; and,

**WHEREAS**, the Good Samaritan Act, 745 ILCS 49, provides that "the generous and compassionate acts of its citizens," specifically health care professionals, "who volunteer their time and talents to help others" should be exempt from civil liability unless such acts demonstrate willful or wanton misconduct;

**THEREFORE**, by the powers vested in me as the Governor of the State of Illinois, and pursuant to Sections 7(1), 7(2), 7(3), 7(12), 15, and 21 of the IEMA Act, 20 ILCS 3305, I hereby order the

## EXECUTIVE ORDERS

following, effective April 1, 2020 and for the remainder of the duration of the Gubernatorial Disaster Proclamations, which currently extends through April 30, 2020:

**Section 1.** For purposes of this Executive Order, the following terms are defined as set forth below:

- (a) "Health Care Facilities" means:
- i. Facilities licensed, certified, or approved by any State agency and covered by the following: 77 Ill. Admin. Section 1130.215(a)-(f); University of Illinois Hospital Act, 110 ILCS 330; Alternative Health Care Delivery Act, 210 ILCS 3/35(2)-(4); Emergency Medical Services (EMS) Systems Act, 210 ILCS 50; or Department of Veterans' Affairs Act, 20 ILCS 2805;
  - ii. State-operated Developmental Centers certified by the federal Centers for Medicare and Medicaid Services and licensed State-operated Mental Health Centers created pursuant to the Mental Health and Developmental Disabilities Administrative Act, 20 ILCS 1705/4;
  - iii. Licensed community-integrated living arrangements as defined by the Community-Integrated Living Arrangements Licensing and Certification Act, 210 ILCS 135/2;
  - iv. Licensed Community Mental Health Centers as defined in the Community Services Act, 405 ILCS 30;
  - v. Federally qualified health centers under the Social Security Act, 42 U.S.C. § 1396d(1)(2)(B); and
  - vi. Any government-operated site providing health care services established for the purpose of responding to the COVID-19 outbreak.

"Health Care Facility" is the singular form of the plural "Health Care Facilities."

- (b) "Health Care Professional" means all licensed or certified health care or emergency medical services workers who (i) are providing health care services at a Health Care Facility in response to the COVID-19 outbreak and are authorized to do so; or (ii) are working under the direction of the Illinois Emergency Management Agency (IEMA) or DPH in response to the Gubernatorial Disaster Proclamations.
- (c) "Health Care Volunteer" means all volunteers or medical or nursing students who do not have licensure who (i) are providing services, assistance, or support at a Health Care Facility in response to the COVID-19 outbreak and are authorized to do so; or (ii) are working under the direction of IEMA or DPH in response to the Gubernatorial Disaster Proclamations.

## EXECUTIVE ORDERS

**Section 2.** Pursuant to Sections 15 and 21(b)-(c) of the IEMA Act, 20 ILCS 3305/15 and 21(b)-(c) and the Good Samaritan Act, 745 ILCS 49, I direct all Health Care Facilities, Health Care Professionals, and Health Care Volunteers, as defined in Section 1 of this Executive Order, to render assistance in support of the State's response to the disaster recognized by the Gubernatorial Disaster Proclamations (COVID-19 outbreak). For Health Care Facilities, "rendering assistance" in support of the State's response must include cancelling or postponing elective surgeries and procedures, as defined in DPH's COVID-19 – Elective Surgical Procedure Guidance, if elective surgeries or procedures are performed at the Health Care Facility. In addition, for Health Care Facilities, "rendering assistance" in support of the State's response must include measures such as increasing the number of beds, preserving personal protective equipment, or taking necessary steps to prepare to treat patients with COVID-19. For Health Care Professionals, "rendering assistance" in support of the State's response means providing health care services at a Health Care Facility in response to the COVID-19 outbreak, or working under the direction of IEMA or DPH in response to the Gubernatorial Disaster Proclamations. For Health Care Volunteers, "rendering assistance" in support of the State's response means providing services, assistance, or support at a Health Care Facility in response to the COVID-19 outbreak, or working under the direction of IEMA or DPH in response to the Gubernatorial Disaster Proclamations.

**Section 3.** Pursuant to Sections 15 and 21(b)-(c) of the IEMA Act, 20 ILCS 3305/15 and 21(b)-(c), I direct that during the pendency of the Gubernatorial Disaster Proclamation, Health Care Facilities, as defined in Section 1 of this Executive Order, shall be immune from civil liability for any injury or death alleged to have been caused by any act or omission by the Health Care Facility, which injury or death occurred at a time when a Health Care Facility was engaged in the course of rendering assistance to the State by providing health care services in response to the COVID-19 outbreak, unless it is established that such injury or death was caused by gross negligence or willful misconduct of such Health Care Facility, if 20 ILCS 3305/15 is applicable, or by willful misconduct, if 20 ILCS 3305/21 is applicable.

**Section 4.** Pursuant to Sections 15 and 21(b)-(c) of the IEMA Act, 20 ILCS 3305/15 and 21(b)-(c), I direct that during the pendency of the Gubernatorial Disaster Proclamations, Health Care Professionals, as defined in Section 1 of this Executive Order, shall be immune from civil liability for any injury or death alleged to have been caused by any act or omission by the Health Care Professional, which injury or death occurred at a time when a Health Care Professional was engaged in the course of rendering assistance to the State by providing health care services in response to the COVID-19 outbreak, unless it is established that such injury or death was caused by gross negligence or willful misconduct of such Health Care Professional, if 20 ILCS 3305/15 is applicable, or by willful misconduct, if 20 ILCS 3305/21 is applicable.

## EXECUTIVE ORDERS

**Section 5.** Pursuant to Section 21(c) of the IEMA Act, 20 ILCS 3305/21(c), and the Good Samaritan Act, 745 ILCS 49, I direct that during the pendency of the Gubernatorial Disaster Proclamation, any Health Care Volunteer, as defined in Section 1 of this Executive Order, shall be immune from civil liability for any injury or death alleged to have been caused by any act or omission by such Health Care Volunteer in the course of rendering assistance to the State by providing services, assistance, or support in response to the COVID-19 outbreak, unless it is established that such injury or death was caused by willful misconduct of such Health Care Volunteer.

**Section 6.** Nothing in this Executive Order shall be construed to preempt or limit any applicable immunity from civil liability available to any Health Care Facility, Health Care Professional, or Health Care Volunteer.

**Section 7.** 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.

Issued by the Governor April 1, 2020  
Filed by the Secretary of State April 1, 2020

**2020-20****EXECUTIVE ORDER IN RESPONSE TO COVID-19**  
**(COVID-19 EXECUTIVE ORDER NO. 18)**

**WHEREAS**, in late 2019, a new and significant outbreak of Coronavirus Disease 2019 (COVID-19) emerged; and,

**WHEREAS**, COVID-19 is a novel severe acute respiratory illness that can spread among people through respiratory transmissions and present with symptoms similar to influenza; and,

**WHEREAS**, certain populations are at a higher risk of experiencing more severe illness as a result of COVID-19, including older adults and people who have serious chronic health conditions such as heart disease, diabetes, lung disease, or other mental or physical conditions; and,

**WHEREAS**, despite efforts to contain COVID-19, the World Health Organization (WHO) and the federal Centers for Disease Control and Prevention (CDC) have declared that it is expected to spread; and,

## EXECUTIVE ORDERS

**WHEREAS**, I, JB Pritzker, Governor of Illinois, declared all counties in the State of Illinois as a disaster area on March 9, 2020 (First Gubernatorial Disaster Proclamation); and,

**WHEREAS**, I again declared all counties in the State of Illinois as a disaster area on April 1, 2020 (Second Gubernatorial Disaster Proclamation, and, together with the First Gubernatorial Disaster Proclamation, the Gubernatorial Disaster Proclamations) in response to the exponential spread of COVID-19; and,

**WHEREAS**, on March 11, 2020, WHO characterized COVID-19 as a pandemic; and,

**WHEREAS**, the CDC recommends critical mitigation measures including social distancing, which consists of maintaining at least a six-foot distance between people and is the paramount strategy for minimizing the spread of COVID-19 in our communities; and,

**WHEREAS**, throughout the duration of the Gubernatorial Disaster Proclamation, residents of Illinois must have access to critical public assistance benefits, including cash, food and nutrition services, and medical assistance, and,

**WHEREAS**, in order to balance the urgent economic and medical needs of residents facing job losses and food insecurity with the need to ensure compliance with extremely serious public health directives and to safeguard the health of State employees, the State Department of Human Services has expanded services by telephone and online, while closing all but thirteen Family and Community Resource Centers; and,

**WHEREAS**, the Illinois Electronic Commerce Security Act and federal law, including "electronic signature" provisions, currently require that applications for public assistance received by the State by mail must contain the applicant's written signature and that applications made by telephone must include an audio recording of the applicant's voice as a telephonic signature; and,

**WHEREAS**, the USDA Food and Nutrition Service has granted the State a waiver, currently effective through May 31, 2020, relieving the State of the requirement to create an audio recording of the client attestation on telephone applications for food and nutrition services, and permitting a verbal attestation by telephone for unsigned applications received by mail; and,

**WHEREAS**, the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services will be notified in accordance with applicable procedures that applications for medical assistance will be handled in a manner consistent with the procedures approved by the United States Department of Agriculture Food and Nutrition Services;

## EXECUTIVE ORDERS

**THEREFORE**, by the powers vested in me as the Governor of the State of Illinois, and pursuant to Sections 7(1), 7(2), 7(3), 7(8) and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, I hereby Order the following:

Section 1. During the duration of the Gubernatorial Disaster Proclamations related to the outbreak of COVID-19, the requirement that an applicant for public assistance must provide an audio recording of their verbal attestation during a telephone application for public assistance benefits is suspended, and a simple verbal attestation properly documented by the State constitutes a valid signature.

Section 2. During the duration of the Gubernatorial Disaster Proclamations related to the outbreak of COVID-19, unsigned applications for public assistance received by mail can be signed by the applicant by a simple verbal attestation by telephone, properly documented by the State.

Section 3. Specifically, the requirement of the Electronic Commerce Security Act at 5 ILCS 175/25-101(c) that all rules adopted by a State agency shall include relevant minimum security requirements established by the Department of Central Management Services is suspended during the duration of the Gubernatorial Disaster Proclamations related to COVID-19 for the limited purpose of effecting the changes described in Section 1 and Section 2 of this Executive Order.

Issued by the Governor April 6, 2020

Filed by the Secretary of State April 6, 2020

**2020-21****EXECUTIVE ORDER IN RESPONSE TO COVID-19  
(COVID-19 EXECUTIVE ORDER NO. 19)**

**WHEREAS**, I, JB Pritzker, Governor of Illinois, declared all counties in the State of Illinois as a disaster area on March 9, 2020 (First Gubernatorial Disaster Proclamation) in response to the outbreak of Coronavirus Disease 2019 (COVID-19); and,

**WHEREAS**, I again declared all counties in the State of Illinois as a disaster area on April 1, 2020 (Second Gubernatorial Disaster Proclamation, and, together with the First Gubernatorial Disaster Proclamation, the Gubernatorial Disaster Proclamations) in response to the exponential spread of COVID-19; and,

## EXECUTIVE ORDERS

**WHEREAS**, in a short period of time, COVID-19 has rapidly spread throughout Illinois, necessitating updated and more stringent guidance from federal, state, and local public health officials; and,

**WHEREAS**, for the preservation of public health and safety throughout Illinois, and to ensure that our healthcare delivery system is capable of serving those who are sick, I find it necessary to take additional significant measures consistent with public health guidance to slow and stop the spread of COVID-19; and,

**WHEREAS**, social distancing, which consists of maintaining at least a six-foot distance between people, is the paramount strategy for minimizing the spread of COVID-19 in our communities; and,

**WHEREAS**, certain populations are at a higher risk of experiencing more severe illness as a result of COVID-19, including older adults and people who have serious chronic health conditions such as heart disease, diabetes, lung disease or other conditions; and,

**WHEREAS**, the Illinois Department of Corrections (IDOC) currently has a population of more than 36,000 male and female inmates in 28 facilities, the vast majority of whom, because of their close proximity and contact with each other in housing units and dining halls, are especially vulnerable to contracting and spreading COVID-19; and,

**WHEREAS**, the IDOC currently has limited housing capacity to isolate and quarantine inmates who present as symptomatic of, or test positive for, COVID-19; and,

**WHEREAS**, to ensure that the Director of the IDOC may take all necessary steps, consistent with public health guidance, to prevent the spread of COVID-19 in the IDOC facilities and provide necessary healthcare to those impacted by COVID-19, it is critical to provide the Director with discretion to use medical furloughs to allow medically vulnerable inmates to temporarily leave IDOC facilities, when necessary and appropriate and taking into account the health and safety of the inmate, as well as the health and safety of other inmates and staff in IDOC facilities and the community;

**THEREFORE**, by the powers vested in me as the Governor of the State of Illinois, and pursuant to Sections 7(1), 7(2), 7(8), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, I hereby order the following, effective immediately and for the remainder of the duration of the Gubernatorial Disaster Proclamations:

Section 1. The following provisions of the Illinois Unified Code of Corrections, 730 ILCS 5/3-11-11, allowing for the furlough of IDOC inmates are hereby suspended as follows: (a) as set forth in Section (a), providing the allowable time period for furloughs, the phrase "for a period of

## EXECUTIVE ORDERS

time not to exceed 14 days", is suspended and furlough periods shall be allowed for up to the duration of the Gubernatorial Disaster Proclamations as determined by the Director of IDOC; and (b) as set forth in Section (a)(2), the phrase "to obtain medical, psychiatric or psychological services when adequate services are not otherwise available" shall be suspended and furloughs for medical, psychiatric or psychological purposes shall be allowed at the Director's discretion and consistent with the guidance of the IDOC Acting Medical Director.

Section 2. The IDOC shall file emergency rules as needed to effectuate the intent of this Executive Order.

Issued by the Governor April 6, 2020

Filed by the Secretary of State April 6, 2020

## PROCLAMATION

2020-40

**GUBERNATORIAL DISASTER PROCLAMATION**

**WHEREAS**, Coronavirus Disease 2019 (COVID-19) is a novel severe acute respiratory illness that can spread among people through respiratory transmissions and present with symptoms similar to those of influenza; and,

**WHEREAS**, certain populations are at higher risk of experiencing more severe illness as a result of COVID-19, including older adults and people who have serious chronic medical conditions such as heart disease, diabetes, or lung disease; and,

**WHEREAS**, the State of Illinois is continuing its efforts to prepare for any eventuality given that this is a novel illness and given the known health risks it poses for the elderly and those with serious chronic medical conditions; and,

**WHEREAS**, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020, and the United States Secretary of Health and Human Services declared that COVID-19 presents a public health emergency on January 27, 2020; and,

**WHEREAS**, on March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic, and has reported more than 750,000 confirmed cases of COVID-19 and 36,500 deaths attributable to COVID-19 globally as of March 31, 2020; and,

**WHEREAS**, the Centers for Disease Control and Prevention (CDC) currently recommends that all United States residents take precautions to contain the spread of COVID-19, including that they: (1) practice social distancing by maintaining 6 feet of distance from others and avoiding all gatherings; (2) be alert for symptoms such as fever, cough, or shortness of breath, and take their temperature if symptoms develop; and (3) exercise appropriate hygiene, including covering coughs and sneezes with a tissue, washing hands often with soap and water for at least 20 seconds, using of alcohol-based hand sanitizers with at least 60% alcohol if soap and water are not readily available, and routinely cleaning frequently touched surfaces and objects to increase community resilience and readiness for responding to an outbreak; and,

**WHEREAS**, the CDC also recommends the following precautions for household members, caretakers and other persons having close contact with a person who is symptomatic, during the period from 48 hours before onset of symptoms until the symptomatic person meets the criteria for discontinuing home isolation: (1) stay home until 14 days after last exposure and maintain social distance (at least 6 feet) from others at all times; (2) self-monitor for symptoms, including checking their temperature twice a day and watching for fever, cough, or shortness of breath; and

## PROCLAMATION

(3) avoid contact with people at higher risk for severe illness (unless they live in the same home and had the same exposure); and,

**WHEREAS**, a vaccine or drug is currently not available for COVID-19; and,

**WHEREAS**, despite efforts to contain COVID-19, the World Health Organization and the CDC indicate that it is expected to continue spreading; and,

**WHEREAS**, as of March 31, 2020, there were 5,994 confirmed cases of COVID-19 and 99 deaths in Illinois resulting from COVID-19; and,

**WHEREAS**, the outbreak of COVID-19 has resulted in significant negative economic impact, including loss of income and wages, that threatens to undermine housing security and stability and overall financial stability and security for individuals and businesses throughout Illinois; and,

**WHEREAS**, on March 13, 2020, the President declared a nationwide emergency pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the “Stafford Act”), covering all states and territories, including Illinois; and,

**WHEREAS**, on March 26, 2020, the President declared a major disaster in Illinois pursuant to Section 401 of the Stafford Act; and,

**WHEREAS**, I, JB Pritzker, Governor of Illinois, declared all counties in the State of Illinois as a disaster area on March 9, 2020 in response to the outbreak of COVID-19; and,  
**WHEREAS**, based on the foregoing, the circumstances surrounding COVID-19 constitute a continuing public health emergency under Section 4 of the Illinois Emergency Management Agency Act; and,

**WHEREAS**, the circumstances surrounding COVID-19 have resulted in the occurrence and threat of widespread and severe damage, injury, and loss of life and property under Section 4 of the Illinois Emergency Management Agency Act; and,

**WHEREAS**, it is the policy of the State of Illinois that the State will be prepared to address any disasters and, therefore, it is necessary and appropriate to make additional State resources available to ensure that the effects of COVID-19 are mitigated and minimized to the greatest extent possible and that Illinoisans remain safe and secure; and,

**WHEREAS**, this proclamation will assist Illinois agencies in coordinating State and Federal resources, including the Strategic National Stockpile of medicines and protective equipment, to

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support local governments in preparation for any action that may be necessary related to the potential impact of COVID-19 in the State of Illinois; and,

**WHEREAS**, these conditions provide legal justification under Section 7 of the Illinois Emergency Management Agency Act for the issuance of a proclamation of disaster;

**NOW, THEREFORE**, in the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I, JB Pritzker, Governor of the State of Illinois, hereby proclaim as follows:

**Section 1.** Pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I find that a continuing disaster exists within the State of Illinois and specifically declare all counties in the State of Illinois as a disaster area. This proclamation continues the Governor's authority to exercise all of the emergency powers provided in Section 7 of the Illinois Emergency Management Agency Act, 20, ILCS 3305/7, including but not limited to those specific emergency powers set forth below.

**Section 2.** The Illinois Department of Public Health and the Illinois Emergency Management Agency are directed to continue to coordinate with each other with respect to planning for and responding to the present public health emergency.

**Section 3.** The Illinois Department of Public Health is further directed to continue to cooperate with the Governor, other State agencies and local authorities, including local public health authorities, in the development and implementation of strategies and plans to protect the public health in connection with the present public health emergency.

**Section 4.** The Illinois Emergency Management Agency is directed to continue to implement the State Emergency Operations Plan to coordinate State resources to support local governments in disaster response and recovery operations.

**Section 5.** To aid with emergency purchases necessary for response and other emergency powers as authorized by the Illinois Emergency Management Agency Act, the provisions of the Illinois Procurement Code that would in any way prevent, hinder or delay necessary action in coping with the disaster are suspended to the extent they are not required by federal law. If necessary, and in accordance with Section 7(1) of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(1), the Governor may take appropriate executive action to suspend additional statutes, orders, rules, and regulations.

**Section 6.** Pursuant to Section 7(3) of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(3), this proclamation continues the Governor's authority, as necessary, to transfer

## PROCLAMATION

the direction, personnel or functions of State departments and agencies or units thereof for the purpose of performing or facilitating emergency response programs.

**Section 7.** The Illinois Department of Public Health, Illinois Department of Insurance and the Illinois Department of Healthcare and Family Services are directed to continue to recommend, and, as appropriate, take necessary actions to ensure consumers do not face financial barriers in accessing diagnostic testing and treatment services for COVID-19.

**Section 8.** The Illinois State Board of Education is directed to continue to recommend, and, as appropriate, take necessary actions to address chronic absenteeism due to transmission of COVID-19 and to alleviate any barriers to the use of e-learning during the effect of this proclamation that exist in the Illinois School Code, 105 ILCS 5/1-1 et. seq.

**Section 9.** All State agencies are directed to cooperate with the Governor, other State agencies and local authorities in the development and implementation of strategies and plans to cope with and recover from the economic impact of COVID-19.

**Section 10.** Pursuant to Section 7(14) of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(14), increases in the selling price of goods or services, including medical supplies, protective equipment, medications and other commodities intended to assist in the prevention of or treatment and recovery of COVID-19, shall be prohibited in the State of Illinois while this proclamation is in effect.

**Section 11.** This proclamation can facilitate requests for federal emergency and/or disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

**Section 12.** This proclamation shall be effective immediately and remain in effect for 30 days.

Issued by the Governor April 1, 2020

Filed by the Secretary of State April 1, 2020

**ILLINOIS ADMINISTRATIVE CODE**  
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