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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 FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Rules for Administration of the Compassionate Use of Medical Cannabis Pilot Program
- 2) Code Citation: 68 Ill. Adm. Code 1290
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1290.10	Amendment
1290.30	Amendment
1290.40	Amendment
1290.50	Repealed
1290.60	Amendment
1290.65	New Section
1290.70	Amendment
1290.75	New Section
1290.80	Amendment
1290.100	Amendment
1290.110	Amendment
1290.120	Amendment
1290.125	New Section
1290.130	Amendment
1290.140	Amendment
1290.150	Amendment
1290.200	Repealed
1290.210	Repealed
1290.220	Repealed
1290.230	Repealed
1290.240	New Section
1290.250	New Section
1290.260	New Section
1290.270	New Section
1290.300	Amendment
1290.320	Amendment
1290.400	Amendment
1290.405	Amendment
1290.410	Amendment
1290.415	Amendment
1290.425	Amendment
1290.430	Amendment
1290.431	Amendment

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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1290.435	Amendment
1290.440	Amendment
1290.445	Amendment
1290.450	Amendment
1290.451	New Section
1290.455	Amendment
1290.460	Amendment
1290.465	Repealed
1290.500	Amendment
1290.510	Amendment
1290.515	New Section
1290.520	Amendment
1290.530	Repealed
1290.560	Amendment
1290.570	Amendment
1290.590	Repealed
1290.610	Amendment

- 4) Statutory Authority: Implementing and authorized by the sunset reauthorization of the Compassionate Use of Medical Cannabis Program Act [410 ILCS 130].
- 5) A Complete Description of the Subjects and Issues Involved: These proposed rules are statutorily required and necessary to implement PA 101-363. Among other amended and new requirements created, PA 101-363 specifically directs the Department of Financial and Professional Regulation to adopt rules "permitting the return, and potential refunds, for damaged or inadequate products." The PA also creates a new requirement that if the Department awards any future medical cannabis dispensing organization licenses, 20% of all points awarded when scoring an application must be awarded based on the applicant's status as a "social equity applicant" as defined in statute. The proposed rules reflect these new requirements.

In addition to the changes specifically dictated by statute, the Department re-organized, clarified, and updated the medical cannabis rules, which have gone mostly unchanged since the first medical cannabis rules were adopted in 2014. While rules mostly related to the Opioid Alternative Pilot Program were adopted in May 2019, those changes were narrow in scope. The proposed rules have been updated to reflect the best practices and lessons learned from the medical cannabis program's first five years, including but not limited to amended facility security requirements, inventory tracking practices, disciplinary provisions, and agent responsibilities.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking, in accordance with 1 Ill. Adm. Code 100.355:  
None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 2<sup>nd</sup> Floor  
Springfield IL 62786

217/785-0813  
fax: 217/557-4451

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Licensed cannabis dispensaries will be affected.
- B) Reporting, bookkeeping or other procedures required for compliance: None

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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- C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis:
  - A) Types of businesses subject to the proposed rule:  
54 – professional, scientific and technical services
  - B) Categories that the agency reasonably believes the rulemaking will impact, including:
    - ii – regulatory requirements
- 15) Regulatory Agenda on which this rulemaking was summarized: July 2019

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

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 68: PROFESSIONS AND OCCUPATIONS

## CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1290

RULES FOR ADMINISTRATION OF THE COMPASSIONATE  
USE OF MEDICAL CANNABIS ~~PILOT~~ PROGRAM

## SUBPART A: GENERAL PROVISIONS

Section  
1290.10 Definitions

## SUBPART B: DISPENSING ORGANIZATION DISTRICTS

Section  
1290.20 Dispensing Organization Districts

SUBPART C: APPLICATION REQUIREMENTS FOR A  
MEDICAL CANNABIS DISPENSARY REGISTRATION AUTHORIZATION

Section  
1290.30 Dispensing Organization Principal Officers  
1290.40 Dispensing Organization Authorization Process  
1290.50 Dispensing Organization – Application Requirements for Authorization  
[\(Repealed\)](#)  
1290.60 Selection Process  
[1290.65 Awarding Authorizations by Lot](#)  
1290.70 Selection Criteria  
[1290.75 Social Equity Applicant Criteria](#)  
1290.80 Fees

## SUBPART D: DISPENSARY REGISTRATION

Section  
1290.100 Dispensing Organization – Registration Process  
1290.110 Dispensing Organization – Registration Requirements  
1290.120 Dispensing Organization – Financial Responsibility  
[1290.125 Disclosure of Ownership and Control](#)

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## NOTICE OF PROPOSED AMENDMENTS

- 1290.130 Changes to a Dispensing Organization Registration
- 1290.140 Request to Relocate a Dispensary
- 1290.150 Dispensing Organization Renewals

## SUBPART E: REGISTRATION OF DISPENSING ORGANIZATION AGENTS

## Section

- 1290.200 Dispensing Organization Agent-in-Charge ([Repealed](#))
- 1290.210 Dispensing Organization Agents ([Repealed](#))
- 1290.220 Persons with Significant Influence or Control; Disassociation ([Repealed](#))
- 1290.230 State and Federal Criminal History Records Check ([Repealed](#))
- [1290.240 Dispensing Organization Agents](#)
- [1290.250 Dispensing Organization Agent-in Charge](#)
- [1290.260 Persons with Significant Influence or Control; Disassociation](#)
- [1290.270 State and Federal Criminal History Records Check](#)

## SUBPART F: DISPENSARY OPERATION

## Section

- 1290.300 Operational Requirements
- 1290.320 Dispensary Access Overnight

## SUBPART G: SECURITY AND RECORDKEEPING

## Section

- 1290.400 Inventory Control System
- 1290.405 Storage Requirements
- 1290.410 Security Requirements
- 1290.415 Recordkeeping [and Record Retention](#)
- 1290.420 Cleaning and Sanitation
- 1290.425 Administration
- 1290.430 Dispensing Medical Cannabis to Patients and Provisional Patients
- 1290.431 Dispensing Medical Cannabis to OAPP Participants
- 1290.435 Signage
- 1290.440 Recall of Medical Cannabis
- 1290.445 Report of Loss or Theft of Cannabis
- 1290.450 Destruction and Disposal
- [1290.451 Returns and Refunds](#)
- 1290.455 Dispensary Advertisements

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- 1290.460 Closure of a Dispensary  
1290.465 Zoning Rules Related to Dispensary ([Repealed](#))

## SUBPART H: DISCIPLINE

- Section  
1290.500 Investigations  
1290.510 Grounds for Discipline  
[1290.515 Unprofessional or Unethical Conduct](#)  
1290.520 Temporary Suspension  
1290.530 Consent to Administrative Supervision Order ([Repealed](#))  
1290.540 Subpoenas; Oaths; Attendance of Witnesses ([Repealed](#))  
1290.550 Request for Hearing ([Repealed](#))  
1290.560 Findings and Recommendations  
1290.570 Restoration of Registration from Discipline  
1290.575 Appointment of a Hearing Officer  
1290.580 Transcript; Record of Proceedings  
1290.590 Certification of Record; Receipt ([Repealed](#))

## SUBPART I: GENERAL

- Section  
1290.600 Intergovernmental Cooperation  
1290.610 Variances  
1290.620 Administrative Decisions

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

SOURCE: Repealed at 13 Ill. Reg. 10923, effective June 21, 1989; adopted at 38 Ill. Reg. 16875, effective July 24, 2014; emergency amendment at 38 Ill. Reg. 17798, effective August 8, 2014, for a maximum of 150 days; amended at 39 Ill. Reg. 695, effective December 29, 2014; emergency amendment at 42 Ill. Reg. 23202, effective December 3, 2018, for a maximum of 150 days; emergency expired May 1, 2019; amended at 43 Ill. Reg. 6593, effective May 20, 2019; amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 1290.10 Definitions**

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

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

"ADA" means the Americans With Disabilities Act of 1990 (42 USC 12101).

"Address of record" means the address recorded by the Division in the applicant's or registrant's application file or the registration file maintained by the Division.

~~"Administratively complete" means that a dispensary registration application meets all requirements of the Act and this Part.~~

"Advanced practice registered nurse" or "APRN" means a person who is licensed under the Nurse Practice Act [225 ILCS 65] as an APRN and has a controlled substances license under Article III of the Illinois Controlled Substances Act [720 ILCS 570].

"Advertise" means advertise as defined in the Cannabis Regulation and Tax Act [410 ILCS 705].

"Applicant" means any person who is applying with the ~~Division~~Department for an authorization ~~to register a dispensary under the Act.~~

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

"Application date" is the date the application for authorization or registration was delivered to and received by the Division, and the applicant received a receipt noting that date.

"Authorization" means an approval awarded to an applicant by the Division that permits an applicant to apply for a dispensing organization registration.

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~~"Authorization notice" means the notice sent by the Division to the applicant that has been awarded an authorization. The authorization notice will include a registry identification number to be used on all future communication with the Division.~~

"Batch" means a specific harvest of cannabis or cannabis-infused products that are identifiable by a batch number, every portion or package of which is uniform within recognized tolerances for the factors that were subject to a laboratory test and that appear in the labeling.

"Batch number" means a unique numeric or alphanumeric identifier assigned to a batch by a cultivation center when the batch is first planted.

"Bulk Cannabis Inventory" means cannabis and cannabis-infused products stored pursuant to Section 1290.405. Bulk cannabis inventory is included in the dispensing organization's total inventory available for sale.

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

"Cannabis Control Act" means 720 ILCS 550.

"Cannabis flower" means marijuana, hashish, and other substances that are identified as including any parts of the plant Cannabis sativa and including derivatives or subspecies, such as indica, of all strains of cannabis; including raw kief, leaves, and buds, but not resin that has been extracted from any part of the

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plant; nor any compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin.

"Cannabis wholesaler" means a registered cultivation center or other business licensed or registered by the Illinois Department of Agriculture that may, by law, transport cannabis to a dispensary.

"Certifying health care professional" means a physician, an APRN, or a physician assistant.

"CPA" means certified public accountant.

"CRTA" means the Cannabis Regulation and Tax Act [410 ILCS 705].

"Damaged" shall have its common meaning and include medical cannabis that is unusable, unused, expired, spoiled, contaminated, deteriorated, mislabeled, undesired, excess, adulterated, misbranded, deteriorated or in containers or packaging that was tampered with or opened.

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

"Director" means the Director of the Illinois Department of Financial and Professional Regulation-Division of Professional Regulation or his or her designee.

"Dispensary" means the physical premises where medical cannabis is dispensed by a dispensing organization.

"Dispensing organization" or "dispensary organization" means a medical cannabis dispensing organization as defined in the Act.

"Dispensing organization agent" or "dispensary agent" means a medical cannabis dispensing organization agent as defined in the Act.

"Dispensing organization agent-in-charge" or "dispensary agent-in-charge" means the person who has day to day control and management over the dispensary.

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## NOTICE OF PROPOSED AMENDMENTS

"Dispensing Organization District" or "District" means one of the 43 geographically dispersed areas identified in the Act and this Part where one or more dispensing organizations may be located.

"Dispensing organization registration" or "Registration" authorizes the applicant to open and operate a dispensing organization within the District designated by the Division.

"Dispensing organization registration authorization" or "Authorization" is the permission given by the Division to an applicant for a dispensing organization allowing it to file documents to obtain a dispensary registration.

"Disproportionately Impacted Area" means a census tract or comparable geographic area that satisfies the following criteria, as determined by the Department of Commerce and Economic Opportunity, that:

meets at least one of the following criteria:

the area has a poverty rate of at least 20%, according to the latest federal decennial census;

75% or more of the children in the area participate in the federal free lunch program, according to reported statistics from the State Board of Education;

at least 20% of the households in the area receive assistance under the Supplemental Nutrition Assistance Program; or

the area has an average unemployment rate, as determined by the Illinois Department of Employment Security, that is more than 120% of the national unemployment average, as determined by the United States Department of Labor, for a period of at least 2 consecutive calendar years preceding the date of the application;  
and

has high rates of arrest, conviction, and incarceration related to sale, possession, use, cultivation, manufacture, or transport of cannabis.  
(CRTA Section 1-10)

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"Division" means the Department of Financial and Professional Regulation-Division of Professional Regulation with the authority delegated by the Secretary.

"DOA" means the Illinois Department of Agriculture.

"DPH" means the Illinois Department of Public Health.

*"Excluded offense" means:*

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

*a violation of a state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted, except that the Department may waive this restriction if the person demonstrates to the Department's satisfaction that his or her conviction was for the possession, cultivation, transfer, or delivery of a reasonable amount of cannabis intended for medical use [as defined in Section 10 of the Act](#).*

*This exception does not apply if the conviction was under state law and involved a violation of an existing medical cannabis law. (Section 10 of the Act)*

"Financial interest" means any actual or future right to ownership, investment or compensation arrangement, either directly or indirectly, through business, investment, spouse, parent or child, in the dispensing organization. Financial interest does not include ownership of investment securities in a publicly-held corporation that is traded on a national securities exchange or over-the-counter market in the United States, provided the investment securities held by the person and the person's spouse, parent or child, in the aggregate, do not exceed ~~5%~~[five percent](#) ownership in the dispensing organization.

"Fingerprint-based criminal history records check" means a fingerprint-based criminal history records check conducted by the ISP in accordance with the Act, 20 Ill. Adm. Code 1265.30 (Electronic Transmission of Fingerprint Requirements) or the Uniform Conviction Information Act (UCIA) [20 ILCS 2635].

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"Good standing" means the dispensing organization's registration is not under investigation, is not on probation and is not subject to disciplinary or other restrictions by the Division as defined in the Act or this Part.

"HIPAA" means the Health Insurance Portability and Accountability Act (45 CFR 164).

"ID" means the Division issued identification card.

*"Illinois Cannabis Tracking System" means a web-based system established and maintained by ~~DPH~~the Department of Public Health that is available to ~~DOA~~the Department of Agriculture, the Department of Financial and Professional Regulation, ISP~~the Illinois State Police~~, and registered medical cannabis dispensing organizations on a 24-hour basis to upload written certifications for Opioid Alternative Pilot Program participants, to verify Opioid Alternative Pilot Program participants, to verify Opioid Alternative Pilot Program participants' available cannabis allotment and assigned dispensary, and the tracking of the date of sale, amount, and price of medical cannabis purchased by an Opioid Alternative Pilot Program participant. (Section 10(1-10) of the Act)*

"ISP" means Illinois Department of State Police.

"Kief" means the resinous crystal-like trichomes that are found on cannabis and that are accumulated, resulting in a high concentration of cannabinoids, untreated by heat or pressure or extracted using a solvent.

"Limited access area" means a room or rooms under the control of the dispensing organization and on the registered dispensary premises into which cannabis is dispensed from a restricted access area~~with access limited~~ to qualifying patients, provisional registration patients, Opioid Alternative Pilot Program Participants, and designated caregivers, ~~dispensary agents, service professionals working on jobs at the dispensary, or persons authorized by the Act and this Part.~~

~~"Livescan" means an inkless electronic system designed to capture an individual's fingerprint images and demographic data in a digitized format that can be transmitted to ISP, for processing. The data is forwarded to the ISP Bureau of Identification (BOI) over a virtual private network (VPN) and then processed by ISP's Automated Fingerprint Identification System (AFIS). Once received at the~~

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~~BOI for processing, the inquiry may then be forwarded to the Federal Bureau of Investigation (FBI) electronically for processing.~~

"Livescan vendor" means an entity licensed by the Department to provide commercial fingerprinting services under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 [225 ILCS 447].

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

*"Medical cannabis container" means a sealed, traceable, food compliant, tamper resistant, tamper evident container or package used for the purpose of containment of medical cannabis from a cultivation center to a dispensing organization. (Section 10(n) of the Act)*

*"Medical cannabis-infused products" means food, oils, ointments, or other products containing cannabis that are not smoked (e.g., sodas, teas or capsules) as defined in the Act. (Section 10(q) of the Act)*

*"Member of an impacted family" means an individual who has a parent, legal guardian, child, spouse, or dependent, or was a dependent of an individual who, prior to the effective date of the CRTA, was arrested for, convicted of or adjudicated delinquent for any offense that is eligible for expungement by the CRTA. (CRTA Section 1-10)*

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

"Notify" means to send via regular United States mail or email ~~and United States certified mail.~~

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"OAPP" means the Opioid Alternative Pilot Program.

*"Opioid" means a narcotic drug or substance that is a Schedule II controlled substance under Section 206(b)(1), (2), (3), or (5), or (c) of the Illinois Controlled Substances Act. (Section 10(r-5) of the Act)*

*"Opioid Alternative Pilot Program participant" or "OAPP participant" means an individual who has received a valid written certification to participate in the Opioid Alternative Pilot Program for a medical condition for which an opioid has been or could be prescribed by a certifying health care professional~~physician~~ based on generally accepted standards of care. (Section 10(r-10) of the Act)*

"Ownership structure" means a description of the business type, structure and identity of each person with ownership, control or financial interest in the dispensing organization.

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

"Physician" means a doctor of medicine or doctor of osteopathy licensed under the Medical Practice Act of 1987 [225 ILCS 60] to practice medicine and who has a controlled substances license under Article III of the Illinois Controlled Substances Act [720 ILCS 570]. "Physician" does not include a licensed practitioner under any other Act, including, but not limited to, the Illinois Dental Practice Act [225 ILCS 25].

"Physician assistant" means a physician assistant licensed under the Physician Assistant Practice Act of 1987 [225 ILCS 95] who has a controlled substances license under Article III of the Illinois Controlled Substances Act.

"Point of sale" means a web-based system maintained by the dispensing organization to track cannabis inventory, sales and currency. The dispensary's point of sale equipment interfaces in real-time with the State verification system and Illinois Cannabis Tracking System to record all sales.

"Principal officer" includes:

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a board member of a dispensing organization;

an owner with more than 1% interest in a privately held dispensing organization or more than a 5% interest in a publicly traded cannabis company;

the president, vice president, secretary, treasurer, partner, officer, member or manager member of a dispensing organization;

a person with a profit sharing financial interest or revenue sharing agreement with, or a financial interest in, a dispensing organization;

a person with authority to control the dispensing organization; or

a person who assumes responsibility for the debts of the dispensing organization.

This definition includes any person of a holding or parent company or entity engaged in a management agreement that exerts indirect or direct control over the medical cannabis dispensing organization—a dispensing organization applicant or registered dispensing organization's board member, owner with more than one percent interest of the total dispensing organization or more than five percent interest of the total dispensing organization of a publicly traded company, president, vice president, secretary, treasurer, partner, officer, member, manager member, shareholder or person with a profit sharing, financial interest or revenue sharing arrangement. The definition includes a person with authority to control the dispensing organization, a person who assumes responsibility for the debts of the dispensing organization and a person who is further defined in this Part.

"Promptly" means as soon as reasonably practicable, but not later than 5five days.

"Provisional registration" means a document issued by ~~the DPH~~the Department of Public Health to a qualifying patient who has submitted:

*an online application and paid a fee to participate in the Compassionate Use of Medical Cannabis ~~Pilot~~ Program pending approval or denial of the patient's application; or*

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*a completed application for terminal illness.* (Section 10(s-5) of the Act)

"Public access area" is the dispensary's entrance, vestibule or waiting room area accessible to the public and under the control of the registered dispensing organization. ~~Persons in the public access area must be present in furtherance of the Act.~~

"Registered" or "Registration" means a dispensing organization licensed by the Division to operate a medical cannabis dispensary as defined in the Act.

"Registration applicant" means an applicant that has been awarded an authorization by the Division.

"Reinforced vault" means a room built to the specifications listed in Section 1290.410(j).

"Restricted access area" means a room or rooms, or other contiguous area under control of the dispensing organization and on the registered premises where cannabis is stored, deliveries of cannabis are received, cash or receipts are stored, or cannabis is destroyed or disposed of with access limited to dispensary agents, the Division, ISP, emergency personnel and service professionals as described in this Part, where cannabis is stored, held, packaged, sold or processed for sale.

~~"Registration packet" is the information and documents submitted by a dispensing organization authorized by the Division to register a dispensing organization.~~

"Secretary" means the Secretary of the Department.

"Service professional" means a person who must be present at the dispensary to perform work other than duties that can only be performed by agents, agents-in-charge or principal officers, including but not limited to those installing or maintaining security devices, delivering cannabis, or providing construction services.

"Social Equity Applicant" means an applicant that is an Illinois resident that meets one of the following criteria:

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an applicant with at least 51% ownership and control by one or more individuals who have resided for at least 5 of the preceding 10 years in a Disproportionately Impacted Area;

an applicant with at least 51% of ownership and control by one or more individuals who:

have been arrested for, convicted of, or adjudicated delinquent for any offense that is eligible for expungement; or

is a member of an impacted family;

for applicants with a minimum of 10 full-time employees, an applicant with at least 51% of current employees who:

currently reside in a Disproportionately Impacted Area;

have been arrested for, convicted of, or adjudicated delinquent for any offense that is eligible for expungement; or

is a member of an impacted family.

"State verification system" means a web-based system established and maintained by ~~DPH~~~~the Department of Public Health~~ that is available to ~~DOA~~~~the Department of Agriculture, the Department of Financial and Professional Regulation, law enforcement personnel, and registered medical cannabis dispensing organization agents on a 24-hour basis for the verification of registry identification cards, the tracking of delivery of medical cannabis to medical cannabis dispensing organizations, and the tracking of the date of sale, amount, and price of medical cannabis purchased by a registered qualifying patient.~~ (Section 10(x) of the Act)

"Trust" means a fiduciary relationship in which one party, known as a trustor, gives another party, the trustee, the right to hold title to property or assets for the benefit of a third party, the beneficiary.

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

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"Visitor" means a person authorized by the Division and the dispensary to enter a dispensary's limited access area, as defined in this Part, and is not a qualifying patient, designated caregiver, dispensary agent, emergency personnel or service professional.

"Written certification" means a document dated and signed by a certifying health care professional~~physician~~, stating:

*that the qualifying patient has a debilitating medical condition and specifying the debilitating medical condition the qualifying patient has; and*

*that:*

*the certifying health care professional~~physician~~ is treating or managing treatment of the patient's debilitating medical condition; or*

*an Opioid Alternative Pilot Program participant has a medical condition for which opioids have been or could be prescribed.*

*A written certification shall be made only in the course of a bona fide certifying health care professional~~physician~~-patient relationship, after the certifying health care professional~~physician~~ has completed an assessment of either a qualifying patient's medical history or OAPP participant, reviewed relevant records related to the patient's debilitating condition, and conducted a physical examination. (Section 10(y) of the Act)*

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

SUBPART C: APPLICATION REQUIREMENTS FOR A  
MEDICAL CANNABIS DISPENSARY REGISTRATION AUTHORIZATION

**Section 1290.30 Dispensing Organization Principal Officers**

- a) In addition to the individuals identified in the dispensing organization's by-laws as principal officers, the following individuals are considered principal officers:
  - 1) If a corporation, the officers of the corporation;

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- 2) If a partnership, the partners;
  - 3) If a limited liability company, the members and managers of the limited liability company;
  - 4) If an association or cooperative, the members of the association or cooperative;
  - 5) If a joint venture, the individuals who signed the joint venture agreement; and
  - 6) If a business organization other than the types listed in subsections (a)(1) through (5), the members of the business organization.
- b) All principal officers must be natural persons. A dispensing organization may not be established as a trust. A trust may not have an ownership interest in a registered dispensing organization.
- c) Any person with a financial interest in a management agreement is deemed to have a financial interest in the dispensing organization that it is managing. Managing a dispensing organization may include, but is not limited to, directing or advising on pricing, product selection, personnel or marketing decisions.
- d) If a dispensing organization parent company, holding company or any other entity exerts management or control over the dispensing organization, ~~that entity is a dispensing organization principal officer, including~~ the officers, board members and ~~the individuals with an ownership interest in it~~ that have more than a ~~one~~ 1% percent ownership interest in that entity are also principal officers in the dispensing organization.
- e) No principal officer shall have a financial interest in more than five registrations or authorizations under the Act or hold themselves out as an owner of more than five registrations or authorizations under the Act. If a principal officer has a financial interest in more than five registrations or authorizations under this Act, the principal officer must promptly notify the Division.
- f) All principal officers must be approved and receive a principal officer ID issued by the Division.

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- g) A principal officer not in compliance with the requirements of the Act and this Part shall be removed from his or her position with the dispensing organization or shall otherwise terminate his or her affiliation. Failure to do so may subject the dispensing organization to discipline, suspension or revocation of its registration by the Division.
- h) A principal officer must not allow his or her principal officer ID to expire.
- i) A principal officer shall comply with, and is subject to, the provisions and requirements of Section 1290.240.

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

**Section 1290.40 Dispensing Organization Authorization Process**

- a) An applicant shall file an application with the Division for authorization to register a dispensing organization. Applications must contain the information required by the Division and be submitted in the form and format directed by the Division.
- b) The Division shall review applications and issue authorizations according to the requirements of the Act and this Part.
- ~~1)~~ ~~An applicant shall file an application with the Division for authorization to register a dispensing organization.~~
- ~~12)~~ ~~Applications for authorizations shall be made on forms furnished by the Division.~~ The application shall be signed by all principal officers certifying under penalty of perjury that all information contained in the application is true and accurate.
- ~~23)~~ An applicant is limited to one application for authorization per District. An applicant may only be awarded an authorization for the District identified in its application.
- ~~4)~~ ~~The instructions on the application will reflect the total maximum number of points available for each required criteria and bonus point category. The instructions and application will also identify the minimum number of~~

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~~points necessary from the required criteria to be eligible for consideration of the bonus point categories. All applications will be reviewed and points awarded based upon the same point system in a fair and unbiased manner.~~

- ~~35)~~ An applicant may submit separate applications for authorization in up to five Districts per application period. If submitting an application in more than one District, the applicant shall identify all the Districts in which the applicant has applied.
- ~~46)~~ Each application requires ~~a non-refundable one~~ application fee (see Section 1290.80). The Division will award up to 250 points to complete and timely file applications based on the sufficiency of the applicant's responses to information requested in the application. An applicant may be awarded points for each category identified in this subsection. An application may receive none, some, or all of the points available in a category, depending on the category and the applicant's response. The categories and the maximum number of points available areApplications for authorization will be scored in five required categories. ~~Should the applicant meet the minimum percentage in the five required categories, it may be eligible to be scored in the bonus category. The required five categories and the bonus category will be scored based on the following point structure:~~
- ~~A)~~ A~~The suitability of the proposed employee training plan~~dispensary category is (maximum of 15~~150~~ points).
  - ~~B)~~ ~~The business and operation plan category is 200 points.~~
  - ~~B~~C) A~~The security and recordkeeping plan~~category is (maximum of 65~~200~~ points).
  - ~~C~~D) A business plan, financials, operating plan and floor plan (maximum of 65~~The recordkeeping and inventory plan category is 200 points).~~
  - ~~D~~E) The applicant's knowledge and experience (maximum of 30~~financial disclosure category is 150~~ points).

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- ~~EF)~~ Qualification as a Social Equity Applicant (maximum of 50 points).  
~~The bonus category is 100 points).~~
- F) Information regarding proposed labor and employment practices (maximum of 5 points).
- G) An environmental plan (maximum of 5 points).
- H) Qualification as an Illinois owner (maximum of 5 points).
- D) Qualification as a veteran (maximum of 5 points).
- J) A diversity plan (maximum of 5 points).
- ~~7)~~ ~~If submitting an application in more than one District, the applicant shall identify the Districts it has applied in or Districts where it is registered.~~
- ~~58)~~ Each applicant must submit to and qualify through a fingerprint-based criminal history records check as set forth in Section 1290.230.
- ~~69)~~ The Division shall review and score each complete and timely filed application. Incomplete or untimely filed applications will not be accepted by the Division and will not be scored to determine whether it meets the minimum criteria and shall determine qualified applicants.
- ~~10)~~ ~~The Division may consider the location of a proposed dispensary relevant to other proposed or existing dispensaries, in the same or adjacent Districts, to ensure that dispensaries are geographically dispersed.~~
- ~~11)~~ ~~If the Division determines that the number of qualified applicants exceeds the number of authorizations available, the Division will select the most qualified applicant in that District using the selection process established in Section 1290.60.~~
- ~~712)~~ Applicants~~Qualified applicants~~ chosen through the selection process will receive an authorization issued by the Division.
- ~~13)~~ ~~If the Division determines that a District has no qualified applicants or fewer qualified applicants than authorized registrations, the Division shall~~

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~~post a notification on the Division's website detailing the dates of the next open application period.~~

- 14) ~~No person or entity shall have a financial interest in more than five registrations or hold itself out as an owner of more than five registrations. No person shall be a principal officer in more than five registered dispensing organizations. If a qualified applicant has been granted more than five authorizations or registrations by the Division, the applicant shall promptly notify the Division.~~
- 15) ~~If a dispensing organization's registration is void or invalid for any reason, including but not limited to revocation, suspension or nonrenewal, the Division will post a notification on the Division's website detailing the dates of the next open application period.~~
- b) Upon receipt of the authorization notice, the applicant may submit for registration approval.
- c) If an applicant is awarded an authorization, the information and plans provided in the application become a condition of the authorization. Failure to comply with the conditions in the application may subject the authorization recipient to discipline, up to and including revocation of its authorization. Revocation of an authorization shall serve as a final administrative decision by the Division.

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

**Section 1290.50 Dispensing Organization – Application Requirements for Authorization**  
**(Repealed)**

- a) ~~Applications must be submitted on Division provided forms and include the following information:~~
- 1) ~~The legal name of the proposed dispensing organization.~~
- 2) ~~The name, address, telephone number, date of birth, social security number and e-mail address of the proposed dispensing organization's principal officers. A post office box may not be used.~~
- 3) ~~The name of the proposed dispensary.~~

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- 4) ~~If the entity applying is a sole proprietorship, a copy of creation documents.~~
- 5) ~~If the entity applying is a business organization other than a sole proprietorship, the following information for the entity applying:~~
  - A) ~~The type of business organization.~~
  - B) ~~If a partnership, a copy of any partnership or joint venture documents, and if there is no written agreement, a statement signed by all principal officers affirming there is no agreement.~~
  - C) ~~If a limited liability company, a copy of the Articles of Organization, operating agreement, and certificate of good standing issued by the Secretary of State or obtained from the Secretary of State's website dated within seven days prior to the date the application is filed with the Division. Limited liability company applicants shall include a listing of all affiliated persons or business entities holding an ownership interest in the company.~~
  - D) ~~If a corporation, the name of the registered agent, a copy of the Articles of Incorporation, Corporate Resolutions if any, and a certificate of good standing issued by the Secretary of State or obtained from the Secretary of State's website within seven days prior to the date the application is filed with the Division. If using an assumed name, a copy of the assumed name registration issued by the Secretary of State. Corporate applicants shall include a listing of all persons or businesses holding an ownership interest in the corporation.~~
  - E) ~~If an unincorporated association, organization or not for profit organization, documents or agreements relevant to its creation, ownership, profit sharing and liability. If there are no documents as detailed in this subsection (a)(5)(E), a statement signed by all principal officers stating so.~~
- 6) ~~From each principal officer, a statement indicating whether that person:~~

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- A) ~~Has held an ownership interest in a dispensing organization, other cannabis related business, or its equivalent in another state or territory of the United States that had the dispensary registration or license suspended, revoked, placed on probationary status or subjected to other disciplinary action.~~
  - B) ~~Is a physician that will be on the dispensing organization's board of directors or an employee, pursuant to Section 35(b)(5) of the Act.~~
  - C) ~~Is a registered qualified patient, designated caregiver, provisional patient or OAPP patient.~~
- 7) ~~Disclosure of whether any principal officer has ever:~~
- A) ~~Filed for bankruptcy; or~~
  - B) ~~Defaulted on alimony or child support obligation.~~
- 8) ~~A resume for each principal officer, including whether that person has an academic degree, certification or relevant experience with a medical cannabis business or in a related industry.~~
- 9) ~~A patient education plan detailing the benefits or drawbacks of cannabis strains or products in connection with the debilitating conditions identified in the Act and an OAPP participant education plan detailing the benefits or drawbacks of cannabis strains or products in connection with medical conditions for which opioids can be, or are, prescribed for, and initiatives to keep product costs reasonable.~~
- 10) ~~A description of the training and education that will be provided to dispensary agents.~~
- 11) ~~A copy of the proposed operating by laws.~~
- 12) ~~A copy of the proposed business plan that complies with the requirements in this Part, including, at a minimum, the following:~~
- A) ~~A description of products intended to be offered;~~

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- B) ~~A description of services to be offered; and~~
  - C) ~~A description of the process of dispensing cannabis from a restricted access area to a limited access area.~~
- 13) ~~A copy of the proposed security plan that complies with the requirements in this Part, including:~~
- A) ~~A description of the delivery process by which cannabis will be received from a cultivation center, including receipt of manifests and protocols that will be used to avoid diversion, theft or loss at the dispensary acceptance point;~~
  - B) ~~The process or controls that will be implemented to monitor the dispensary, secure the premises, agents, patients, opioid participants and currency, and prevent the diversion, theft or loss of cannabis; and~~
  - C) ~~The process to ensure that access to the limited access areas is restricted to qualifying patients, provisional registration patients, OAPP participants, designated caregivers, registered agents, service professionals or persons authorized by the Act and this Part.~~
- 14) ~~A proposed inventory control plan that complies with this Part.~~
- A) ~~The process for integrating the dispensary's point of sale with the State verification system and Illinois Cannabis Tracking System using a program interface to record sales and patients, provisional patients, designated caregivers and OAPP participants in real time;~~
  - B) ~~A description of the medical cannabis order fulfillment process for patients, provisional patients and OAPP participants;~~
  - C) ~~A description of the patient, provisional patient and OAPP participant sale process;~~
  - D) ~~A description of the process of dispensing cannabis from the restricted access area to the limited access area.~~

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- ~~15) A proposed recordkeeping plan and State verification system for patients, provisional patients, designated caregivers and OAPP participants that complies with this Part.~~
- ~~16) A copy of the current local zoning ordinance sections relevant to dispensary operations. Documentation, if any, of the approval, the conditional approval or the status of a request for zoning approval from the local zoning office that the proposed dispensary location is in compliance with the local zoning rules and the zoning provisions in Section 130 of the Act.~~
- ~~17) For the building or land to be used as the proposed dispensary:~~
- ~~A) If the property is not owned by the applicant, a written statement from the property owner and landlord, if any, certifying consent that the applicant may operate a dispensary on the premises; or~~
- ~~B) If the property is owned by the applicant, confirmation of ownership.~~
- ~~18) A copy of any proposed marketing or advertising plan or materials.~~
- ~~19) A map of the area surrounding the proposed dispensary, extending a minimum of 1,000 feet from the property line in all directions. The map must clearly demonstrate that the property line of the proposed dispensary is not located within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home or part day child care facility. The map must clearly demonstrate that the dispensary is not in an area zoned for residential use and identify the existing adjacent businesses. For purposes of this subsection (a)(19), "pre-existing" means existing as of the date the proposed dispensing organization submitted its application to the Division.~~
- ~~20) A plot plan of the dispensary drawn to scale. The applicant shall submit general specifications of the building exterior and interior layout.~~

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- 21) ~~A statement that the dispensing organization agrees to respond to the Division's supplemental requests for information.~~
- b) ~~Financial Disclosure~~  
~~The applicant shall provide a statement disclosing relevant business transactions and financial information connected with the application. Financial disclosures include:~~
- 1) ~~A Table of Organization, Ownership and Control, including the ownership structure and names of the principal officers of the dispensing organization.~~
  - 2) ~~A current organization chart that includes position descriptions and the names and resumes of each person holding each position. The resumes shall establish specific skills, education, experience or significant accomplishments that are relevant to owning or operating a dispensing organization.~~
  - 3) ~~Depending on business type as applicable, agreements between any two or more principal officers that relate to the assets, liabilities, property, revenue, royalties, profit or future profit of the dispensing organization or comparable documents that establish the legal structure of the applicant, operations, management and control.~~
  - 4) ~~A copy of compensation agreements among any persons having a financial interest in the dispensing organization.~~
  - 5) ~~The nature, type, terms, covenants and priorities of all outstanding debts, including but are not limited to bonds, loans, mortgages, trust deeds, lines of credit, notes issued or executed, or to be issued or executed, in connection with the proposed dispensary.~~
  - 6) ~~Audited financial statements for the previous fiscal year, which shall include, but are not limited to, an income statement, balance sheet, statement of retained earnings or owners' equity, statement of cash flows, and all notes to those statements and related financial schedules, prepared in accordance with generally accepted accounting principles, with the accompanying independent auditor's report. The audit must be compiled by and certified by an auditor or CPA. If the applicant was formed within~~

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~~the year preceding the application, provide certified financial statements for the period of time the applicant has been in existence.~~

- ~~7) Complete copies of all federal, state and foreign (with translation) tax returns filed by the principal officers of the proposed dispensing organization for the last three years, or for the period each principal officer has filed tax returns if less than three years.~~
  - ~~8) Disclosure of all funding sources used for the proposed dispensing organization, including documentation verifying the source of the funds and copies of closing documents in connection with the purchase of a registered business.~~
  - ~~9) The applicant has a continuing duty to promptly disclose material changes in the financial information provided to the Division. If an applicant is issued a registration, this duty of ongoing disclosure shall continue throughout the registered period.~~
- e) ~~Documentation acceptable to the Division that the applicant has at least \$400,000 in liquid assets under its control for each application. Documentation acceptable to the Division includes:~~
- ~~1) A signed statement from an Illinois Licensed CPA or financial institution attesting to proof of \$400,000 in liquid assets under the control of a principal officer or the entity applying.~~
  - ~~2) The signed statement must be dated within 10 calendar days before the application is submitted.~~
  - ~~3) Documentation otherwise requested by the Division in writing.~~
- d) ~~An attestation under penalty of perjury signed and dated by each principal officer identified in subsection (a)(2):~~
- ~~1) That the person has not been convicted of an excluded offense;~~
  - ~~2) That the information provided to the Division is true and correct;~~

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- 3) ~~That, if the proposed organization is issued an authorization, the applicant will not operate until the Division approves the applicant's registration packet, the dispensary is inspected and the applicant obtains a registration from the Division;~~
- 4) ~~That the applicant acknowledges receipt and advisement of the notices contained in the application and agrees to and accepts the limitations of liability and the requirement to indemnify, hold harmless and defend the State of Illinois, including:~~
- A) ~~Limitation of Liability—the State of Illinois shall not be liable to the dispensing organization, dispensing organization employees, family members or guests, qualifying patients or caregivers, qualifying patient's or caregiver's employer or employees, family members or guests for any damage, injury, accident, loss, compensation or claim, based on, arising out of or resulting from the registrant's participation in the Compassionate Use of Medical Cannabis Pilot Program, including, but not limited to, the following: arrest, seizure of persons or property, prosecution pursuant to federal laws by federal prosecutors, any fire, robbery, theft, mysterious disappearance or any other casualty; or the actions of any other registrants or persons. This limitation of liability provision shall survive expiration or the early termination of the registration if the registration is granted; and~~
- B) ~~The Division requires each registrant to include a signed statement in the registration packet that, at minimum, certifies that the applicant has actual notice that, notwithstanding any State law:~~
- i) ~~Cannabis is a prohibited Schedule I controlled substance under federal law;~~
- ii) ~~Participation in the Compassionate Use of Medical Cannabis Pilot Program (program) is permitted only to the extent provided by the strict requirements of the Act and this Part;~~
- iii) ~~Any activity not sanctioned by the Act or this Part may be a violation of State law;~~

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- iv) ~~Growing, distributing or possessing cannabis in any capacity, except through a federally approved research program, is a violation of federal law;~~
  - v) ~~Use of medical cannabis may affect an individual's ability to receive federal or state licensure in other areas;~~
  - vi) ~~Use of medical cannabis, in tandem with other conduct, may be a violation of State or federal law;~~
  - vii) ~~Participation in the medical cannabis program does not authorize any person to violate federal law or State law and, other than as set out in Section 25 of the Act, does not provide any immunity from or affirmative defense to arrest or prosecution under federal law or State law; and~~
  - viii) ~~Applicants shall indemnify, hold harmless and defend the State of Illinois for any and all civil or criminal penalties resulting from participation in the program.~~
- e) ~~The Division has the authority to include additional certifications in the application that would be sufficient to ensure compliance with the program and all other applicable laws.~~
- e) ~~All proposed principal officers must be natural persons. The Division will communicate with the proposed dispensing organization's principal officers. The Division will not communicate exclusively with a consultant or attorney working on behalf of the proposed dispensing organization.~~
- f) ~~The non-refundable application fee (see Section 1290.80).~~

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

**Section 1290.60 Selection Process**

- a) ~~The Division will conduct a comprehensive, fair and impartial evaluation of the applications timely received. It will award dispensing organization authorizations on a competitive basis.~~

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- ~~b)~~ ~~Applications will be assessed to determine whether they meet the mandatory minimum qualification criteria. Application items are mandatory unless otherwise indicated. An applicant that fails to submit the information required by this Part may be disqualified prior to the review and scoring process.~~
- ~~ae)~~ The Division will accept applications, assigning each one a unique identification number. During the selection process, the application will be reviewed and referred to by its unique identification number.
- ~~bd)~~ An application will be disqualified if one or more of the prospective principal officers has been convicted of an excluded offense.
- ~~c)~~ An application may be disqualified for any of the following reasons:
- 1) One of the proposed principal officers has committed one or more of the violations identified in Section 1290.510 or 1290.515, or has committed a substantially similar violation in another jurisdiction;
  - 2) One of the proposed principal officers has been convicted of a felony or misdemeanor that would impair the ability of the person to engage in the practice of being a principal officer of a dispensing organization (see 20 ILCS 2105/2105-131);
  - 3) One of the proposed principal officers has served as an owner, officer, or director of a licensed cannabis related business that has been disciplined in Illinois or any other state.
- ~~de)~~ When the Division receives more than one complete and timely filed application for an authorization in a District, the Division will choose the recipient of the authorization~~applicant~~ through a selection and scoring process (see Section 1290.70).
- ~~ef)~~ The Division will rank each complete and timely filed application based on its total score.
- ~~fg)~~ Authorizations will be issued to non-disqualified~~the~~ applicants in each District in order of priority based on meeting at least the minimum criteria in each category and with the highest number of application points until all authorizations allocated

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~~in the District have been issued total score overall per District and based on the number of allocated registrations per District.~~

- ~~gh) If two or more non-disqualified applicants receive the same number of application points, authorizations will be awarded pursuant to Section 1290.65. In the event that two or more applicants receive the same total high score, the Division will select the applicant that received the highest score in the security and recordkeeping categories. In the event that the applicants received the same score in the security and recordkeeping categories, the tied applicants will be interviewed by a panel of three Department employees selected by the Director. The panel will interview the applicants based on the information gathered during the application process. The panel will make a written recommendation to the Director, and the Director will review the recommendation and make a final written determination.~~
- ~~i) The Division may issue up to 60 dispensing organization authorizations. If the Division concludes that, during the first request for applications, no qualified applications are timely received for a District or Districts, the Division reserves the right to award fewer than 60 authorizations. If a second round of applications is required, the second round will be conducted in the same manner as the first.~~
- ~~hj) Successful applicants will receive an An authorization notice from the Division will be sent to a successful applicant. The authorization notice will include a registry identification number to be used on all future communication with the Division.~~
- ~~ik) Notwithstanding Section 1290.620, nothing in this Part is intended to confer a property or other right, duty, privilege or interest entitling an applicant to an administrative hearing upon denial of an application.~~
- ~~l) To reassign a registration, the Division will publish on its website, and in such other places as the Division deems appropriate, a notice of open applications for dispensary registration. The notice shall include:~~
- ~~1) The number of registrations anticipated to be awarded;~~
  - ~~2) Information on how to obtain an application;~~
  - ~~3) The deadline for receipt of applications;~~

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- 4) ~~Acceptable methods for submitting an application; and~~
- 5) ~~The available District.~~

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

**Section 1290.65 Awarding Authorizations by Lot**

- a) For the purposes of this Section:

"Applicant" means the Proposed Dispensing Organization Name as stated on an authorization application.

"Application points" means the number of points an applicant receives at the conclusion of the scoring process.

"By lot" means a randomized method of choosing between two or more eligible applicants.

"Eligible applicant" means a tied applicant that is eligible to participate in the process by which a remaining available authorization is distributed by lot.

"Remaining available authorization" means an authorization in a District that is not awarded by the Division at the conclusion of the scoring process period. There may be more than one remaining available authorization in a District. For example, if four authorizations are available in a District and the five highest scoring applicants receive scores of 245, 240, 235, 235 and 235 points, the applicants receiving 245 and 240 application points will be awarded authorizations and the three applicants receiving 235 points may become eligible applicants. Likewise, if one authorization is available in a District and there are 5 applicants with the highest score, all 5 applicants may become eligible applicants.

"Scoring process period" is the period of time between the conclusion of the submission period for an authorization application and when the Division publishes the following information:

the names of the applicants that have been awarded authorizations based on receiving the highest number of application points; and

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the names of tied applicants that may become eligible applicants.

"Tied applicant" means an applicant that has received the same number of application points as one or more other applicants in the same District and would have been awarded an authorization but for the one or more other applicants that received the same number of application points.

- b) A tied applicant may qualify as an eligible applicant subject to the following:
- 1) A tied applicant is prohibited from becoming an eligible applicant if a principal officer of the tied applicant is a principal officer of more tied applicants than the number of remaining available authorizations. For example, if an individual is a principal officer of four tied applicants and there are two remaining available authorizations, no more than two of those tied applicants may become eligible applicants.
  - 2) A tied applicant is prohibited from becoming an eligible applicant if a principal officer of a tied applicant resigns after the conclusion of the scoring process period.
  - 3) A tied applicant is prohibited from becoming an eligible applicant if, after the conclusion of the declination period identified in subsection (c), a principal officer of the applicant is a principal officer of more tied applicants than the number of remaining available authorizations.
- c) A tied applicant may decline to become an eligible applicant by informing the Division within 5 business days after the conclusion of the scoring process period. The declination must be submitted on forms approved by the Division.
- d) If, at the conclusion of the scoring process period, there are two or more eligible applicants, the Division may distribute the remaining available authorizations by lot, subject to the following:
- 1) The Division shall publish a list of eligible applicants at least 5 business days before the day the remaining available authorizations are distributed.
  - 2) The drawing by lot for all remaining available authorizations will occur on the same day.

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- 3) For each District, the Division will draw a number of eligible applicants equal to five times the number of remaining eligible authorizations.
- 4) Within each District, the first eligible applicant drawn will have the first right to a remaining available authorization. The second eligible applicant drawn will have the second right to a remaining available authorization. The same pattern will continue for each subsequent eligible applicant drawn.
- 5) The process for distributing remaining available authorizations will be recorded by the Division in a format chosen by the Division.
- 6) If, upon being selected for a remaining available authorization, the eligible applicant has a principal officer that is a principal officer in more than 5 Dispensing Organization Authorizations and Registrations, the registrants and the eligible applicant listing the principal officer must choose which authorizations or registrations to abandon and notify the Division in writing within 5 business days. If the eligible applicants or registrants do not notify the Division as required, the Division shall refuse to issue to the eligible applicants all remaining available authorizations obtained by lot in all Districts.
- 7) All remaining available authorizations that have been abandoned shall be distributed to the next eligible applicant drawn by lot. If there are no additional eligible applicants, the authorization shall be awarded to the applicant receiving the next highest number of application points in the District.

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

**Section 1290.70 Selection Criteria**

- a) ~~Applicants must submit all required information, including that required in Section 1290.50. Failure by an applicant to submit all required information may result in the application being disqualified.~~
- ab) If the Division receives an application with missing information, the Division may issue a deficiency notice to the applicant. The applicant shall have 10~~seven~~

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calendar days from the date of the deficiency notice to resubmit the ~~missing~~incomplete information. Applications that are ~~still~~ incomplete after this opportunity to cure will not be scored and will be disqualified.

be) The Division will award up to 250 points to ~~administratively~~ complete and timely filed applications based on the clarity, organization and quality of the applicant's responses to required information. Applicants will be awarded points based on the determination that the application satisfactorily includes~~according to the~~ following element~~categories~~:

- 1) Suitability of the Employee Training Plan (15 points)~~Proposed Dispensary~~  
The plan shall include an employee training plan that demonstrates that employees will understand the rules and statutes to be followed by dispensary employees, have knowledge of any security measures and operating procedures of the dispensary, and are able to advise patients, provisional patients, caregivers, and OAPP participants on how to safely consume cannabis and use individual products offered by the dispensary.
  - A) ~~A demonstration that the proposed location is suitable for public access, the layout promotes safe dispensing of medical cannabis, it is sufficient in size, power allocation, lighting, parking, handicapped accessible parking spaces, ADA accessible entry and exits, product handling, and storage.~~
  - B) ~~A statement of reasonable assurance that the issuance of a registration will not have a detrimental impact on the community.~~
- 2) Security and Recordkeeping (65 points)
  - A) The security plan ~~shall account~~will demonstrate the capability for the prevention of the theft or diversion of medical cannabis. The security plan ~~demonstrates~~will demonstrate safety procedures for dispensary employees, patients, provisional patients, OAPP participants and caregivers, and safe delivery and storage of cannabis and currency. The plan shall~~It will~~ demonstrate compliance with all security requirements in the Act and this Part.
  - B) A plan for recordkeeping, tracking and monitoring inventory, quality control and other policies and procedures that will promote

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standard recordkeeping and discourage unlawful activity. This plan ~~shall~~will include the applicant's strategy to communicate with the Division and ISP on the destruction and disposal of cannabis. The plan must also demonstrate compliance with the Act and this Part.

C) The security plan shall detail which private security contractor, licensed under Section 10-5 of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 [225 ILCS 447], the dispensary will contract with in order to provide on-site security at all hours of the dispensary's operation.

3) Applicant's Business Plan, Financials, and Operating and Floor Plan (65 points)

A) The business plan shall describe, at a minimum, how the dispensing organization will be managed on a long-term basis. This shall include a description of the State verification system, dispensing organization's point of sale system, Illinois Cannabis Tracking System, purchases and denials of sale, confidentiality, and products and services to be offered. It must demonstrate compliance with the Act and this Part.

~~B) The financial plan shall describe, at a minimum, the source of the \$400,000 liquid asset requirement and the amount and source of the organization's equity and debt commitment to ensure financial stability, including a demonstration of the immediate and long-term financial health and resources for the design, development and operation of the dispensary.~~

~~BE) The operating plan shall include, at a minimum, a timetable that provides an estimated time from authorization through year one of registration and the assumptions used as the basis for those estimates. It will include best practices for day-to-day dispensary operation and staffing. The operating plan may also include information about employment practices, including information about the percentage of full-time employees who will be provided a living wage.~~

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- C) The proposed floor plan shall be suitable for public access, promote safe dispensing of cannabis, be compliant with the Americans With Disabilities Act and the Environmental Barriers Act, and facilitate safe product handling and storage.
- 4) Knowledge and Experience (30 points)
- A) The applicant's principal officers must demonstrate experience and qualifications in business management or experience with the ~~medical~~ cannabis industry. This includes ensuring optimal safety and accuracy in the dispensing and sale of cannabis.
- B) The applicant must demonstrate knowledge of various cannabis product strains or varieties, and describe the types and quantities of products planned to be sold. This includes confirmation of whether the dispensary plans to sell medical cannabis paraphernalia or edibles.
- C) Knowledge and experience may be demonstrated through experience in other comparable industries that reflect the applicant's ability to operate a dispensary.
- 5) Status as a Social Equity Applicant (50 points)  
The applicant meets the qualifications for a Social Equity Applicant set forth in Section 1290.75.
- 6) Labor and Employment Practices (5 points)  
The applicant may describe plans to provide a safe, healthy and economically beneficial working environment for its agents, including, but not limited to, codes of conduct, health care benefits, educational benefits, retirement benefits, living wage standards, and entering a labor peace agreement with employees.
- 7) Environment Plan (5 points)  
The applicant may demonstrate an environmental plan of action to minimize the carbon footprint, environmental impact, and resource needs of the dispensary, which may include, without limitation, recycling cannabis product packaging.

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- 8) Illinois Owner (5 points)  
The applicant is 51% or more owned and controlled by an Illinois resident who can prove residency in each of the past 5 years with tax records or 2 of the following:
- A) a signed lease agreement that includes the applicant's name;
  - B) a property deed that includes the applicant's name;
  - C) school records;
  - D) a voter registration card;
  - E) an Illinois driver's license, an Illinois Identification Card, or an Illinois Person with a Disability Identification Card;
  - F) a paycheck stub;
  - G) a utility bill; or
  - H) any other proof of residency approved by the Division.
- 9) Status of a Veteran (5 points)  
The applicant is 51% or more controlled and owned by an individual or individuals who meet the definition of "veteran" in Section 45-57 of the Illinois Procurement Code [30 ILCS 500].
- 10) A Diversity Plan (5 points)  
A diversity plan that includes a narrative of not more than 2,500 words that establishes a goal of diversity in ownership, management, employment and contracting to ensure that diverse participants and groups are afforded equality or opportunity.
- d) ~~The Division will award bonus points for preferred, but not required, initiatives based on the applicant's ability to meet requirements in the following categories:~~
- 1) ~~Labor and Employment Practices: The applicant may describe plans to provide a safe, healthy and economically beneficial working environment for its agents, including, but not limited to, codes of conduct, healthcare~~

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~~benefits, educational benefits, retirement benefits, and living wage standards.~~

- 2) ~~Research Plan: The applicant may provide the Division with a detailed proposal to conduct, or facilitate, a scientific study or studies related to the medicinal use of cannabis. The applicant may include in its proposal a detailed description of:~~
  - A) ~~The methodology of the study to accurately assess the effects of cannabis;~~
  - B) ~~The issues to be studied;~~
  - C) ~~The methods that will be used to identify and select study participants;~~
  - D) ~~The identity of each person or organization associated with the study, including the role of each;~~
  - E) ~~The duration of the study and anticipated peer review; and~~
  - F) ~~The intended use of the study results.~~
- 3) ~~Community Benefits Plan: The applicant may provide a description of plans the applicant has to support the local community, the class of citizens served, or a plan for reduction in product costs for indigent patients that qualify.~~
- 4) ~~Substance Abuse Prevention Plan: The applicant may provide a detailed description of any plans it will take to combat substance abuse in its District, including the extent to which the applicant will partner or work with existing substance abuse programs.~~
- 5) ~~Local Community/Neighborhood Report: The applicant may provide comments, concerns or support received regarding the potential impact of the proposed location on the local community and neighborhood.~~

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- 6) ~~Environmental Plan: The applicant may demonstrate an environmental plan of action to minimize the carbon footprint, environmental impact, and resource needs for the dispensary.~~
- 7) ~~Verification of Minority-Owned, Female-Owned, Veteran-Owned or Disabled Person-Owned Business: The minority, female, veteran or disabled applicants must own at least 51% of the entity applying for registration. The percentage totals may include any combination of minority, female, veteran or disabled applicants. The minority, female, veteran or disabled applicant must also share in control of management and day-to-day operations of the dispensary. Documentation must be submitted at the time of application that demonstrates the respective status of the applicant, including, but not limited to, certification under the Business Enterprise for Minorities, Females, and Persons with Disabilities Act [30 ILCS 575] for minority, female or disabled person applicants, or a DD214 for veteran applicants. For purposes of this subsection, minority, female, and disabled shall be defined as found in Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act [30 ILCS 575/2].~~
- 8) ~~Illinois Based Applicants: Documentation that the applicant's principal place of business is headquartered in Illinois, including the names, addresses and verification of the applicant's proposed agents that reside in Illinois. The applicant may also provide a plan for generating Illinois-based jobs and economic development.~~
- e) ~~The Division may verify information contained in each application and accompanying documentation to assess the applicant's character and fitness to operate a dispensary. In addition to the qualifications required in the Act and this Part, the Division may not grant an authorization or registration unless it is satisfied that the applicant is:~~
- 1) ~~A person of good character, honesty and integrity;~~
  - 2) ~~A person whose background, including criminal record, reputation, habits and social or business associations, does not discredit or tend to discredit public confidence and trust in the Illinois medical cannabis industry or the State of Illinois, or pose a threat to the public health, security, safety, morals, good order and general welfare of the State of Illinois;~~

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- 3) ~~A person who does not create or enhance the dangers of unsuitable, unfair or illegal practices, methods and activities in the conduct of owning a medical cannabis dispensary;~~
  - 4) ~~A person who does not present questionable business practices and financial arrangements incidental to the conduct of owning a medical cannabis dispensary or otherwise;~~
  - 5) ~~A person who, either individually or through employees, demonstrates business ability and experience to establish, operate and maintain a business for the type of license for which application is made; and~~
  - 6) ~~A person who does not associate with, either socially or in business affairs, or employ, persons of notorious or unsavory reputation or who have extensive police records, or who have failed to cooperate with an officially constituted investigatory or administrative body.~~
- f) ~~The Division may, in its discretion, refuse to issue an authorization to any applicant:~~
- 1) ~~Who is unqualified to perform the duties required of the applicant;~~
  - 2) ~~Who fails to disclose or states falsely any information called for in the application;~~
  - 3) ~~Who has been found guilty of a violation of the Act, or whose medical cannabis dispensary or cultivation center license was suspended, restricted, revoked or denied for just cause in any other state; or~~
  - 4) ~~For any other just cause.~~
- g) ~~Should the applicant be awarded an authorization, the information and plans provided in the application become a condition of the authorization. Dispensing organizations have a duty to disclose any material changes to the application. All changes shall be equal to or better than the original information or plans. Failure to comply with the conditions or requirements in the application may subject the dispensing organization to discipline, up to and including suspension or~~

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~~revocation of its authorization by the Division. Revocation of an authorization shall serve as a final administrative decision by the Division.~~

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

**Section 1290.75 Social Equity Applicant Criteria**

- a) An applicant qualifies as a Social Equity Applicant if it is an Illinois resident and satisfies one of the following criteria:
- 1) an applicant with at least 51% ownership and control by one or more individuals who have resided for at least 5 of the preceding 10 years in a Disproportionately Impacted Area;
  - 2) an applicant with at least 51% ownership and control by one or more individuals who:
    - A) have been arrested for, convicted of, or adjudicated delinquent for any offense that is eligible for expungement; or
    - B) are a member of an impacted family;
  - 3) for applicants with a minimum of 10 full-time employees, an applicant with at least 51% of current employees who:
    - A) currently reside in a Disproportionately Impacted Area; or
    - B) have been arrested for, convicted of, or adjudicated delinquent for any offense that is eligible for expungement; or
    - C) are a member of an impacted family.
- b) For the purposes of determining which applicants qualify as Social Equity applicants, Disproportionately Impacted Area means a census tract or comparable geographic area as determined by the Department of Commerce and Economic Opportunity.

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

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**Section 1290.80 Fees**

The following non-refundable fees shall be paid to the Division.

- a) Application Fees:
- 1) The authorization application fee is \$5,000. One application fee is to be submitted with each application.
  - 2) The registration fee is \$30,000. One registration fee is required for each registration.
  - 3) A change of ownership fee is \$10,000. One change of ownership fee shall be submitted for each dispensary. The change of ownership fee does not apply to the addition or substitution of a single principal officer change within a 6-month period.
  - ~~43)~~ The application fee for a principal officer, agent-in charge, or agent ~~ID~~dispensing organization agent is \$100. This fee includes the agent ~~ID~~identification card.
  - ~~54)~~ The fee for a request to change the Division approved location of a dispensing organization within its assigned District is \$10,000~~\$5,000~~. If the dispensing organization qualifies as a Social Equity Applicant, the fee is reduced to \$5,000.
  - 6) For Social Equity Applicants, the Department will waive 50% of any nonrefundable authorization application fees, any nonrefundable fees associated with purchasing a license to operate a dispensing organization if the acquiring party is the Social Equity Applicant, and any surety bond or other financial requirements, provided the Social Equity Applicant meets the following qualifications at the time the payment is due:
    - A) the applicant, including all individuals and entities with 10% or greater ownership and all parent companies, subsidiaries, and affiliates, has less than a total of \$750,000 of income in the previous calendar year; and

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- B) the applicant, including all individuals and entities with 10% or greater ownership and all parent companies, subsidiaries, and affiliates, has no more than 2 other dispensing organizations and/or licenses for "cannabis business establishments" as that term is defined in the CRTA.
- 7) The Department may require Social Equity Applicants to attest that they meet the requirements for a fee waiver and provide evidence of annual total income in the previous calendar year.
- b) **Renewal Fees:**
- 1) The annual renewal fee for a dispensing organization registration renewal issued before March 1, 2021 is a prorated fee of \$2,000 for every month between the renewal date and March 2021 (e.g., if a renewal is issued in February 2021, the renewal fee would equal \$4,000). The renewal fee for a dispensing organization registration renewal issued on or after March 1, 2021 is \$50,000is \$25,000.
- 2) The annual renewal fee for a dispensing organization agent IDidentification card is \$50.
- c) Renewal Late FeesGeneral Fees:
- 1) The late fee for renewal of a dispensing organization registration is \$5,000.The fee for the issuance of a replacement dispensing organization Registration is \$50.
- 2) The late fee for renewal of a dispensing organization agent ID is \$50.The fee for the issuance of a replacement dispensing organization agent identification card is \$50.
- d) All monies collected under the Act shall be deposited in the Compassionate Use of Medical Cannabis Fund in the State treasury.

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

## SUBPART D: DISPENSARY REGISTRATION

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**Section 1290.100 Dispensing Organization – Registration Process**

- a) No person may own, operate or act as a dispensing organization or represent that the person or organization is a registered dispensing organization unless first obtaining a registration from the Division.
- b) The registration process shall include the following:
  - ~~1)~~ ~~If the Division issues an authorization to an applicant, the Division will notify the applicant that it may file for a registration with the Division.~~
  - ~~12)~~ Only a registration applicant ~~granted an authorization~~ is permitted to seek a registration to become ~~register~~ a dispensing organization.
  - ~~23)~~ A registration applicant ~~dispensing organization~~ shall submit ~~to the Division~~ all materials requested by the Division in the form and format directed by the Division ~~supporting information and documents in a registration packet. The registration packet shall include all required registration materials in accordance with this Section and this Part. All registration materials shall be submitted together.~~
  - ~~34)~~ A registration applicant ~~dispensing organization~~ must submit its ~~file the~~ registration materials ~~to~~ packet with the Division within ~~180~~ 20 days after the date it receives its ~~of the~~ authorization ~~notification~~, unless otherwise authorized by the Division.
  - ~~45)~~ The Division may identify ~~incomplete or~~ missing information ~~in~~ from the registration ~~materials~~ packet, may request additional information from the registration applicant, or may deny the registration applicant's request for a registration ~~packet~~.
  - ~~56)~~ If a registration applicant's request for a registration ~~packet~~ is denied by the Division, the registration applicant ~~dispensing organization~~ may refile its materials ~~it~~ within 10 calendar ~~business~~ days, providing the information requested and addressing any deficiencies with the information or documents that caused the ~~its~~ denial. If the registration applicant's request for a registration ~~packet~~ is denied by the Division a second time and the registration applicant fails to cure the deficiencies within 10 calendar days after the second denial, ~~more than three times~~, the Division may

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~~revoke~~~~withdraw~~ the authorization. A letter to a registration applicant ~~revoking~~~~withdrawing~~ an authorization shall serve as a final administrative decision by the Division.

- c) The registration applicant has 180 days from the receipt of the authorization to identify a suitable physical location, unless otherwise approved by the Division. The dispensing organization has 360 days from the receipt of the authorization to become operational. If the registration applicant fails to identify a suitable physical location or fails to become operational within 360 days after being granted an authorization, the Division shall rescind the conditional approval letter and revoke the authorization.
- d) Once all required information and documents have been submitted by the registration applicant, the Division will review the submission~~registration packet~~. The Division may request revisions to the submission and retains final approval over dispensary features. Once the ~~submission~~~~registration packet~~ is complete and meets the Division's approval, the Division will conditionally approve the registration. ~~Final approval is contingent on the build-out and Division inspection.~~
- e) After receipt of a conditional approval letter~~Upon completion of the dispensary, the registration applicant~~~~dispensing organization~~ shall contact the Division ~~for~~~~request~~ an inspection. The Division will inspect the dispensary to confirm compliance with the registration ~~submission materials~~~~packet~~, the Act, and this Part. A registration will be issued only after the dispensary passes an inspection.
- e) ~~A registration will be issued only after the completion of a successful inspection.~~
- f) The dispensary shall not open until it has passed inspection and the Division has issued a registration.
- g) Prior to opening~~Once the Division has issued a registration, the dispensing~~~~dispensary~~ organization shall notify the Division of the proposed opening date.
- g) ~~A dispensing organization is not prohibited from applying for a cultivation center permit in connection with DOA's rules.~~

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

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**Section 1290.110 Dispensing Organization – Registration Requirements**

- a) ~~A registration applicant's registration materials~~The registration packet shall be equal to or better than the information contained in the application, and shall provide additional detail on construction, start-up, operation, security measures, and dispensing procedures and any other subjects identified by the Division. If a registration applicant's materials deviate from the requirements established by its authorization application, any proposed changes must represent improvements to the organization's security and operations.
- b) A ~~registration applicant~~person granted an authorization shall submit ~~a registration materials packet~~ to the Division that ~~include~~includes the following ~~registration requirements~~:
- 1) The legal name of the ~~registration applicant~~dispensing organization;
  - 2) The name of the dispensary;
  - 3) ~~The registry identification number for the dispensing organization~~;
  - 4) The proposed physical address of the dispensary ~~facility~~;
  - 5) The address, telephone number and e-mail address of the registration applicant's principal place of business, if different from the location where the medical cannabis will be dispensed. A post office box is not permitted;
  - 6) ~~The name, address, date of birth and social security number for each proposed dispensing organization agent~~;
  - 7) The proposed hours of operation;
  - 8) ~~Any proposed text or graphic materials to be shown on the exterior of the proposed dispensary~~;
  - 9) Documentation of ownership or lease of a proposed dispensary location that meets all the requirements of the Act and this Part.~~The distance from the proposed dispensary's property line to the property line of the closest~~

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~~pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home and part day child care facility. For purposes of this subsection (b)(9), "pre-existing" means existing as of the date the proposed dispensing organization submitted its application to the Division.~~

- ~~710)~~ The anticipated date the ~~registration applicant~~dispensing organization will be ready for a Division inspection;
- ~~811)~~ An attestation under penalty of perjury that the information provided to the Division ~~for registration~~ is true and correct;
- ~~912)~~ Certification issued by the local jurisdiction's zoning ~~authority~~office authorizing the use of the proposed ~~location~~plot as a dispensary;
- ~~1013)~~ A site plan drawn to scale of the proposed dispensary showing streets, traffic direction, sidewalks, trees, alleys, property lines, additional buildings on-site, parking areas and handicapped parking spaces, fences, exterior walled areas, garages, vehicle delivery access doors, hangars, security features and outdoor areas as applicable;-
- ~~1114)~~ A floor plan or blueprint drawn to scale of the proposed dispensary building that ~~shall~~, at a minimum, shows and identifies~~show and identify~~:
- A) Layout and square footage of each room;
  - B) Overall square footage of the dispensary facility;
  - C) Name and function of each room;
  - D) Doorways or pathways between rooms;
  - E) Means of ingress and egress;
  - F) Location of restricted, limited and public access areas. All limited and restricted access areas shall be clearly described in the floor plan ~~of the premises~~, in the form and manner determined by the Division, reflecting walls, partitions, counter heights, and all areas

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of entry and exit. The floor plan shall show all storage, disposal and retail sales areas;

- G) Location of cannabis storage areas while the proposed dispensary is open for business;
- H) Location of cannabis storage areas while the proposed dispensary is closed for business;
- I) Location of the patient, provisional patient or OAPP participant counseling area;
- J) Location and description of all safes and/or reinforced vaults that will be used to store cannabis, cannabis-infused products or currency, identifying day storage and night storage;
- K) Location of each computer used to check qualifying patient cards, designated caregiver registry cards, provisional registrations and verify OAPP participants;
- L) Location of each computer and cash register used for point of sale transactions and to access the State verification system and Illinois Cannabis Tracking System;
- M) Location of bullet-proof glass, if any;
- N) Location of drawer, grate or conduit through the bullet-proof glass, if any;
- O) Location of bullet-proof walls, if any;
- P) Location of fire exits;
- Q) Location of each toilet facility;
- R) Location of a break room and personal storage lockers, if any;
- S) Location of each video camera;

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- T) Location of each panic button; and
  - U) Location of natural windows or skylights.
- 1215) Policies and procedures that comply with the requirements of the Act and in this Part, outlined in an Operation and Management Practices Plan, including:
- A) Inventory control and recordkeeping using the State verification system and Illinois Cannabis Tracking System;
  - B) Qualifying patient, designated caregiver, provisional patient and OAPP participant recordkeeping;
  - C) Dispensing medical cannabis to patients, designated caregivers, provisional patients, and OAPP participants that comply with the requirements in Sections 1290.430 and 1290.435;
  - D) Inventory control and recordkeeping using the proposed dispensary's point of sale recordkeeping;
  - E) Security;
  - F) Patient care education and support;
  - G) Accessible business hours and safe dispensing; and
  - H) A staffing plan that ensures adequate staffing, training and education.
- ~~16) An explanation of related products or services to be offered, if any, other than cannabis.~~
- ~~17) A plan for working with cultivation centers to acquire medical cannabis and ensure the dispensary has a continuous supply for registered qualifying patients, designated caregivers, provisional patients and OAPP participants.~~
- ~~18) The estimated volume of cannabis it plans to store at the dispensary.~~

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- ~~1319~~) A detailed description of air treatment systems that will be installed to reduce odors.
- ~~1420~~) A description of the features that will provide accessibility to qualifying patients, designated caregivers, provisional patients and OAPP participants as required by the ADA.
- ~~1521~~) A plan detailing how the registration applicant~~dispensing organization~~ will perform a physical daily inventory of all medical cannabis to ensure inventory is balanced in the State verification system, Illinois Cannabis Tracking System and point of sale system.
- ~~22~~) ~~An attestation that the dispensing organization will have a reinforced vault room with dimensions sufficient for storage of cannabis, cash and currency.~~
- ~~1623~~) Documentation that the proposed building meets State and local building and fire codes, and ~~that all local ordinances are met for the proposed location.~~
- ~~24~~) ~~A reasonable assurance that the issuance of a registration will not have a detrimental impact on the community.~~
- ~~1725~~) A plan to prevent patient, provisional patient, designated caregiver and OAPP participant overflow in waiting rooms and patient care areas.
- ~~1826~~) A signed statement by each proposed principal officer or agent that they will not divert medical cannabis.
- ~~1927~~) The registration fee (see Section 1290.80).
- ~~2028~~) Any additional information requested by the Division.
- c) The registration submission~~packet~~ shall be signed and dated by each proposed principal officer.
- d) Upon Division approval of the registration submission~~packet~~, the information and plans in the registration submission~~packet~~ become a condition of the registration.

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~~Registration applicants~~Dispensing organizations have a duty to disclose any material changes to the information contained in the registration materialspacket.

- e) Once ~~the~~all registration submissiondocumentation is complete, reviewed, ~~confirmed, and~~ meets the Division's approval, the Division may issue a conditional approval.
- f) ~~After receipt of a conditional approval, and when the dispensing organization is ready to open, it shall contact the Division for an inspection. The dispensary shall not open until it has passed inspection and the Division has issued a registration.~~
- g) ~~Prior to opening, the dispensing organization shall notify the Division of the proposed opening date.~~
- fh) The Division may refuse to issue a registration or may revoke an authorizationa registration ~~must be denied pursuant to Section 115(f) of the Act for a violation of this Part~~ for any of the following reasons:
  - 1) The registration applicant fails to complete the dispensary build-out in connection with the requirements of this Part or in the timeframe required~~The applicant failed to submit the materials required by the Act and this Part;~~
  - 2) The registration applicant or one of its proposed principal officers has committed one or more of the violations identified in Section 1290.510 or 1290.515, or has committed a substantially similar violation in another jurisdiction~~The applicant selected a location that is not in compliance with local zoning rules and cannot cure the zoning deficiency in a reasonable time;~~
  - 3) One of the registration applicant's proposed principal officers has been convicted of a felony or misdemeanor that would impair the ability of the person to engage in the practice of being a principal officer of a dispensing organization (see 20 ILCS 2105/2105-131)~~The applicant does not meet the requirements of Section 130 or 140 of the Act;~~
  - 4) ~~One or more of the principal officers has been convicted of an excluded offense;~~

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- 45) ~~The registration applicant or one of its proposed~~One or more of the principal officers has served as an owner, officer or director or officer of a licensed cannabis related business, registered medical cannabis dispensing organization that has been disciplined in Illinois or any other state, had its registration revoked;
- 6) ~~One or more of the principal officers is under 21 years of age;~~
- 7) ~~One or more of the principal officers is a registered qualifying patient or a designated caregiver.~~
- g) The Division will revoke an authorization and refuse to issue a registration if the registration applicant meets any of the conditions identified in Section 115(f) of the Act.

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

**Section 1290.120 Dispensing Organization – Financial Responsibility**

- a) Evidence of financial responsibility is ~~required~~a requirement for the issuance of a registration, maintenance of a registration, or reactivation of a registration. ~~Evidence of financial responsibility shall be used to guarantee that the dispensing organization timely and successfully completes dispensary construction, operates in a manner that provides an uninterrupted supply of cannabis, faithfully pays registration renewal fees, keeps accurate books and records, makes regulatorily required reports, complies with State tax requirements, and conducts the dispensary in conformity with the Act and this Part. Evidence of financial responsibility shall be provided by one of the following:~~
- b) Evidence of financial responsibility shall be provided by one of the following:
- 1a) Establishing and maintaining an escrow or surety account in a financial institution in the amount of \$50,000, with escrow terms, approved by the Division, that it shall be payable to the Division in the event of circumstances outlined in this Section.
- A1) A financial institution may not ~~release funds~~return money in an escrow or surety account ~~to the dispensing organization that established the account or a representative of the organization~~

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unless ~~presented with the organization or representative presents~~ a statement issued by the Division indicating that the ~~funds account~~ may be released.

- ~~B2)~~ The escrow or surety account shall not be canceled on less than 30 days' notice in writing to the Division, unless otherwise approved by the Division. If an escrow or surety account is canceled and the ~~dispensing organization registrant~~ fails to secure a new account with the required amount on or before the effective date of cancellation, the ~~dispensing organization's registrant's~~ registration may be revoked. ~~The total and aggregate liability of the surety on the bond is limited to the amount specified in the escrow or surety account.~~
- ~~2b)~~ Providing a surety bond in the amount of \$50,000, naming the dispensing organization as principal of the bond, with terms, approved by the Division, that the bond defaults to the Division in the event of circumstances outlined in this Section.
- ~~A4)~~ The business name and registration number on the bond must correspond exactly with the business name and registration number in the Division's records.
- ~~B2)~~ The bond must be written on a form approved by the ~~Division~~Department.
- ~~C3)~~ A copy of the bond must be received by the Division within 90 days after the effective date.
- ~~D4)~~ The bond shall not be canceled by a surety on less than 30 days' notice in writing to the Division. If a bond is canceled and the ~~dispensing organization registrant~~ fails to file a new bond with the Division in the required amount on or before the effective date of cancellation, the ~~dispensing organization's registrant's~~ registration may be revoked. ~~The total and aggregate liability of the surety on the bond is limited to the amount specified in the bond.~~

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

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**Section 1290.125 Disclosure of Ownership and Control**

- a) Each applicant for an authorization, registration applicant, and dispensing organization shall file and maintain a current Table of Organization, Ownership and Control with the Division. That Table shall contain the information required by this Section in sufficient detail to identify all principal officers and the title of each principal officer or business entity that directly or indirectly manages, owns, controls or has financial interest in the applicant or registration holder. This information shall be provided in the form and format directed by the Division.
- b) The Table of Organization, Ownership and Control shall identify the following information:
- 1) The management structure, including:
    - A) the office or position to be held by each individual;
    - B) the percentage ownership interest of each individual or business entity, if any;
    - C) if the business entity has one or more parent companies, the name of each parent company and the names of the parent company principal officers and their percentage ownership interest in the parent company. This should be completed for each level of ownership of the applicant, registration applicant, or dispensing organization until all persons that directly or indirectly manage, own, or control the applicant, registration applicant, or dispensing organization are identified;
    - D) if the applicant, registration applicant, or dispensing organization is partially owned or controlled by another entity, it must disclose to the Division the terms of the relationship and all owners, board members, officers or individuals with control or management of the owning or controlling entities; and
    - E) if the business entity identified in the Table is a publicly traded company, it must provide the Division with the name and percentage of ownership of each individual or business entity that owns or controls more than 5% of the voting shares of the entity

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and, to the extent known, the names and percentages of ownership or control by persons who are related and who together own or exercise control over more than 10% of the voting shares of the entity.

- 2) If the applicant, registration applicant, or dispensing organization is a business entity with publicly traded stock, the identification of ownership shall be provided as required in subsection (c).
- c) If a business entity identified in subsection (b) is a publicly traded company, the following information shall be provided in the Table of Organization, Ownership and Control:
  - 1) The name and percentage of ownership interest of each individual or business entity with ownership or control of more than 5% of the voting shares of the entity, to the extent that information is known or contained in 13D or 13G Securities and Exchange Commission filings.
  - 2) To the extent known, the names and percentage of interest of ownership or control of persons who are relatives of one another and who together exercise control over, or own more than 5% of, the voting shares of the entity.
- d) Applicant, registration applicant, or dispensing organization ownership and control must be transparent. An applicant, registration applicant, or dispensing organization with a parent company or companies, or partially owned, controlled or managed by another entity, must disclose the relationship and all owners, board members, officers or individuals with control or management of those entities. An applicant, registration applicant or dispensing organization shall not shield its ownership, management or control from the Division.
- e) A dispensing organization may only add or remove principal officers after receiving approval from the Division.
- f) The Division may prohibit the addition of a proposed principal officer to a dispensing organization for that officer's failure to comply with the Act or this Part.

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

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**Section 1290.130 Changes to a Dispensing Organization Registration**

- a) A registration issued by the Division shall be valid only for~~shall be issued to the~~ specific dispensing organization identified on the application and for the specific location proposed.~~The registration is valid only for the owner, premises and name designated on the registration and the location for which it is issued.~~
- b) It is the responsibility of the dispensing organization and its principal officers to notify the Division in advance of any proposal to change the conditions of its registration as contained in its current registration materials. Any proposed change must be requested by the dispensing organization in writing. If the Division disapproves, the proposed change cannot be implemented by the dispensing organization.~~A dispensing organization may not transfer or assign a registration.~~
- c) A dispensing organization shall not assign a registration.~~A dispensing organization shall provide written notice to the Division of the addition or removal of persons or entities listed as principal officers. Notice shall be provided to the Division a minimum of 10 business days prior to the change, unless impracticable and the Division approves a different time in writing.~~
- d) A dispensing organization may apply to the Division to approve a sale of the dispensary. Applications for sale must contain the information required by the Division and be submitted in the form and format directed by the Division. The information provided by the proposed new ownership entity regarding the operation of the dispensing organization must meet or exceed the conditions provided in the dispensing organization's current registration materials.~~All proposed new principal officers shall be subject to the requirements of the Act and this Part.~~
- e) ~~The Division may prohibit the addition of a principal officer to a dispensing organization for failure to comply with the Act or this Part.~~
- f) ~~A dispensing organization shall provide written notice to the Division of a change in more than 49% of the dispensary ownership. The Division will review the ownership structure to determine whether the change in ownership has had the effect of a transfer of the registration. The dispensing organization shall supply~~

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~~all ownership documents and change of ownership documents requested by the Division.~~

- ~~g) The dispensing organization shall provide the Division with the personal information for all new dispensary agents as required in this Part and all new dispensary agents shall be subject to the requirements of this Part. A dispensing organization agent must obtain an agent card from the Division before beginning work at a dispensary.~~
- ~~h) A principal officer not in compliance with the requirements of the Act and this Part shall be removed from his or her position with the dispensing organization or shall otherwise terminate his or her affiliation. Failure to do so may subject the dispensing organization to discipline, suspension or revocation of its registration by the Division.~~
- ~~i) Prior to remodeling, expansion, reduction or other physical, non-cosmetic alteration of a dispensary, the dispensing organization must notify the Division and confirm the alterations are in compliance with the Act and this Part.~~
- ~~j) It is the responsibility of the registered dispensing organization and its principal officers to promptly notify the Division of any change of the principal place of business address.~~

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

**Section 1290.140 Request to Relocate a Dispensary**

- a) A dispensing organization may relocate a dispensary within the District where the dispensary is registered ~~or awarded an authorization~~. To relocate a registered dispensary, the dispensing organization shall submit an application requesting the change and the relocation fee (see Section 1290.80) to the Division. An application must contain the information required by the Division and be submitted in the form and format directed by the Division.
- b) The new dispensary location shall meet all the requirements of the Act and this Part.
- c) If the information and documents submitted by the dispensing organization comply with the Act and this Part and the proposed location is suitable for

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~~medical cannabis patients equal to or better than the prior location~~, the Division will issue a conditional approval to relocate. The dispensary organization may continue to operate at the existing location, until it begins operation at the new location ~~is ready~~. The dispensary organization may not sell cannabis from ~~operate~~ two locations under the same registration at the same time ~~number~~.

- d) ~~Once the new dispensary is finished, the dispensing organization shall notify the Division and request an inspection.~~
- e) Prior to issuing an amended ~~a~~ registration and approval to operate, the Division will inspect the proposed dispensary to confirm compliance with the Act and this Part. Final approval for the dispensing organization to operate will be issued by the Division only after the completion of a successful inspection.
- f) ~~A dispensing organization shall not dispense medical cannabis at the new location until the Division approves the dispensary and issues an amended registration noting the new location.~~
- g) ~~Once the Division has issued an amended registration, the dispensing organization shall notify the Division of the proposed dispensary opening date.~~
- h) The registration that includes the new address shall retain the expiration date of the previously issued registration.
- i) An application for a relocation of a dispensary may not be combined with an application for renewing a dispensing organization registration. ~~The Division shall process each application separately.~~
- j) ~~If a~~ Should the dispensing organization relocates ~~relocate~~, it shall provide reasonable notice to ~~inform~~ its existing patients of the new dispensary location.

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

**Section 1290.150 Dispensing Organization Renewals**

- a) Every dispensing organization registration issued or renewed under the Act before March 1, 2021, shall expire on March 31, 2021 and March 31 of each odd-number year thereafter ~~annually, on the date it was issued~~. A registered dispensing organization will ~~shall~~ receive written notice from the Division 90 days

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~~before~~~~prior to the expiration of~~ its registration ~~expires~~~~that the registration will~~ ~~expire.~~

- b) The Division will accept renewal applications within ~~90~~~~45~~ days ~~prior to a~~ ~~registration's expiration date.~~~~before the date a registration expires.~~ ~~Provided the~~ ~~dispensing organization is in compliance with the Act and this Part, and the~~ ~~renewal fee is paid, the Division shall renew the registration within 45 days after~~ ~~the renewal request submission.~~ (See Section 1290.80.)
- c) If the dispensary ~~premises~~ is leased, when submitting for renewal the dispensing organization must provide documentation that the ~~dispensary location~~~~registered~~ ~~premises~~ has been leased for the ~~term of renewal~~~~following calendar year.~~
- d) Upon a dispensing organization's request for a renewal, the Division shall consider the dispensing organization's ~~compliance history~~ ~~and history of~~ ~~violations in this State or other jurisdictions, including the number and severity of~~ ~~violations~~~~compliance with regulations promulgated under the Act, the number and~~ ~~severity of any violations, and the correction of violations, penalties or other~~ ~~enforcement actions.~~
- e) The Director of the Division may deny a dispensing organization's request to renew a registration due to poor compliance history, ~~due to a history of violations~~ ~~in this State or other jurisdictions,~~ or, if ~~the registration~~~~#~~ has been disciplined under the Act or this Part.
- f) If a ~~dispensing organization fails to submit a renewal application and renewal fee~~ ~~within 30 days after its registration expires, the registration will be deemed~~ ~~abandoned and the dispensing organization and any principal officers will no~~ ~~longer hold a property right or interest in the registration. The Division may~~ ~~award, to a new applicant, a registration to replace the abandoned~~ ~~registration~~~~renewal fee is not paid before the registration's expiration date, and the~~ ~~dispensing organization has not requested an extension of time to renew, the~~ ~~registration expires on the registration expiration date.~~
- g) Dispensing medical cannabis on an expired registration is unlawful under the Act, unlicensed activity and grounds for discipline.
- h) If the Division, after notice to the dispensing organization, denies the request to renew a registration and the registrant contests the non-renewal, it shall be entitled

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to an administrative hearing in accordance with the hearing rights prescribed in the Act and this Part.

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

## SUBPART E: REGISTRATION OF DISPENSING ORGANIZATION AGENTS

**Section 1290.200 Dispensing Organization Agent-in-Charge (Repealed)**

- a) ~~Every dispensing organization shall designate, at a minimum, one agent in charge for each registered dispensary. The designated agent in charge must hold a dispensing organization agent identification card. Maintaining an agent in charge is a continuing requirement for the registration, except as provided in subsection (g).~~
- b) ~~The agent in charge shall be a principal officer or a full-time agent of the dispensing organization and shall manage the dispensary. Managing the dispensary includes, but is not limited to, responsibility for opening and closing the dispensary, delivery acceptance, oversight of sales and dispensary agents, recordkeeping, inventory, dispensary agent training, and compliance with the Act and this Part. Participation in affairs also includes the responsibility for maintaining all files subject to inspection by the Division at the dispensary.~~
- c) ~~The agent in charge is responsible for promptly notifying the Division of any change of information required to be reported to the Division.~~
- d) ~~In determining whether an agent in charge manages the dispensary, the Division may consider the responsibilities identified in this Section, the number of dispensary agents under the supervision of the agent in charge, and the employment relationship between the agent in charge and the dispensing organization, including the existence of a contract for employment and any other relevant fact or circumstance.~~
- e) ~~The agent in charge is responsible for notifying the Division of a change in the employment status of all dispensing organization agents within five business days after the change, including notice to the Division if the termination of an agent was for diversion of product or theft of currency.~~

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- f) ~~In the event of the separation of an agent in charge due to death, incapacity, termination or any other reason and if the dispensary does not have an active agent in charge, the dispensing organization shall immediately contact the Division and request a temporary certificate of authority allowing the continuing operation. The request shall include the name of an interim agent in charge until a replacement is identified, or shall include the name of the replacement. The Division shall issue the temporary certificate of authority promptly after it approves the request. If a dispensing organization fails to promptly request a temporary certificate of authority after the separation of the agent in charge, its registration shall cease until the Division approves the temporary certificate of authority or registers a new agent in charge. No temporary certificate of authority shall be valid for more than 90 days. The succeeding agent in charge shall register with the Division in compliance with this Part. Once the permanent succeeding agent in charge is registered with the Division, the temporary certificate of authority is void. No temporary certificate of authority shall be issued for the separation of an agent in charge due to disciplinary action by the Division related to his or her conduct on behalf of the dispensing organization.~~
- g) ~~The dispensing organization agent in charge registration shall expire annually on the date it was issued. The agent in charge's registration shall be renewed annually. The Division shall review the dispensary's compliance history when determining whether to grant the request to renew.~~
- h) ~~Upon termination of an agent in charge's employment, the dispensing organization shall immediately reclaim the dispensary agent identification card. The dispensing organization shall promptly return the identification card to the Division.~~
- i) ~~The Division may deny an application for, or renewal of, or revoke an agent in charge identification card, or discipline an agent in charge, for any of the following reasons:~~
- 1) ~~Submission of misleading, incorrect, false or fraudulent information in the application or renewal application;~~
  - 2) ~~Violation of the requirements of the Act or this Part;~~
  - 3) ~~Fraudulent use of the agent in charge identification card;~~

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- 4) ~~Selling, distributing, transferring in any manner, or giving medical cannabis to any unauthorized person;~~
- 5) ~~Tampering with, falsifying, altering, modifying or duplicating an agent in-charge identification card;~~
- 6) ~~Tampering with, falsifying, altering or modifying the surveillance video footage, point of sale system, Illinois Cannabis Tracking System, or the State verification system;~~
- 7) ~~Tampering with, falsifying, altering or modifying patient, provisional patient, designated caregiver or OAPP participant applications;~~
- 8) ~~Failure to notify the Division immediately upon discovery that the agent-in-charge identification card has been lost, stolen or destroyed;~~
- 9) ~~Failure to notify the Division within five business days after a change in the information provided in the application for an agent in-charge identification card;~~
- 10) ~~Conviction of an excluded offense or any incident listed in Section 1290.200 or 1290.510 following the issuance of an agent in-charge identification card;~~
- 11) ~~Overdispensing; or~~
- 12) ~~For any unethical, dishonorable and unprofessional conduct.~~

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

**Section 1290.210 Dispensing Organization Agents (Repealed)**

- a) ~~All principal officers, agents in charge and agents of the dispensing organization are dispensing organization agents and shall hold an agent identification card. No person shall enter a dispensary to begin work at a dispensary prior to holding an agent identification card.~~
- b) ~~Only a dispensing organization principal officer or an agent in charge may apply for an agent identification card for himself or herself or other dispensary agents.~~

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- e) ~~A dispensing organization agent shall visibly display an agent identification card issued by the Division at all times while at the dispensary.~~
- d) ~~An agent registration application shall be submitted by a dispensing organization principal officer or agent in charge on forms provided by the Division, along with the following:~~
  - 1) ~~The name of the dispensing organization employing the agent, and the address of the dispensary;~~
  - 2) ~~A full set of fingerprints submitted to ISP as outlined in this Part;~~
  - 3) ~~A copy of the applicant's valid driver's license or State issued identification;~~
  - 4) ~~Electronic picture of applicant;~~
  - 5) ~~A document verifying the applicant's place of residency, such as a bank statement, cancelled check, insurance policy, etc. The document must contain the applicant's full residence address;~~
  - 6) ~~A sworn statement that the applicant has not been convicted of an excluded offense in any jurisdiction;~~
  - 7) ~~The applicant's social security number;~~
  - 8) ~~The registration fee (see Section 1290.80); and~~
  - 9) ~~Any additional information requested by the Division in the verification process.~~
- e) ~~The Division will deny an application or renewal of an agent identification card for a person convicted of an excluded offense.~~
- f) ~~If no excluded offense is found relating to the fingerprints, the applicant has submitted all required information and the applicant is otherwise qualified under the Act, the Division may approve the application or renewal. Within 15 days after approving an application or renewal, the Division shall issue an agent~~

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~~identification card that will be valid for the period specified on the face of the card and will be renewable upon the conditions set forth in this Part.~~

- ~~g) Dispensing organization agents have access to restricted access areas. They are responsible for the sale of cannabis and dispensary operations. Agents may accept deliveries from cultivation centers, and must document sales in compliance with the Act and this Part.~~
- ~~h) It is the responsibility of each registered dispensing organization to notify the Division of an agent's change of address.~~
- ~~i) Dispensing organization agents must promptly report any diversion or theft, or suspicion of diversion or theft, of cannabis or currency to the Division.~~
- ~~j) At least 30 days prior to the expiration of an agent identification card, the dispensing organization or the agent shall request the Division renew the annual agent identification card, include any information requested by the Division, and authorize ISP to conduct a criminal background check.~~
- ~~k) No dispensing organization shall, after the expiration of an agent identification card, employ or retain the holder of the card in any capacity. Upon expiration of an agent registration, the agent shall not enter the dispensary.~~
- ~~l) Upon termination of employment, the agent identification card shall be immediately returned to the dispensing organization. The dispensing organization shall promptly return the agent identification card to the Division.~~
- ~~m) The agent identification card is not transferable. It is the property of the State of Illinois and shall be surrendered upon demand of the Director.~~
- ~~n) A dispensing organization agent shall promptly report an arrest and any subsequent conviction of an excluded offense to the dispensing organization and to the Division.~~
- ~~o) Should the Division not be able to obtain the State or federal criminal records check from ISP as required by the Act and this Part, the Division may contract with a private detective or investigating agency licensed under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith~~

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~~Act of 2004 [225 ILCS 447] and in good standing with the Department for the purpose of conducting the records checks.~~

- p) ~~The Division may deny an application for, or a renewal of, or revoke an agent identification card, or discipline an agent, for any of the following reasons:~~
- ~~1) Submission of misleading, incorrect, false or fraudulent information in the application or renewal application;~~
  - ~~2) Violation of the requirements of the Act or this Part;~~
  - ~~3) Fraudulent use of the agent identification card;~~
  - ~~4) Selling, distributing, transferring in any manner, or giving medical cannabis to any unauthorized person;~~
  - ~~5) Tampering with, falsifying, altering, modifying or duplicating an agent identification card;~~
  - ~~6) Tampering with, falsifying, altering or modifying the surveillance video footage, point of sale system, Illinois Cannabis Tracking System, or the State verification system;~~
  - ~~7) Tampering with, falsifying, altering or modifying patient, provisional patient, designated caregiver or OAPP participant applications;~~
  - ~~8) Failure to notify the Division within five business days after becoming aware that the agent identification card has been lost, stolen or destroyed;~~
  - ~~9) Failure to notify the Division within five business days after a change in the information provided in the application for an agent identification card or renewal;~~
  - ~~10) Conviction of an excluded offense following the issuance of an agent identification card;~~
  - ~~11) For conduct that demonstrates incompetence or unfitness to work in a dispensary; or~~

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- ~~12) For any unethical, dishonorable or unprofessional conduct.~~

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

**Section 1290.220 Persons with Significant Influence or Control; Disassociation (Repealed)**

- a) ~~Any individual in connection with the dispensing organization who is not a principal officer or agent, and who may significantly influence or control the activities of the dispensing organization, other than a bank or other licensed lending institution holding a mortgage or other lien, may be subject to a background investigation or an examination of the business relationship with the dispensary.~~
- b) ~~The Division may order the disassociation of any person from the dispensing organization if the person fails to cooperate with the Division's investigation or if the person would be prohibited from being a principal officer pursuant to the Act and this Part. The order issued by the Director shall be directed to the applicant or registrant, and non-compliance with the order may result in the revocation, suspension or other discipline of the registration.~~

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

**Section 1290.230 State and Federal Criminal History Records Check (Repealed)**

- a) ~~Persons required to submit to a State and federal criminal history records check for convictions of an excluded offense shall submit to a fingerprint-based criminal history records check by providing a full set of fingerprints in an electronic format to an ISP livescan vendor whose equipment has been certified by ISP or a fingerprint vendor agency licensed by the Department. Out of state residents unable to utilize an Illinois fingerprint vendor agency may request an ISP Fee Applicant Card from the Division for out of state fingerprint processing.~~
- b) ~~The ISP will act as the Division's agent, receiving electronic fingerprints and conducting background checks of each individual applying for an agent identification card.~~
- e) ~~ISP will conduct background checks for conviction information contained in the ISP and Federal Bureau of Identification criminal history databases, as permitted.~~

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- d) ~~For verification of a statutorily imposed duty to conduct background checks pursuant to the Act, ISP will transmit the results of the background check to the Division and the transmittal shall conclude the verification process.~~
- e) ~~The electronic background checks shall be submitted as outlined in either the Uniform Conviction Information Act [20 ILCS 2635] or 20 Ill. Adm. Code 1265.30 (Electronic Transmission of Fingerprint Requirements).~~
- f) ~~Electronic transmission of fingerprint data to ISP shall be accomplished utilizing liveness procedures or other comparable technology approved for use by ISP.~~
- g) ~~Manual fingerprints will not be accepted and shall not be scanned and converted into an electronic format, unless otherwise approved by the Division.~~
- h) ~~Fingerprints shall be taken within one month prior to the application date or renewal date for an agent identification card, unless otherwise approved by the Division.~~
- i) ~~Fingerprint images of the individual being fingerprinted, and related alphanumeric identification data submitted, shall be submitted electronically to ISP.~~
- j) ~~If the fingerprints are rejected by ISP, the dispensary agent shall have his or her fingerprints collected electronically by a live scan fingerprint vendor a second time.~~
- k) ~~In the event of equipment malfunction or other special circumstance that make electronic transmission of fingerprint data impractical, the Division may allow limited use of paper fingerprint records.~~
- l) ~~The dispensing organization shall submit to the Division a copy of the liveness request form, with the agent identification card application or renewal and the receipt provided from the liveness fingerprint vendor containing the Transaction Control Number (TCN), as proof that fingerprints have been collected.~~
- m) ~~Dispensary agent identification card applications submitted without a copy of the liveness request form and receipt will be deemed incomplete and will not be processed until fingerprinting is completed.~~

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- n) ~~Fees associated with the livecan fingerprint based criminal history records check shall be the responsibility of the dispensing organization seeking an agent identification card.~~

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

**Section 1290.240 Dispensing Organization Agents**

- a) All agents of a dispensing organization shall apply for and hold a valid agent ID issued by the Division. No person shall work at a dispensary prior to holding an agent ID. The agent ID is the property of the State of Illinois and shall be surrendered upon demand of the Division.
- b) A dispensing organization agent shall visibly display his or her agent ID at all times while in the dispensary.
- c) Dispensing organization agents have access to restricted access areas. They are responsible for the sale of cannabis and dispensary operations. Agents may accept deliveries of cannabis and must document sales in compliance with the Act and this Part.
- d) Dispensing organization agents must immediately report any diversion or theft, or suspicion of diversion or theft, of cannabis or currency to the Division.
- e) Dispensing organization agents must promptly notify the Division if their agent ID has been lost, stolen, or destroyed.
- f) The agent ID shall expire annually on the date it was issued. The agent's registration shall be renewed annually.
- g) The Division may deny an application for, or renewal of, or revoke an agent ID based on the person's compliance history, based on history of violations in this State or other jurisdictions, including the number and severity of violations, or if the agent has been disciplined under the Act or this Part.
- h) The Division may deny an application for, or renewal of, or revoke an agent ID for a person determined by the Division to have committed one or more of the violations identified in Section 1290.510 or 1290.515.

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- i) The Division shall deny an application for, or renewal of, or revoke an agent ID for a person convicted of an excluded offense, as defined in Section 10 of the Act.
- j) Upon termination of employment, the agent shall immediately return any non-transferrable agent ID to the dispensing organization, and the dispensing organization shall promptly return the ID to the Division.
- k) A dispensing organization agent shall promptly report an arrest and any subsequent conviction of an excluded offense to the dispensing organization and the Division.

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

**Section 1290.250 Dispensing Organization Agent-in-Charge**

- a) Every dispensing organization shall designate, at a minimum, one agent-in-charge for each registered dispensary. The designated agent-in-charge must apply for and hold a valid agent-in-charge ID issued by the Division. Maintaining an agent-in-charge is a continuing requirement for the dispensing organization, except as provided in subsection (g).
- b) The agent-in-charge shall comply with, and is subject to, the provisions and requirements of Section 1290.240.
- c) The agent-in-charge shall be a principal officer or a full-time agent of the dispensing organization and shall manage the dispensary. Managing the dispensary includes, but is not limited to, responsibility for opening and closing the dispensary, delivery acceptance, oversight of sales and dispensary agents, recordkeeping, inventory, dispensary agent training, and compliance with the Act and this Part. Only the agent-in-charge may manage a dispensary, except as provided in subsection (f).
- d) The agent-in-charge is responsible for promptly notifying the Division of any change of information required to be reported to the Division.
- e) The agent-in-charge shall promptly notify the Division of a change in the employment status of any dispensing organization agents, agents-in-charge, or principal officer and shall inform the Division if the termination of an agent was for any violation of this Part, including diversion of product or theft of currency.

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- f) In the event of the separation of an agent-in-charge, and if the dispensary does not have an active agent-in-charge, the dispensing organization shall immediately contact the Division and request approval to continue to operate. The request shall include the name of the interim agent-in-charge and is subject to approval by the Division.
- g) The Division may consider the compliance history of the dispensing organization when determining whether to grant a request to renew an agent-in-charge ID.
- h) The operations of the dispensing organization and maintenance of security provisions are the dual responsibility of the agent-in-charge and the principal officers of the dispensing organization. The Division may deny an application for, or renewal of, or revoke an agent-in-charge ID, or discipline an agent-in-charge if the dispensing organization or agent-in-charge is determined by the Division to have committed one or more of the violations identified in Section 1290.510 or 1290.515.

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

**Section 1290.260 Persons with Significant Influence or Control; Disassociation**

- a) Any individual with a business relationship with the dispensing organization who is not a principal officer, agent-in-charge, or agent, and who may significantly influence or control the activities of the dispensing organization, other than a bank or other licensed lending institution holding a mortgage or other lien on the dispensing organization, may be subject to a background investigation or an examination of the business relationship with the dispensing organization.
- b) The Division may order the disassociation of any person from the dispensing organization if the person fails to cooperate with the Division's investigation or if the person would be prohibited from being a principal officer pursuant to the Act and this Part. The order issued by the Director shall be directed to the applicant or registrant, and non-compliance with the order may result in the revocation, suspension or other discipline of the registration.

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

**Section 1290.270 State and Federal Criminal History Records Check**

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- a) Persons required to submit to a State and federal criminal history records check shall submit to a fingerprint-based criminal history records check by providing a full set of fingerprints in an electronic format to an ISP livescan vendor whose equipment has been certified by ISP or a fingerprint vendor agency licensed by the Department.
- b) The ISP will act as the Division's agent, receiving electronic fingerprints and conducting background checks of each individual applying for a principal officer, agent-in-charge, or agent ID.
- c) Fingerprints shall be taken within 30 days prior to the application or renewal date for a principal officer, agent-in-charge, or agent ID, unless otherwise approved by the Division.
- d) The dispensing organization shall submit to the Division a copy of the fingerprint consent form, with the principal officer, agent-in-charge, or agent ID application or renewal and the receipt provided from the livescan fingerprint vendor containing the Transaction Control Number (TCN), as proof that fingerprints have been collected.
- e) Dispensary principal officer, agent-in-charge, or agent ID applications submitted without a copy of the fingerprint consent form and receipt will be deemed incomplete and shall be denied.

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

## SUBPART F: DISPENSARY OPERATION

**Section 1290.300 Operational Requirements**

- a) ~~It is the duty of the Division to enforce the provisions of the Act and this Part relating to the registration and oversight of dispensing organization, unless otherwise provided in the Act.~~
- ~~a~~b) A dispensing organization awarded a registration shall operate in accordance with the Act, this Part, and the representations made in its application and registration materials packet. It shall be in compliance with the Act and this Part while registered with the Division.

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- e) ~~Only a dispensing organization that has been issued a registration by the Division shall own and operate a dispensary.~~
- b~~e~~) A dispensing organization must include the trade name of the dispensary on the packaging of any cannabis product it sells.
- c~~e~~) All medical cannabis and cannabis-infused products must be obtained from a cannabis wholesaler ~~an Illinois registered cultivation center (see 8 Ill. Adm. Code 1000).~~
- d~~f~~) A dispensing organization shall inspect and count all cannabis and cannabis-infused products ~~product received from the cultivation center~~ before dispensing them ~~it~~.
- e~~g~~) A dispensing organization may only accept ~~medical~~ cannabis deliveries into a restricted access area. Deliveries may not be accepted through the public or limited access areas unless otherwise approved by the Division.
- f~~h~~) A dispensing organization shall maintain compliance with State and local building, fire and zoning requirements or regulations.
- g~~i~~) A dispensing organization shall submit for Division approval a list ~~to the Division~~ of the names of all service professionals who will work at the dispensary. The list shall include a description of the type of business or service provided. Changes to the service professional list shall be promptly provided. No service professional shall work in the dispensary until the name is provided to the Division on the service professional list.
- j) ~~A registration shall allow the registrant to operate at a single location.~~
- h~~k~~) A dispensing organization ~~dispensary~~ may operate between 6 a.m. and 108 p.m. local time.
- i~~l~~) A dispensing organization must keep all lighting outside and inside the dispensary in good working order ~~and wattage sufficient for security cameras~~.
- j~~m~~) A dispensing organization shall not:

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- 1) Produce or manufacture cannabis;
- 2) Allow consumption of cannabis at the dispensary, in the limited or restricted access areas of the dispensary, or in violation of State or local statutes or regulations;
- 3) ~~Dispense~~~~Accept~~ a cannabis product from a cannabis wholesaler~~cultivation center~~ unless it is pre-packaged and labeled in accordance with this Part, 8 Ill. Adm. Code 1000 and 77 Ill. Adm. Code 946;
- 4) Sell cannabis or cannabis-infused products to a ~~person~~~~consumer~~ unless the individual presents an active registered qualifying patient, provisional patient, OAPP participant or designated caregiver card issued by DPH;
- 5) Enter into an exclusive agreement with any cannabis cultivation center, craft grower, processor or infuser entity. Dispensaries shall provide patients, provisional patients and participants an assortment of products from various cultivation centers so that the inventory available for sale at any dispensary shall not be more than 40% of the total inventory available for sale. For the purpose of this subsection (j)(5), a cultivation center, craft grower, processor or infuser shall be considered part of the same entity if the licensees share at least one principal officer. The Division may request that a dispensary diversify its products as needed or otherwise discipline a dispensing organization for violating this requirement;
- 6) Refuse to conduct business with a cultivation center that has the ability to properly deliver the product and is permitted by DOA, on the same terms as other cultivation centers with whom it is dealing;
- 7) Operate drive through windows;
- 8) Transport cannabis from the dispensary, other than as authorized by the Act and this Part~~to residences of registered qualifying patients, provisional patients, OAPP participants or designated caregivers~~;
- 9) Operate a dispensary if its video surveillance equipment is inoperative;
- 10) Operate a dispensary if the point of sale equipment is inoperative;

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- 11) Operate a dispensary if the State verification system or the Illinois Cannabis Tracking System is inoperative;
- 12) Have fewer than two people working at the dispensary at any time while the dispensary is open;
- 13) Contract with, pay, or have a profit sharing arrangement with third party groups that assist individuals with finding a certifying health care professional or completing the patient or participant application; or
- 14) Pay a referral fee to a third-party group for sending patients or participants to a specific dispensary.

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

**Section 1290.320 Dispensary Access Oversight**

- a) ~~Access to a dispensary is restricted as defined in the Act and this Part.~~ No persons, except the following, are permitted entry into the dispensary's restricted access areas ~~in the dispensary~~:
  - 1) Dispensing organization agents, agents-in-charge and principal officers ~~the Division or the Division's authorized representative, ISP, or other federal or State officials performing duties as required by federal or State law~~;
  - 2) Division personnel or the Division's authorized representatives;
  - 3) Law enforcement or other emergency personnel in the performance of their official duties;
  - 4) Cannabis delivery agents registered or licensed by DOA ~~Cultivation center agents with cultivation center agent identification cards may deliver medical cannabis to a dispensary~~;
  - 3) ~~Emergency personnel when necessary to perform official duties~~;
  - 5) Other individuals approved by the Division;

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- ~~64)~~ Service professionals approved pursuant to~~In connection with Section 1290.300(i), a dispensing organization may allow service professionals to enter when working on a job that requires their presence at the dispensary, such as installing or maintaining security devices or providing construction services; and~~
- ~~b5)~~ Any person,~~other than a dispensary agent,~~ authorized to have access to the restricted access area of a dispensing organization under subsections~~be at a dispensary pursuant to this subsection (a)(2) through (6) and with access to the restricted access area~~ must be accompanied at all times by a dispensing organization agent.
- ~~cb)~~ No person, except those identified in subsection (a) and the following, is~~are~~ permitted entry into the dispensary's limited access area~~areas~~:
- 1) Qualified patients, provisional patients, and designated caregivers;
  - 2) OAPP participants;
  - 3) ~~Dispensing organization agents, the Division or the Division's authorized representative, ISP, or other federal, State or local representatives performing duties as required by federal or State law;~~
  - 4) ~~Emergency personnel when necessary to perform official emergency duties;~~
  - 5) ~~Cultivation center agents with cultivation center agent identification cards may access dispensaries to perform duties supporting the delivery of medical cannabis, including but not limited to educating dispensary agents and correcting mislabeled product;~~
  - 6) ~~In connection with Section 1290.300(i), a dispensing organization may allow service professionals to enter when they are working on a job that requires their presence at the dispensary, such as installing or maintaining security devices or providing construction services;~~
  - 37) Upon a dispensary's prior written request, the Division may approve a request to allow a visitor to~~the~~center the limited access area of a dispensary with prior approval from the Division. The dispensing organization shall

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~~provide the Division with a written request in advance that includes~~~~written request must include~~ the name of the dispensing organization agent requesting the visit, the name of the visitor, the reason for the visit, and the date and time of the proposed visit. ~~The purpose of the visit~~Visits must be ~~for a purpose~~ in furtherance of the Act. The Division must issue written approval before the ~~visitor can enter the limited access area~~~~dispensing organization allows a visitor access to the dispensary.~~ ~~Visitors are prohibited from entering the restricted access area.~~

- 48) Any person, other than a dispensary agent, ~~agent-in-charge or principal officer~~ authorized ~~by this subsection (c)~~ to ~~have access to the limited access area of a dispensing organization must be monitored at all times by a dispensing organization agent~~~~be at a dispensary by this subsection (b)~~ ~~shall be monitored, while in the limited access area, at all times by a dispensing organization agent.~~
- d) All persons authorized to be at a dispensary pursuant to subsection (a) or ~~(c)~~~~(b)~~ must present valid government issued identification with a picture prior to entry.
- 1) Once the person is verified, a dispensing organization agent shall record the person in a log with the date, time and purpose of the visit. The log shall be maintained at the dispensary and made available to the Department, at any time, for a period of ~~5~~five years.
  - 2) A dispensing organization agent shall issue a numbered identification badge to persons authorized to be in a dispensary. Identification badges shall be worn while in the dispensary. All visitor identification badges shall be returned to a dispensing organization agent upon exit.
  - 3) The dispensing organization shall institute best practices to preserve confidentiality of patient and OAPP participant identity and patient and OAPP participant sales.

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

## SUBPART G: SECURITY AND RECORDKEEPING

**Section 1290.400 Inventory Control System**

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- a) A dispensing organization agent-in-charge shall have primary oversight of the dispensing organization's State verification system, its point of sale system, and Illinois Cannabis Tracking System. The inventory point of sale system shall be real-time, web-based and accessible by the Division 24 hours a day, ~~7~~seven days a week.
- b) A dispensing organization shall establish an account with the State verification system and Illinois Cannabis Tracking System that documents:
  - 1) Each sales transaction at the time of sale and each day's beginning inventory, acquisitions, sales, disposal and ending inventory.
  - 2) Acquisition of medical cannabis and medical cannabis-infused products from a permitted cultivation center, including:
    - A) A description of the products including the quantity, strain, variety and batch number of each product received;
    - B) The name and registry identification number of the permitted cultivation center providing the medical cannabis;
    - C) The name and registry identification number of the permitted cultivation center agent delivering the medical cannabis;
    - D) The name and registry identification number of the dispensing organization agent receiving the medical cannabis; and
    - E) The date of acquisition.
  - 3) The disposal of medical cannabis, including:
    - A) A description of the products, including the quantity, strain, variety, batch number and reason for the cannabis being disposed;
    - B) The method of disposal; and
    - C) The date and time of disposal.

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- c) A dispensing organization shall use a point of sale system that establishes and maintains a real time interface with the State verification system to track, consistent with the Act and this Part, patient and provisional patient limits, patient and provisional patient sales at the time of sale, inventory, currency and destruction.
- d) A dispensing organization shall use a point of sale system that establishes and maintains a real time interface with the Illinois Cannabis Tracking System to track OAPP participant's limits, OAPP participant sales at the time of sale, inventory, currency, OAPP participant's chosen dispensary and written certification.
- e) Upon medical cannabis delivery, a dispensing organization shall confirm the product's name, strain name, weight and identification number on the manifest matches the information on the medical cannabis product label and package. The product name listed and the weight listed in the State verification system and Illinois Cannabis Tracking System shall match the product packaging.
- f) A dispensing organization~~The agent in charge~~ shall conduct a daily physical count of all inventory, except as permitted under subsection (f)(4) and also conduct a~~inventory~~ reconciliation documenting and balancing medical cannabis inventory by confirming the State verification system and Illinois Cannabis Tracking System matches the dispensing organization's point of sale system and the amount of physical product at the dispensary.
- 1) A dispensing organization must receive Division approval prior to completing an inventory adjustment. It shall provide a detailed reason for the adjustment. Inventory adjustment documentation shall be kept at the dispensary for two years from the date performed.
  - 2) If, after the daily inventory reconciliation, the dispensing organization identifies an imbalance in the amount of medical cannabis due to mistake, the dispensing organization shall determine how the imbalance occurred and, immediately upon discovery, take and document corrective action. If the dispensing organization cannot identify the reason for the mistake within 2~~two~~ calendar days after first discovery, it shall inform the Division immediately in writing of the imbalance and the corrective action taken to date. The dispensing organization shall work diligently to determine the reason for the mistake.

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- 3) ~~If, after the daily inventory reconciliation or through other means, the dispensing organization identifies an imbalance in the amount of medical cannabis after the daily inventory reconciliation or through other means due to theft, criminal activity or suspected criminal activity, the dispensing organization shall immediately determine how the reduction occurred and take and document corrective action. Within 24 hours after the first discovery of the reduction due to theft, criminal activity or suspected criminal activity, the dispensing organization shall inform the Division and ISP in writing in connection with Section 1290.445.~~
- 4) ~~A dispensing organization is not required to perform a daily physical count of bulk cannabis inventory. The dispensing organization must verify daily that any bulk cannabis inventory meets the requirements of Section 1290.405(g). If the packaging of bulk cannabis inventory becomes torn or tampered with, it must be recounted and resealed before the completion of the next daily physical count. The dispensing organization shall file an annual compilation report with the Division, including a financial statement that shall include, but not be limited to, an income statement, balance sheet, profit and loss statement, statement of cash flow, wholesale cost, and sales, and any other documentation requested by the Division in writing. The financial statement shall include any other information the Division deems necessary in order to effectively administer the Act and all rules, orders and final decisions promulgated under the Act. Statements required by this subsection (f)(4) shall be filed with the Division within 60 days after the end of the calendar year. The compilation report shall include a letter authored by a licensed CPA that it has been reviewed and is accurate based on the information provided. The dispensing organization, financial statement and accompanying documents are not required to be audited unless specifically requested by the Division.~~
- g) A dispensing organization shall maintain the documentation required in this Section in a secure locked location at the dispensing organization.;
- 1) ~~Maintain the documentation required in this Section in a secure locked location at the dispensing organization for five years from the date on the document;~~

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- 2) ~~Provide any documentation required to be maintained in this Section to the Division for review upon request; and~~
- 3) ~~If maintaining a bank account, retain for a period of five years a record of each deposit or withdrawal from the account.~~
- h) A dispensing organization shall ensure the oldest stock of cannabis and cannabis-infused product is dispensed first. This requirement may be deviated from if necessary, on a temporary basis;
- ih) ~~A dispensing organization shall not accept returns of medical cannabis. If cannabis is abandoned at a dispensing organization the dispensary, it shall be accounted for and destroyed in compliance with this Part.~~

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

**Section 1290.405 Storage Requirements**

- a) ~~Authorized On Premises Storage. A dispensing organization must store inventory on the registered premises. All inventory shall be stored and secured on the registered premises must be secured in the restricted access area of the dispensary, and managed consistent with the Act and this Part tracked consistently with the inventory tracking rules.~~
- b) A dispensary shall be of suitable size and construction to facilitate cleaning, maintenance and proper operation~~operations~~.
- c) A dispensary shall maintain adequate lighting, ventilation, temperature, humidity control and equipment.
- d) ~~Containers storing medical cannabis that have been tampered with or opened shall be labeled with the date opened and quarantined from other medical cannabis products in the vault until they are disposed of.~~
- e) ~~Medical cannabis that was tampered with or damaged shall not be stored at the registered premises for more than seven calendar days.~~
- f) ~~Medical cannabis samples shall be in a sealed container. Samples shall be maintained in the restricted access area.~~

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- ~~d~~g) The dispensary storage areas shall be maintained in accordance with the security requirements (see Section 1290.410).
- ~~e~~h) Medical cannabis must be stored at appropriate temperatures and under appropriate conditions to help ensure that its packaging, strength, quality and purity are not adversely affected.
- f) Medical cannabis samples shall be in a sealed container. Samples shall be maintained in the restricted access area.
- g) Bulk cannabis inventory is cannabis stored in the reinforced vault in clear, heat-sealed or taped shrink wrap bags or sheeting that is labeled with the date the inventory is sealed, the last 4 digits of the batch number, the number of items contained within the wrapping, and the date the inventory was last counted.
- h) Cannabis or a cannabis-infused product that has been mislabeled, tampered with, opened or damaged shall be quarantined. It shall be marked with the date placed in quarantine and placed in the reinforced vault in a container labelled "quarantined". Quarantined products shall not be considered part of the dispensing organization's total inventory available for sale and must be destroyed unless otherwise approved by the Division.
- i) Quarantined products shall not be stored at the dispensary for more than 7 calendar days unless approved by the Division.

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

**Section 1290.410 Security Requirements**

- a) A dispensing organization shall develop and implement a security plan~~measures~~ to deter and prevent improper entry into the dispensary and theft of cannabis or currency.
- ~~b) A dispensing organization shall submit changes to the floor plan or security plan to the Division for pre-approval. All cannabis shall be maintained and stored in a restricted access area during construction.~~

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- be) ~~Security measures in the plan shall include, but not be limited to, The dispensing organization shall implement security measures to protect the premises, registered qualifying patients, provisional patients, designated caregivers, OAPP participants and dispensing organization agents including, but not limited to~~ the following:
- 1) ~~Establishing~~Establish a locked door or barrier between the dispensary's public facility's entrance and the limited access area;
  - 2) ~~Preventing~~Prevent individuals from remaining on the premises if they are not engaging in activity permitted by the Act or this Part;
  - 3) ~~Maintaining~~Develop a policy that addresses the maximum capacity and patient flow in the waiting rooms and patient care areas;
  - 4) ~~Dispose of cannabis in accordance with this Part;~~
  - 45) ~~Dispensing~~During hours of operation, store and dispense all cannabis from the restricted access area. ~~During operational hours, cannabis shall be stored in an enclosed locked room or cabinet and shall be accessible only to specifically authorized agents;~~
  - 5) Storing cannabis during all hours in an enclosed locked room or cabinet that is accessible only to dispensing organization agents;
  - 6) Storing cannabis during non-operational hours in a locked reinforced vault room~~When the dispensary is closed, store all cannabis and currency in a reinforced vault room in the restricted access area and in a manner as to prevent diversion, theft or loss;~~
  - 7) Storing currency during non-operational hours in a locked reinforced vault room or other location in a manner that prevents diversion, theft or loss;
  - 87) ~~Keeping~~Keep the reinforced vault room ~~and any other equipment or cannabis storage areas~~ securely locked and protected from unauthorized entry at all times;
  - 98) ~~Keeping~~Keep an electronic daily log of dispensing organization~~dispensary~~ agents whowith access ~~to~~ the reinforced vault room ~~and knowledge of the access code or combination;~~

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- 10) Requiring an agent-in-charge to review, no less than every 7 days, the electronic daily log (see subsection (b)(9)) to ensure the vault has not been accessed at unusual or specific times;
- 119) Maintaining~~Keep~~ all locks and security equipment in good working order;
- 1240) Maintaining an operational~~The~~ security and alarm system at all times;~~shall be operational at all times.~~
- 1344) Preventing~~Prohibit~~ keys, if applicable, from being left in ~~the~~ locks, or stored ~~or placed~~ in a location accessible to persons other than specifically authorized personnel;
- 1442) Maintaining integrity~~Prohibit accessibility~~ of security systems~~measures,~~ including but not limited to limiting access to combination numbers, passwords or other security measures~~electronic or biometric security systems~~ to ~~persons other than~~ specifically authorized agents;
- 1543) Ensuring~~Ensure~~ the dispensary interior and exterior premises are sufficiently lit to facilitate surveillance;
- 1644) Ensuring~~Ensure~~ that trees, bushes and other foliage outside of the dispensary premises do not allow for a person or persons to conceal themselves ~~from sight~~;
- 1745) Developing~~Develop~~ emergency policies and procedures for immediately securing all product and currency following any instance of diversion, theft or loss of cannabis; for conducting an investigation into the cause of the diversion, theft, or loss; and to remediate any deficiencies that may have allowed the diversion, theft, or loss to occur;~~and conduct an assessment to determine whether additional safeguards are necessary; and~~
- 1846) Developing~~Develop~~ sufficient additional safeguards in response to any special security concerns, or as required by the Division; and~~.~~
- 19) Installing counters that separate limited access areas from restricted access areas. The counters shall be at least 48" in height, except that spans of counters up to 36" in length may be reduced to 36" in height.

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- d) ~~The Division may request or approve alternative security provisions that it determines are an adequate substitute for a security requirement specified in this Part. Any additional protections may be considered by the Division in evaluating overall security measures.~~
- ce) A dispensing organization shall provide additional security measures as needed and ~~in a manner~~ appropriate for the community where it operates.
- df) Restricted Access Areas
- 1) All restricted access areas must be identified by the posting of a sign that shall be a minimum of 12" x 12" and that states "Do Not Enter – Restricted Access Area – Authorized Personnel Only" in lettering no smaller than one inch in height.
  - 2) All restricted access areas shall be clearly described in the floor plan of the ~~dispensing organization registered premises~~, in the form and format ~~directed manner determined~~ by the Division, reflecting walls, partitions, counters and all areas of entry and exit. The floor plan shall show all storage, disposal and retail sales areas.
  - 3) All restricted access areas must be secure, with locking devices that prevent access from the limited access areas.
- eg) Security and Alarm Systems
- 1) A dispensing organization shall have ~~an adequate security plan and~~ security system designed to monitor, prevent and detect unauthorized intrusion ~~diversion, and theft or loss of cannabis or~~ currency. The system shall use or unauthorized intrusion using commercial grade equipment and be installed by an Illinois licensed private alarm contractor or private alarm contractor agency. The system that shall include, at a minimum, ~~include~~:
    - A) A perimeter alarm on all entry points to the dispensary premises ~~and glass break protection on perimeter windows~~;

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- B) Glass break protection and security~~Security~~ shatterproof ~~tinted~~ film on ~~exterior of~~ perimeter windows;
- C) A failure notification system that provides an alert to designated dispensing organization agents within 5 minutes~~audible, text or visual notification~~ of any operational failure ~~of~~ the surveillance system, ~~including, but not limited to, panic buttons, alarms and video monitoring system. The failure notification system shall provide an alert to designated dispensing organization agents within five minutes after the failure, either by telephone or text message;~~
- D) A sufficient number of~~duress alarm, panic~~ and hold up buttons and alarms, a duress~~button and alarm, or holdup alarm~~ and an after-hours intrusion detection alarm, each of which~~that by design and purpose~~ will directly or indirectly notify, ~~by the most efficient means,~~ the Public Safety Answering Point (PSAP) for the law enforcement agency having primary jurisdiction;
- E) Security equipment to deter and prevent unauthorized entrance into the dispensary, including electronic door locks on the doors in, or providing access to, limited and restricted access areas, and that~~include~~ devices or a series of devices to detect unauthorized intrusion; ~~that may include a signal system interconnected with a radio frequency method, cellular, private radio signals or other mechanical or electronic device.~~
- F) Video surveillance monitors with 19-inch screens or larger;
- G) Video surveillance that provides unobstructed views of all enclosed dispensary areas, unless prohibited by law. The surveillance equipment used must capture the image, with clear and certain identification, of any person entering or exiting the limited access area;
- H) Video surveillance that provides unobstructed views of all outside areas, the storefront, and the parking lot. The surveillance equipment used must capture the image, with clear and certain identification, of any person entering or exiting the dispensary, the

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immediate surrounding area, and the license plates of vehicles in the parking lot;

- D) Video surveillance at each point-of-sale terminal that captures the sale, the individuals, and the computer monitors used for the sale. The surveillance equipment used must capture the image, with clear and certain identification of any person involved in the sale;
- J) Video surveillance, available for immediate viewing by the Division, that provides 24-hour recordings that are correctly time and date stamped. Recordings shall be retained for no less than 90 days, and may not be deleted without Division approval if the dispensing organization is aware of the loss or theft of cannabis; a pending criminal, civil or administrative investigation; or a legal proceeding for which the recording may contain relevant information;
- K) Video surveillance that will immediately and at any time produce a clear, color still photo from the surveillance video, either live or recorded;
- L) Video surveillance that will export still images in an industry standard image format, including JPG, BMP or GIF. Exported video shall have the ability to be archived in a format that ensures authentication of the video and guarantees that no alteration of the recorded image has taken place. Exported video shall also have the ability to be saved in an industry standard file format that can be played on a standard computer operating system;
- 2) All security system equipment and recordings shall be maintained in good working order, in a secure location so as to prevent theft, loss, destruction or alterations.
- 3) Access to surveillance monitoring recording equipment ~~resides~~ shall be limited to persons that are essential to surveillance operations, law enforcement ~~authorities acting within their jurisdiction~~, security system service personnel, and the Division personnel. A current list of authorized dispensary agents and service personnel that have access to the surveillance equipment must be available to the Division upon request.

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- 4) All security and video surveillance equipment shall be inspected and tested at regular intervals, not to exceed one month from the previous inspection and test to ensure the systems remain functional.
  - 5) The security system shall provide protection against theft and diversion that is facilitated or hidden by tampering with computers or electronic records.
  - 6) In the event of a power outage, theThe dispensary shall ensure all access doors remain secure and any video surveillance system remains fully operational for no less than 4 hours~~are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.~~
  - 7) The dispensing organization must immediately report any security system outage to the Division, including, but not limited to, any loss of video recordings, and must promptly submit an outage report in the form and format directed by the Division.
- h) ~~To monitor the dispensary, the dispensing organization shall incorporate continuous electronic video monitoring, including the following:~~
- 1) ~~Monitors of 19 inches or greater;~~
  - 2) ~~Unobstructed video surveillance of all enclosed dispensary areas, unless prohibited by law, including all points of entry and exit that shall be appropriate for the normal lighting conditions of the area under surveillance. The cameras shall be directed so all areas are captured, including, but not limited to, safes, vaults, sales areas and areas where cannabis is stored, handled, dispensed or destroyed. Cameras shall be:~~
    - A) ~~angled to allow for facial recognition, the capture of clear and certain identification of any person entering or exiting the dispensary area; and~~
    - B) ~~in lighting sufficient during all times of night or day;~~
  - 3) ~~Unobstructed video surveillance of outside areas, the storefront and the~~

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~~parking lot, that shall be appropriate for the normal lighting conditions of the area under surveillance. Cameras shall be angled so as to allow for the capture of facial recognition, clear and certain identification of any person entering or exiting the dispensary, the immediate surrounding area, and license plates of vehicles in the parking lot;~~

- ~~4) Twenty four hour recordings from all video cameras available for immediate viewing by the Division upon request. Recordings shall not be destroyed or altered and shall be retained for at least 90 days. Recordings shall be retained as long as necessary if the dispensing organization is aware of the loss or theft of cannabis; a pending criminal, civil or administrative investigation; or a legal proceeding for which the recording may contain relevant information;~~
- ~~5) The ability to immediately produce a clear, color still photo from the surveillance video, either live or recorded;~~
- ~~6) A date and time stamp embedded on all video surveillance recordings. The date and time shall be synchronized and set correctly and shall not significantly obscure the picture;~~
- ~~7) The ability to remain operational during a power outage and ensure all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage;~~
- ~~8) Exporting of still images in an industry standard image format, including JPG, BMP and GIF. Exported video shall have the ability to be archived in a proprietary format that ensures authentication of the video and guarantees that no alteration of the recorded image has taken place. Exported video shall also have the ability to be saved in an industry standard file format that can be played on a standard computer operating system. All recordings shall be erased or destroyed prior to disposal;~~
- ~~9) A video surveillance system that is operational during a power outage with a four hour minimum battery backup;~~
- ~~10) A video printer capable of immediately producing a clear still photo from any video camera image;~~

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- ~~11) A video camera or cameras recording at each point of sale terminal allowing for the identification of the dispensary agent distributing the cannabis and any qualifying patient or designated caregiver purchasing medical cannabis. The camera or cameras shall capture the sale, the individuals and the computer monitors used for the sale;~~
- ~~12) Storage of video recordings from the video cameras for at least 90 calendar days; and~~
- ~~13) A failure notification system that provides an audible and visual notification of any failure in the electronic video monitoring system.~~
- f) All electronic video surveillance monitoring must record at least the equivalent of eight frames per second and be available to the Division and ISP 24 hours a day in real-time via a secure web-based portal with reverse functionality.
- g) A reinforced vault built to the following specifications:
- 1) The walls, floors, and ceilings of a vault shall be constructed of:
- A) At least 8 inches of reinforced concrete;
- B) All of the following:
- i) 18-gauge structural studs made of galvanized sheet metal meeting requirements of ASTM A1003;
- ii) 9-gauge, Type II, Class 1 carbon steel security mesh and attachment clips meeting ASTM F1267 on either side of the studs; and
- iii) an interior covered by UL and ULC Classified, Type X (per ASTM C1658), impact-resistant, moisture-resistant, noncombustible gypsum board tested to ASTM E136; or
- C) Comparable materials and standards approved by the Division;
- 2) The door and frame unit of a vault shall conform to the following specifications or the equivalent: 30 man-minutes against surreptitious

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entry, 10 man-minutes against forced entry, 20 man-hours against lock manipulation, and 20 man-hours against radiological techniques;

- 3) A vault, if operations require it to remain open for frequent access, shall be equipped with a "day-gate" that is self-closing and self-locking, or the equivalent, for use during the hours of operation in which the vault door is open;
  - 4) The walls or perimeter of a vault shall be equipped with an alarm that, upon unauthorized entry, transmits a signal directly to a central station protection company, ISP or a local police agency that has a legal duty to respond, or a 24-hour control station operation by the registrant; and
  - 5) The door of a vault shall be equipped with contact switches.
- j) ~~The dispensing organization shall maintain policies and procedures that include:~~
- 1) ~~Security plan with protocols for patient, provisional patient, OAPP participant, caregiver and agent safety, and management and security of cannabis and currency, as outlined in the Act and this Part;~~
  - 2) ~~Restricted access to the areas in the dispensary that contain cannabis to authorized agents;~~
  - 3) ~~Identification of authorized agents;~~
  - 4) ~~Controlled access and prevention of loitering both inside and outside the dispensary;~~
  - 5) ~~Conducting electronic monitoring; and~~
  - 6) ~~Use of a panic button.~~

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

**Section 1290.415 Recordkeeping and Record Retention**

- a) Dispensing organization records must be maintained electronically, except as provided in subsection (c), and be available for inspection by the Division upon

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request. Dispensing organization records must be maintained for 5 years, unless otherwise specified in the Act and this Part. The dispensing organization shall develop recordkeeping policies and procedures consistent with this Part.

- b) Records required to be maintained~~Required written records~~ include, but are not limited to, the following:
- 1) Operating procedures;
  - 2) Inventory records, including a binder for voided transactions~~policies and procedures~~;
  - 3) Security Records;
  - 4) Audit records;
  - 5) Staffing plan; ~~and~~
  - 6) Business records that shall include manual or computerized records of:
    - A) Assets and liabilities;
    - B) Monetary transactions;
    - C) Written or electronic accounts that shall include bank statements, journals, ledgers and supporting documents, agreements, checks, invoices, receipts and vouchers; and
    - D) Any other financial accounts reasonably related to the dispensary operations; ~~;~~
  - 7) Storage and transfer of records. If a dispensary closes due to insolvency, revocation, bankruptcy or for any other reason, all records must be preserved at the expense of the dispensing organization for at least 3~~three~~ years in a form and location in Illinois approved by~~acceptable to~~ the Division. The dispensing organization shall keep the records longer if requested by the Division; ~~The dispensing organization shall notify the Division of the location where the dispensary records are stored or transferred.~~

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- 8) Records of continuing education training provided to each agent;
  - 9) Destruction and disposal of records; and
  - 108) All other records, policies and procedures required by the Act and this Part.
- c) The dispensing organization shall retain a physical copy of its policies and procedures on site at the dispensary.
  - d) The dispensing organization shall file an annual report with the Division. The report shall include a financial statement, reviewed and certified as accurate by a licensed CPA, that contains an income statement, reviewed and certified as accurate by a licensed CPA, which contains an income statement, balance sheet, profit and loss statement, statement of cash flow, wholesale cost and retail sale information, and any other documentation requested in writing by the Division. The financial statement is not required to be audited. The report shall also include a certification from a principal officer of the dispensing organization confirming that the organization's written policies and procedures are currently in compliance with the Act and this Part. The report shall be filed with the Division within 60 days after the end of the calendar year.

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

**Section 1290.425 Administration**

- a) A dispensing organization shall operate continuously and maintain an uninterrupted supply of medical cannabis for qualifying patients, provisional patients, OAPP participants and designated caregivers.
- b) A dispensary shall be open for a minimum of 35 hours per week, except as otherwise authorized by the Division.
- c) A dispensing organization shall ~~establish, maintain and comply with~~ written policies and procedures preparing for and protecting against any crisis that affects the security or operation of the dispensary in the event of strike, fire, flood, tornado, or other natural disaster or other situations of local, State or national emergency as submitted in an Operations and Management Practices Plan,

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~~approved by the Division, for the security, storage, inventory and distribution of cannabis. These policies and procedures shall include methods for identifying, recording and reporting diversion, theft or loss, and for correcting errors and inaccuracies in inventories. At a minimum, dispensing organizations shall ensure the written policies and procedures provide for the following:~~

- ~~1) Conduct mandatory and voluntary recalls of cannabis products. The procedure shall be adequate to deal with recalls due to any action initiated at the request of the Division and any voluntary action by the dispensing organization to remove defective or potentially defective cannabis from the market or any action undertaken to promote public health and safety;~~
  - ~~2) Prepare for, protect against, and handle any crises that affects the security or operation of a dispensary in the event of strike, fire, flood or other natural disaster, or other situations of local, State or national emergency;~~
  - ~~3) Ensure that outdated, damaged, deteriorated, misbranded or adulterated cannabis is segregated from other cannabis and destroyed. This procedure shall provide for written documentation of the cannabis disposition;~~
  - ~~4) Ensure the oldest stock of a cannabis product is distributed first. The procedure may permit deviation from this requirement, if such deviation is temporary and appropriate;~~
- d5) A dispensing organization shall provide annually at least 8 hours of continuing education to agents and principal officers on the following:Training of Agents
- A) Train agents:
    - 1i) in the provisions of the Act and this Partthe Division's administrative rules;
    - 2ii) operatingto effectively operate the point of sale system, the State verification system, Illinois Cannabis Tracking System, and proper inventory handling and tracking;
    - 3iii) adheringto adhere to patient, provisional patient, OAPP participant and caregiver confidentiality requirements;

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- ~~4iv)~~ ~~in specific~~ uses of cannabis or cannabis-infused products offered for sale at the dispensary;
- ~~5v)~~ ~~in~~ regulatory inspection preparedness and law-enforcement interaction;
- ~~6vi)~~ ~~in~~ awareness of the legal requirements to maintain~~for maintaining~~ status as an agent; ~~and~~
- ~~7)~~ at least 2 hours of responsible vendor training, as defined in CRTA Section 15-40; and
- ~~8vii)~~ ~~in~~ other topics approved by~~specified by the dispensing organization or the~~ Division.
- ~~B)~~ ~~The dispensing organization shall maintain evidence of all training provided for every agent in its files and subject to inspection and audit by the Division. The dispensing organization shall ensure agents receive a minimum of eight hours of training annually, unless otherwise approved by the Division;~~
- ~~6)~~ ~~Develop and maintain business records consistent with industry standards, including by laws, consents, manual or computerized records of assets and liabilities, audits, monetary transactions, journals, ledgers and supporting documents, including agreements, checks, invoices, receipts and vouchers. These records shall be retained for five years;~~
- ~~7)~~ ~~Inventory control, including:~~
- ~~A)~~ ~~Tracking qualifying patient and provisional patient records, including purchases, denials of sale and confidentiality;~~
- ~~B)~~ ~~Tracking OAPP participant records, including purchases, denials of sale, verification of written certification, selected dispensary, and confidentiality; and~~
- ~~C)~~ ~~Disposal of unusable or damaged cannabis as required by the Act and this Part; and~~
- ~~8)~~ ~~Patient and participant education and support, including:~~

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- A) ~~Updated information about the purported effectiveness of various forms and methods of medical cannabis administration;~~
  - B) ~~Updated information about the purported effectiveness of strains of medical cannabis on specific conditions;~~
  - C) ~~Current educational information issued by DPH about the health risks associated with the use or abuse of cannabis;~~
  - D) ~~Whether possession of cannabis is illegal under federal law;~~
  - E) ~~Information about possible side effects;~~
  - F) ~~Prohibition on smoking medical cannabis in public places; and~~
  - G) ~~Offer any other appropriate patient education or support materials.~~
- e) A dispensing organization shall provide annually at least 8 hours of continuing education to agents-in-charge on the following:
- 1) The topics listed in subsection (d);
  - 2) Operating the State verification system, Illinois Cannabis Tracking System; and
  - 3) Duties performed only by an agent-in-charge.
- d) ~~A dispensing organization shall maintain copies of the policies and procedures on the dispensary premises and provide copies to the Division upon request.~~
- e) ~~A dispensing organization shall review dispensing organization policies and procedures at least once every 12 months from the issue date of the registration and update as needed or as requested by the Division.~~
- f) ~~A dispensing organization shall ensure that each principal officer and each dispensary agent has a current agent identification card in the agent's immediate possession when the agent is at the dispensary.~~

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- ~~f~~g) A dispensing organization shall ensure that any identifying information about a qualifying patient, provisional patient, OAPP participant or caregiver is kept in compliance with the privacy and security rules of HIPAA (45 CFR 164).
- ~~h~~) ~~A dispensing organization shall provide prompt written notice to the Division, including the date of the event, when a dispensing organization agent no longer is employed by the dispensing organization;~~
- ~~i~~) ~~A dispensing organization shall promptly document and report any loss or theft of medical cannabis from the dispensary to ISP and the Division. It is the duty of any agent who becomes aware of the loss or theft to report it as provided in this Part. If the dispensing organization knows that a principal officer or dispensary agent has been arrested for or convicted of an excluded offense, the dispensing organization shall promptly notify the Division.~~
- ~~g~~j) A dispensing organization shall post its registration and hours of operation~~the following information~~ in a conspicuous location in an area of the dispensary accessible to consumers.:
- ~~1)~~ ~~The dispensing organization's registration; and~~
  - ~~2)~~ ~~The hours of operation.~~
- ~~h~~) Unless otherwise available to the public, a dispensing organization shall, upon request, provide patients, provisional patients, caregivers and OAPP participants with laboratory testing results for all cannabis flower, cannabis concentrates, and cannabis-infused product from a laboratory approved by DOA to test cannabis. This requirement may be met by the cultivation center, craft grower, infuser or dispensing organization posting up-to-date laboratory testing results on its website.
- ~~i~~k) A dispensing organization shall not:
- 1) Allow a certifying health care professional~~physician~~ to conduct a physical examination of a patient for purposes of diagnosing a debilitating medical condition or a medical condition for which opioids have been or could be prescribed at the dispensary;

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- 2) Allow a certifying health care professional~~physician~~ to hold a direct or indirect economic interest in the dispensary if the certifying health care professional~~physician~~ recommends the use of medical cannabis to patients or OAPP participants or is in a partnership or other fee or profit-sharing relationship with a certifying health care professional~~physician~~ who recommends medical cannabis;
  - 3) Accept referral of patients or OAPP participants from a certifying health care professional~~physician~~; or
  - 4) Allow a certifying health care professional~~physician~~ to advertise at the dispensary.
- j) A certifying health care professional~~physician~~ may work as an independent contractor with a dispensing organization, provided that the certifying health care professional~~physician's~~ involvement is limited exclusively to designing, implementing or conducting non-proprietary medical research or studies.
- m) ~~Violation of any requirement under this Section may subject the dispensing organization to discipline, up to and including revocation of its registration.~~

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

**Section 1290.430 Dispensing Medical Cannabis to Patients and Provisional Patients**

- a) *A person provided a written certification for a debilitating medical condition who has submitted a valid completed online application to the Department and his or her designated caregiver shall receive a provisional registration and shall be entitled to purchase medical cannabis from a specified licensed dispensing organization for a period of 90 days or until his or her application has been denied or he or she receives a registry identification card, whichever is earlier.* (Section 55(b) of the Act)
- b) Before a dispensing organization allows a qualifying patient or designated caregiver into the limited access area, it must verify the person has an unexpired~~person's identity by comparing the~~ DPH issued patient identification card or designated caregiver card ~~with an Illinois driver's license or State identification card or federally issued identification.~~

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- c) Before a dispensing organization allows a provisional patient into the limited access area, it must verify the person's identity by comparing the provisional patient's name and date of birth in the Illinois Cannabis Tracking System~~provisional registration along with an unexpired State or federally issued photo identification that contains the date of birth of the person.~~
- d) Before a dispensing organization agent dispenses medical cannabis to a qualifying patient, provisional patient or a designated caregiver, the agent shall:
- ~~1)~~ 1) ~~Verify the validity of the qualifying patient or designated caregiver's DPH patient registry identification card or verify the validity of the provisional patient's provisional registration;~~
  - 2) Confirm the qualifying patient, provisional patient or designated caregiver's registry identification number in the State verification system;
  - ~~3)~~ 3) ~~Verify that the qualifying patient or designated caregiver has a current authorization by DPH to purchase medical cannabis;~~
  - ~~4)~~ 4) ~~Verify that the provisional patient's provisional registration has not expired and is authorized by DPH to purchase medical cannabis;~~
  - ~~25)~~ 25) Verify ~~that~~ the amount of medical cannabis the qualifying patient, provisional patient or designated caregiver is requesting would not cause the qualifying patient or provisional patient to exceed the limit on obtaining no more than 2½two and one-half ounces of medical cannabis during any 14-calendar-day period, unless approved by DPH; and
  - ~~36)~~ 36) Enter the following information into the State verification system for the qualifying patient, provisional patient or designated caregiver:
    - A) The dispensing organization agent's registration~~registry~~ identification number;
    - B) The dispensing organization's identification number;
    - C) The amount, type and strain of medical cannabis dispensed;

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- D) ~~The identity~~Identity of the individual to whom the medical cannabis was dispensed, whether the qualifying patient, provisional patient or qualifying patient's designated caregiver; and
- E) The date and time the medical cannabis was dispensed.
- e) A dispensary may not dispense more than the DPH approved amount of usable cannabis to a qualifying patient, provisional patient or designated caregiver over a 14-day period~~during a period of 14 days.~~
- f) In the event a dispensing organization dispenses in excess of a patient's usable amount, it shall notify the Division in writing within 48 hours. The notification shall include the date and time of the transaction that caused the overage, the name of the agent in charge on duty, the amount of the overage, the patient or provisional patient's registry identification number and a detailed narrative of the circumstances surrounding the overage. The notification report shall describe~~outline~~ the methods the dispensary will use to ~~self-correct and~~ prevent this type of over-dispensing from reoccurring.
- g) A dispensing organization shall notify DPH if it determines a person is attempting to submit or did submit a fraudulent written certification in the patient application.
- h) Designated caregivers of registered qualifying patients and provisional patients under 18 years of age and patients and provisional patients under 18 years of age shall not be dispensed medical cannabis other than medical cannabis-infused products~~A dispensary that sells edible cannabis-infused products must do so in compliance with the Act, DPH's administrative rules and this Part.~~

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

**Section 1290.431 Dispensing Medical Cannabis to OAPP Participants**

- a) Before a dispensing organization allows an OAPP participant into the limited access area, it must verify the person's identity by comparing the OAPP participant's name and date of birth in the Illinois Cannabis Tracking System with an unexpired~~a~~ State or federally issued photo identification that contains the date of birth of the person.

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- b) Before a dispensing organization agent dispenses medical cannabis to an OAPP participant, the agent shall:
- 1) Confirm the OAPP participant is in the Illinois Cannabis Tracking System and is authorized by DPH to purchase medical cannabis;
  - 2) Verify the OAPP participant's identity by confirming the following:
    - A) Name, phone number, and participant's identity using a State or federal identification card;
    - B) Date of birth and that the participant is not under 21 years of age;
    - C) Original written certification was submitted in the application and includes the name of the issuing [certifying health care professional](#) physician;
    - D) The written certification was issued within 90 days prior to registering in the Opioid Participant Pilot Program; and
    - E) The start and expiration date the OAPP participant can purchase medical cannabis;
  - 3) Confirm the OAPP participant is not a registered qualifying patient or provisional patient;
  - 4) Verify that the amount of medical cannabis the OAPP participant is requesting would not cause the OAPP participant to exceed the limit of obtaining more than ~~2 1/2~~ [two and one half](#) ounces of medical cannabis during any 14-calendar day period; and
  - 5) Enter the following information into the Illinois Cannabis Tracking System for the OAPP participant:
    - A) The dispensing organization agent's [registration](#) identification number;
    - B) The dispensing organization's registry identification number;

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- C) The amount, type, strain, weight and usable weight of medical cannabis dispensed;
  - D) ~~The identity~~Identity of the individual to whom medical cannabis was dispensed; and
  - E) The date and time the medical cannabis was dispensed.
- c) In the event a dispensing organization dispenses in excess of an OAPP participant's usable amount, it shall notify the Division in writing within 48 hours. The notification shall include the date and time of the transaction that caused the overage, the name of the agent-in-charge on duty, the amount of the overage, the OAPP participant's registry identification number, and a detailed narrative of the circumstances surrounding the overage. The notification report shall ~~describe~~outline the methods the dispensary will use to ~~self-correct and~~ prevent this type of over-dispensing from reoccurring.
- d) A dispensing organization shall notify DPH if it determines a person is attempting to submit or did submit a fraudulent written certification in an OAPP application.

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

**Section 1290.435 Signage**

*Any dispensing organization that sells edible cannabis-infused products must display a placard that states the following: "Edible cannabis-infused products were produced in a kitchen ~~not~~ subject to public health inspections that may also process common food allergens." The placard shall be no smaller than 24 inches tall by 36 inches wide, with typed letters no smaller than 2 inches. The placard shall be clearly visible and readable by customers and shall be written in English. (Section 80(a) of the Act) The signage shall be placed in the area where edible cannabis-infused products are sold, and may be translated into additional languages as needed.*

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

**Section 1290.440 Recall of Medical Cannabis**

- a) A dispensing organization must establish a policy for communicating a recall for cannabis or a ~~cannabis-infused~~cannabis-derived product that has been shown to

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present a reasonable or a remote probability that use of or exposure to the product will cause serious adverse health consequences. This policy ~~shall~~should include:

- 1) A mechanism to contact all patients, provisional patients, OAPP participants, and designated caregivers who have, or likely have, obtained the product from the dispensary. The communication must include information on the policy for return of the recalled product;
  - 2) A mechanism to contact the cultivation center or vendor that manufactured the ~~recalled product~~cannabis;
  - 3) Communication with the Division, DOA and DPH within 24 hours; and
  - 4) Outreach via media, as necessary and appropriate.
- b) ~~All~~Any recalled cannabis product in the possession of the dispensing organization must be ~~destroyed and~~ disposed of in accordance with Section 1290.450~~by the dispensing organization~~.

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

**Section 1290.445 Report of Loss or Theft of Cannabis**

- a) A dispensing organization shall ~~promptly~~ document and report by phone and e-mail any loss or theft of cannabis, criminal activity or suspected criminal activity to ISP and the Division within 24 hours after having reasonable cause to believe that cannabis has been lost or stolen from the dispensary or of the discovery of the loss or theft.
- b) ~~The dispensing organization shall promptly make the report to the Division by phone, and in writing by email, within 24 hours after having reasonable cause to believe that cannabis has been lost or stolen from the dispensary or of the discovery of the loss or theft.~~
- b) The report to the Division shall include the name and address of the dispensary, the amount and type of cannabis lost or stolen, the circumstances surrounding the loss or theft, the date and time of the loss or theft, the date the loss or theft was discovered, the person who discovered the loss or theft and the person responsible for the loss or theft if known and any other information that the dispensing

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~~organization~~ ~~reporter~~ believes might be helpful in establishing the cause of the loss or theft.

- d) ~~Persons required to make reports or cause reports to be made under this Section include dispensing organization agents and employees of the State of Illinois who are involved in investigating or regulating dispensaries if the report has not been made by the dispensary organization.~~
- e) ~~In addition to the persons required to report loss or theft of cannabis, any other person may make a report to the Division, or to any law enforcement officer, if the person has reasonable cause to suspect loss or theft of cannabis.~~
- f) ~~A person required to make reports or cause reports to be made under this Section who fails to comply with the requirements of this Section is guilty of, at a minimum, a Class A misdemeanor.~~
- g) ~~The Division shall initiate an administrative investigation of each report of loss or theft under the Act and this Part.~~
- ch) If, during ~~an~~the investigation of a report made pursuant to this Section, the Division obtains information indicating possible criminal acts, the Division shall refer the matter to the appropriate law enforcement agency for further investigation or prosecution.

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

**Section 1290.450 Destruction and Disposal**

- a) Cannabis and cannabis-infused products must be destroyed by rendering it unusable following the methods set forth in this Section.
- b) ~~Products~~~~Any product~~ to be destroyed ~~by a dispensing organizations~~ shall be destroyed on the same day and time weekly unless otherwise approved by the Division ~~on a case-by-case basis~~. A dispensing organization shall notify the Division and ISP of ~~the scheduled~~this day and time at the initial registration inspection. Any change in the ~~scheduled~~ day and time must be communicated to the Division and ISP at least ~~3~~three days before implementation.

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- c) The allowable method to render cannabis waste unusable is by grinding and incorporating the cannabis waste with other ground materials so the resulting mixture is at least 50% non-cannabis waste by volume. Other methods to render cannabis waste unusable must be ~~pre-approved~~approved by the Division ~~before implementation~~. Material used to grind with the cannabis falls into two categories, compostable waste and non-compostable waste.
- 1) Compostable Mixed Waste: Cannabis waste to be disposed as compost feedstock or in another organic waste method (for example, anaerobic digester) may be mixed with the following types of waste materials:
    - A) Food waste;
    - B) Yard waste; or
    - C) Other wastes as approved by the Division (e.g., agricultural material, biodegradable products and paper, clean wood, fruits and vegetables, plant matter).
  - 2) Non-compostable Mixed Waste: Cannabis waste to be disposed in a landfill or by another disposal method may be mixed with the following types of waste materials:
    - A) Paper waste;
    - B) Cardboard waste;
    - C) Plastic waste;
    - D) Soil; or
    - E) Other wastes as approved by the Division (e.g., non-recyclable plastic, broken glass, leather).
- d) Cannabis waste rendered unusable following the methods described in this Section can be disposed. Disposal of the cannabis waste rendered unusable may be delivered to a permitted solid waste facility for final disposition. Examples of acceptable permitted solid waste facilities include:

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- 1) Compostable Mixed Waste: Compost, anaerobic digester or other facility with approval of the jurisdictional health department.
- 2) Non-compostable Mixed Waste: Landfill, incinerator or other facility with approval of the jurisdictional health department.
- e) All waste and unusable product shall be weighed, recorded and entered into the State verification system prior to rendering it unusable. This event shall be performed by an agent-in-charge, or under the supervision of the agent-in-charge, and conducted under video surveillance.
- f) ~~Electronic documentation of destruction and disposal shall be maintained for a period of at least five years.~~

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

**Section 1290.451 Returns and Refunds**

A registered dispensing organization may create a policy allowing for the return and refund of damaged, inadequate, or erroneously dispensed medical cannabis, subject to the following provisions:

- a) The policy shall not permit the return or refund of cannabis flower if the tamper-evident seal has been broken or the product has left the premises.
- b) Any returned product must be promptly entered into the Illinois Cannabis Tracking System, the State verification system.
- c) All returned product that has either left the premises or has the tamper-evident seal broken must be destroyed in accordance with Section 1290.450.

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

**Section 1290.455 Dispensary Advertisements**

~~a) No registered dispensing organization shall advertise in violation of CRTA Section 55-20, place or maintain, or cause to be placed or maintained, an advertisement of cannabis or a cannabis-infused product in any form or through any medium:~~

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- 1) ~~Within 1,000 feet of the perimeter of a school grounds, playground, recreation center or facility, child care center, public park or library, or any game arcade admission to which is not restricted to persons age 21 years or older;~~
  - 2) ~~On or in a public transit vehicle or public transit shelter; or~~
  - 3) ~~On or in a publicly owned or operated property.~~
- b) ~~This Section does not apply to a noncommercial message.~~

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

**Section 1290.460 Closure of a Dispensary**

- a) If a dispensing organization decides not to renew its registration or decides to close its business, it shall ~~promptly~~ notify the Division, not less than ~~3~~<sup>three</sup> months prior to ~~the effective date of~~ the closing date ~~unless~~ as otherwise authorized by the Division.
- b) Before closing, the dispensing organization must schedule a date for the Division to be present at the dispensary while the dispensing organization performs a final reconciliation of its inventory with the State verification system and either destroys the cannabis or arranges for the cannabis to be transported to another location as permitted by law.

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

**Section 1290.465 Zoning Rules Related to Dispensary (Repealed)**

~~No local municipality or jurisdiction shall impose zoning ordinances, special use permits, conditions or requirements that conflict with the Act or this Part, that concern or address issues or subject matters that are within the regulatory jurisdiction of the Division, or that would otherwise place unreasonable restrictions on the location of dispensaries contrary to the mandate of the Act that dispensing organizations shall be geographically dispersed throughout the State to allow all registered qualified patients reasonable proximity and access to a dispensing organization. (Section 115(a) of the Act.)~~

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

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## SUBPART H: DISCIPLINE

**Section 1290.500 Investigations**

- a) Dispensing organizations are subject to random and unannounced dispensary inspections and cannabis testing by the Division and ISP.
- b) The Division and its authorized representatives may enter any place, including a vehicle, in which cannabis is held, stored, dispensed, sold, produced, delivered, transported, manufactured or disposed of and inspect in a reasonable manner, the place and all pertinent equipment, containers and labeling, and all things including records, files, financial data, sales data, shipping data, pricing data, personnel data, research, papers, processes, controls and facility, and inventory any stock of cannabis and obtain samples of any cannabis or cannabis product, any labels or containers for cannabis, or paraphernalia.
- c) The Division may conduct an investigation of an applicant, application, dispensing organization, principal officer, ~~agent-in-charge, dispensary~~ agent, service professional or any other party associated with a dispensing organization for an alleged violation of the Act or this Part or to determine qualifications to be granted a registration by the Division.
- d) The Division may require an applicant or dispensing organization to produce documents, records or any other material pertinent to the investigation of an application or alleged violations of the Act or this Part. Failure to provide the required material may be grounds for ~~discipline or denial of an application or~~ ~~discipline.~~
- e) Every person charged with ~~preparing~~preparation, obtaining or keeping records, logs, reports or other documents in connection with the Act and this Part, and every person in charge, or having custody, of those documents shall, upon request by the Division, make the documents immediately available for inspection and copying by the Division, the Division's authorized representative or others authorized by law ~~to review the documents.~~
- f) All information collected by the Division in the course of an examination, inspection or investigation of a registrant or applicant, including, but not limited to, any complaint against a registrant filed with the Division and information

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collected to investigate a complaint, shall be maintained for the confidential use of the Division and shall not be disclosed, except as otherwise provided in the Act or as required by law.

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

**Section 1290.510 Grounds for Discipline**

- a) The Division, after notice to the applicant or registrant, may refuse to issue or renew, place on probation, temporarily suspend, suspend, ~~or~~ revoke, or take other disciplinary or non-disciplinary action against a dispensing organization registration or agent ~~ID~~identification card in any case in which the Division finds any of the following:
- 1) A material~~Material~~ misstatement in furnishing information to the Division;
  - 2) Violations of the Act or this Part;
  - 3) An~~Obtaining an~~ authorization or registration obtained or renewed by fraud or misrepresentation;
  - 4) A pattern of conduct that demonstrates incompetence or the applicant or registrant having engaged in conduct or action that would constitute a violation of the Act or this Part~~unfitness to work in or operate a dispensary~~;
  - 5) Aiding or assisting another person in violating any provision of the Act or this Part;
  - 6) Failing to respond to a written request for information or subpoena issued by the Division within 30 days;
  - 7) Engaging in unprofessional, dishonorable or unethical conduct of a character likely to deceive, defraud or harm the public;
  - 8) Adverse action~~Discipline~~ by another U.S. jurisdiction or foreign nation;
  - 9) Violation by the applicant or~~A finding by the Division that the~~ registrant of, ~~after having his or her registration placed on suspended or probationary~~

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~~status, has violated~~ the terms of ~~any~~the suspension, ~~or~~ probation, discipline or nondisciplinary action;

- 10) A principal officer, agent-in-charge or agent is or has been convicted~~Conviction, enters entry of~~ a plea of guilty, nolo contendere or the equivalent in a state or federal court ~~for~~~~of~~ an excluded offense, a felony, a misdemeanor directly related to the activities authorized by the Act, a misdemeanor in which an essential element is dishonesty or during the previous 5 years, a misdemeanor or of two or more misdemeanors involving moral turpitude. ~~A~~~~during the previous five years as shown by a~~ certified copy of a court record by itself shall be sufficient for the Division to make this finding;
- 11) Excessive use or addiction to alcohol, narcotics, stimulants or any other chemical agent or drug by a principal officer, agent-in-charge or agent;
- 12) ~~A finding by the Division of a~~ discrepancy in a Division audit of medical cannabis or any records and/or documents to be maintained by the registrant pursuant to the Act and this Part;
- 13) ~~A finding by the Division of a~~ substantial discrepancy in a Division audit of capital or funds;
- 14) ~~Acceptance~~~~A finding by the Division of acceptance~~ of medical cannabis from a source other than a cultivation center registered by DOA;
- 15) A principal officer, agent-in-charge or agent is unable~~An inability~~ to operate using reasonable judgment, skill or safety due to physical or mental illness or other impairment or disability, including without limitation, deterioration through the aging process or loss of motor skills or mental incompetence;
- 16) ~~Failure~~~~Failing~~ to report to the Division as required by the Act and this Part, but in no event later than~~within the timeframes established, or if not identified,~~ 14 days, of any adverse final action taken against the dispensing organization or a principal officer, agent-in-charge, or an agent by a licensing jurisdiction ~~in any state or any territory~~ of the United States or any foreign jurisdiction, any governmental agency, any law enforcement agency, ~~or any court defined in this Section~~;

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- 17) ~~Any violation of the dispensing organization's policies and procedures submitted to the Division annually as a condition for registration~~Failing to comply with a subpoena issued by the Division;
- 18) Failure to ~~promptly~~ inform the Division of any change of address within 10 calendar days;
- 19) ~~Disclosure of~~Disclosing customer names, personal information or protected health information in violation of any State or federal law;
- 20) ~~A~~Operating a dispensary is operated before obtaining a registration from the Division;
- 21) ~~Cannabis is dispensed, distributed, or transferred~~Dispensing cannabis to any person not authorized to receive it under the Act and this Part~~other than a qualifying patient, provisional patient, designated caregiver, or OAPP participant with a valid registry identification card, provisional registration, or confirmation in the Illinois Cannabis Tracking System;~~
- 22) ~~Tampering with, falsifying, altering or modifying patient, provisional patient, designated caregiver or OAPP participant applications~~A principal officer or agent in charge failing to report to the Division when he or she knows or should have known that an agent was using medical cannabis when the agent does not have a qualifying patient registry identification card, or provisional registration, or is not an OAPP participant;
- 23) ~~Tampering with, falsifying, altering or modifying the surveillance video footage, point of sale system, Illinois Cannabis Tracking System or the State verification system~~Dispensing cannabis when prohibited by the Act or this Part;
- 24) Any fact or condition which, if it had existed at the time of the original application for the registration, would have warranted the denial of the registration;
- 25) Permitting a person without a valid principal officer, agent-in-charge or agent ~~ID~~identification card to perform activities under the Act and this Part~~be employed by the dispensing organization;~~

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- 26) Failure to assign an agent-in-charge ~~as required by this Part~~;
- 27) A dispensary has an ~~Personnel~~ insufficient ~~in~~ number of qualified personnel ~~or unqualified in training or experience~~ to properly operate the dispensary ~~business~~;
- 28) Any pattern of activity that causes or may cause a harmful impact on the community. The Division is not required to show that actual harm occurred;
- 29) Failing to prevent diversion, theft or loss of medical cannabis; ~~or~~
- 30) Diversion of cannabis or dispensing cannabis in violation of the Act or this Part.
- 31) Failure to properly train agents in responsibilities that are required of the agent by the Act or this Part; or
- 32) Failure to properly train agents-in-charge in responsibilities that are required of the agent-in-charge by the Act or this Part.
- 30) ~~For any unethical, dishonorable or unprofessional conduct.~~
- b) If the Division determines that the dispensing organization committed a violation, the Division may take any disciplinary or non-disciplinary action as the Division ~~deems~~ may deem proper, including fines not to exceed \$10,000 for each violation.
- c) If the Division determines that a person or entity is a principal officer of or holds a financial interest in more than five dispensary registrations ~~in violation of this Part~~, the Division will suspend the registrations of all dispensaries held by that person until the person holds a position or interest in no more than five ~~is divested from all~~ dispensing organizations ~~that exceed the limit provided for in this Part~~. If the person continues to hold a position or interest in more than five dispensary registrations ~~or persons does not divest from all dispensing organizations that exceed the limit provided for in this Part~~ within 30 days after the Division's determination, the Division ~~may immediately~~ will revoke the registration for the dispensaries, based on date acquired, that exceed the limit of five.

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- d) ~~A notice of violation issued by the Division shall include a clear and concise statement of each violation, the statute or rule violated, the discipline sought and a notice of opportunity for hearing.~~
- e) ~~If a dispensing organization contests the violation, it shall provide written notice to the Division requesting a hearing within 10 days after service of the notice of violation.~~
- f) ~~Upon receipt of the request for hearing, the Division shall confirm receipt of the notice and hold an administrative hearing as provided in the Act and this Part.~~
- g) ~~If a dispensing organization does not contest a revocation notice, it may surrender its registration by written notice to the Division and return its registration.~~
- h) ~~The effective date of nonrenewal or revocation of a registration by the Division shall be any of the following:~~
  - 1) ~~Until otherwise ordered by the circuit court, revocation is effective on the date set by the Division in the revocation notice, or upon final action after hearing under the Act and this Part, whichever is later;~~
  - 2) ~~Until otherwise ordered by the circuit court, nonrenewal is effective on the date of expiration of the existing registration, or upon final action after hearing under the Act and this Part, whichever is later; however, a registration shall not be deemed to have expired if the Division fails to respond to a timely request for renewal under this Act or for a hearing to contest nonrenewal under this Part.~~
- di) All fines or fees imposed under this Section shall be paid within 60 days after the effective date of the order imposing the fine or fee, or as otherwise specified in the order.
- ej) A ~~circuit~~ court order establishing that an agent-in-charge or principal officer holding a registration is a person in need of mental health treatment may operate as a suspension of the registration.
- fk) ~~Administrative~~In a contested case, administrative hearings conducted under the jurisdiction of the Department will be subject to 68 Ill. Adm. Code 1110 (DFPR hearing rules).

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

**Section 1290.515 Unethical or Unprofessional Conduct**

- a) The Division may suspend or revoke a license, refuse to issue or renew a license, or take other disciplinary action based upon its findings of unethical or unprofessional conduct (see Section 1290.510(a)(7)), which is interpreted to include, but is not limited to, the following acts or practices:
- 1) Failing to establish and maintain effective controls against the diversion of cannabis;
  - 2) Committing, or attempting to commit, theft or diversion;
  - 3) Failing to follow rules and procedures set by the dispensing organization;
  - 4) Failing to cooperate with law enforcement agencies or with the Division;
  - 5) Refusing to offer medical cannabis patients the same quality or types of cannabis or cannabis products that are offered to adult use purchasers;
  - 6) Discriminating in any manner against a person or group based on religion, race, creed, color, gender, gender identity, sexual orientation, age, disability or national origin;
  - 7) Selling products to a minor medical cannabis patient in violation of DPH rules;
  - 8) Refusing to sell any cannabis or cannabis-infused products available for purchase by adult use purchasers to a medical cannabis patient, caregiver, provisional patient, or Opioid Alternative Program Participant at the tax rate set by law for medical cannabis products;
  - 9) Fraudulent use of an agent ID;
  - 10) Tampering with, falsifying, altering, modifying or duplicating an agent ID;  
or

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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11) Aiding or assisting another in any of the above violations.

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

**Section 1290.520 Temporary Suspension**

- a) The Director may temporarily suspend a registration or a principal officer, agent-in-charge or an agent registration without a hearing if the Director finds that public safety or welfare requires emergency action. The Director shall cause the temporary suspension by issuing a suspension notice in connection with the institution of proceedings for a hearing.
- b) If the Director temporarily suspends a registration or a principal officer, agent-in-charge or an agent registration without a hearing, the registrant is entitled to a hearing within 45 days after the suspension notice has been issued. ~~The hearing shall be limited to the issues cited in the suspension notice, unless all parties agree.~~
- c) If the Division does not hold a hearing within 45 days after the date the suspension notice was issued, then the suspended registration shall be automatically reinstated and the suspension vacated, except as provided for in subsection (d).
- d) The suspended registrant may seek a continuance of the hearing date, during which time the suspension remains in effect and the registration shall not be automatically reinstated.
- e) ~~Subsequently discovered causes of action by the Division after the issuance of the suspension notice, may be filed as a separate notice of violation. The Division is not precluded from filing a separate cause of action against the suspended registrant.~~

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

**Section 1290.530 Consent to Administrative Supervision Order (Repealed)**

~~In appropriate cases, the Division may resolve a complaint against a registrant through the issuance of a consent order for administrative supervision. A registrant subject to a consent order shall be considered by the Division to hold a registration in good standing.~~

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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

**Section 1290.560 Findings and Recommendations**

- a) At the conclusion of a hearing, the hearing officer shall present the Director with a written report of the findings of fact, conclusions of law and ~~recommendation~~recommendations. The report shall state whether the accused applicant or registrant violated the Act and this Part or failed to comply with conditions required in the Act and this Part~~the hearing officer finds the respondent liable or not liable. If the hearing officer finds the respondent liable, the hearing officer shall specify the violations. The hearing officer shall promptly serve a copy of the written report on the respondent. The hearing officer's report shall be served upon the respondent with 20-day notice pursuant to Section 2105-120 of the Civil Administrative Code [20 ILCS 2105].~~
- b) The report of findings of fact, conclusions of law and recommendation of the hearing officer shall be a basis for the Director's order refusing to issue, restore or renew a registration, or otherwise discipline a registrant. If the Director disagrees with the ~~recommendation~~recommendations of the hearing officer, the Director may issue an order in contravention of the hearing officer's ~~recommendation~~recommendations. ~~The finding is not admissible as evidence against the person in a criminal prosecution brought for a violation of this Act, but the hearing and finding is not a bar to a criminal prosecution brought for a violation of this Act.~~

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

**Section 1290.570 Restoration of Registration from Discipline**

- a) At any time after the successful completion of a term of indefinite probation, suspension or revocation of a registration, the Division may restore the registration for a principal officer, agent-in-charge or agent to active status, unless, after an investigation, the Director determines that restoration is not in the public interest. No person or entity whose registration has been revoked may apply for restoration, unless provided for in the Civil Administrative Code of Illinois.

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- b) At any time after the successful completion of a term of indefinite probation or suspension of a dispensing organization registration, the Division may restore the registration to active status unless, after an investigation, the Director determines that restoration is not in the public interest. Revocation of a dispensing organization registration is permanent and cannot be restored.

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

**Section 1290.590 Certification of Record; Receipt (Repealed)**

~~The Division shall not be required to certify any record to the court, to file an answer in court or otherwise to appear in any court in a judicial review proceeding until the Division has received payment of the costs of furnishing and certifying the record from the plaintiff, costs that shall be determined by the Division. Failure on the part of the plaintiff to file a receipt in court is grounds for dismissal of the action.~~

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

## SUBPART I: GENERAL

**Section 1290.610 Variances**

- a) The Director may grant variances from this Part in cases in which:
- 1) The applicable provision is not statutorily mandated;
  - 2) No party will be injured by the granting of the variance; and
  - 3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) An approval for a variance may be revocable, may be granted for a limited period of time, or may be granted subject to ~~the~~ conditions prescribed byas the Director ~~may prescribe~~.

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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- 1) Heading of the Part: Specialized Health Care Delivery Systems
- 2) Code Citation: 89 Ill. Adm. Code 146
- 3) Section Number: 146.550                      Proposed Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: This proposed amendment implements PA 101-10. PA 101-10 creates a reimbursement rate for Children's Community-Based Health Care Centers at 305 ILCS 5/5-2.06. This proposed amendment removes the previous payment rate and adds a reference to the Children's Community-Based Health Care Center Fee Schedule, which will reflect the rate specified in statute.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? Yes  

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
146.125	Amendment	44 Ill. Reg. 12723, July 31, 2020
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Steffanie Garrett  
General Counsel

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

Illinois Department of Healthcare and Family Services  
201 South Grand Avenue East, 3<sup>rd</sup> Floor  
Springfield IL 62763-0002

HFS.Rules@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].

- 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: None
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2020

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

## TITLE 89: SOCIAL SERVICES

## CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## SUBCHAPTER d: MEDICAL PROGRAMS

## PART 146

## SPECIALIZED HEALTH CARE DELIVERY SYSTEMS

## SUBPART A: AMBULATORY SURGICAL TREATMENT CENTERS

## Section

146.100	General Description
146.105	Definitions
146.110	Participation Requirements
146.115	Records and Data Reporting Requirements
146.125	Covered Ambulatory Surgical Treatment Center Services
146.130	Reimbursement for Services

## SUBPART B: SUPPORTIVE LIVING PROGRAM (SLP) SETTINGS

## Section

146.200	General Description
146.205	Definitions
146.210	Structural Requirements
146.215	SLP Participation Requirements
146.220	Resident Participation Requirements
146.225	Reimbursement for Medicaid Residents
146.230	Services
146.235	Staffing
146.240	Resident Contract
146.245	Assessment and Service Plan and Quarterly Evaluation
146.250	Resident Rights
146.255	Discharge
146.260	Grievance Procedure
146.265	Records and Reporting Requirements
146.270	Quality Assurance Plan
146.275	Monitoring
146.280	Non-Compliance Action
146.285	Voluntary Surrender of Certification
146.290	Geographic Groups

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146.295	Emergency Contingency Plan
146.300	Waivers
146.305	Reporting of Suspected Abuse, Neglect and Financial Exploitation
146.310	Facility Management of Resident Funds

## SUBPART C: STATE HEMOPHILIA PROGRAM

Section	
146.400	Definitions
146.410	Patient Eligibility
146.420	Hemophilia Treatment Centers
146.430	Comprehensive Care Evaluation
146.440	Home Transfusion Arrangements
146.450	Obligations of the Department

## SUBPART D: CHILDREN'S COMMUNITY-BASED HEALTH CARE CENTERS

Section	
146.500	General Description
146.510	Definitions
146.520	Participation Requirements
146.530	Records and Data Reporting Requirements
146.540	Covered Children's Community-Based Health Care Center Services
146.550	Reimbursement for Services
146.560	Individuals Eligible for Services Provided in a Children's Community-Based Health Care Center
146.570	Prior and Post Approval of Services

SUBPART E: SUPPORTIVE LIVING PROGRAM (SLP) SETTINGS  
WITH DEMENTIA CARE UNITS

Section	
146.600	General Description
146.610	Structural Requirements
146.620	Participation Requirements
146.630	Resident Participation Requirements
146.640	Services
146.650	Reimbursement for Medicaid Residents
146.660	Staffing

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146.670	Assessment and Service Plan and Quarterly Evaluation
146.680	Monitoring
146.690	Reporting Requirements
146.700	Resident Rights
146.710	Discharge

## SUBPART F: BIRTH CENTERS

Section	
146.800	General Description
146.810	Participation Requirements
146.820	Record Requirements
146.830	Covered Birth Center Services
146.840	Reimbursement of Birth Center Services

## SUBPART G: SPECIALIZED MENTAL HEALTH REHABILITATION FACILITIES

Section	
146.900	General Provisions
146.910	Reimbursement

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

SOURCE: Old Part repealed at 14 Ill. Reg. 13800, effective August 15, 1990; new Part adopted at 20 Ill. Reg. 4419, effective February 29, 1996; emergency amendment at 21 Ill. Reg. 13875, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4430, effective February 27, 1998; emergency amendment at 22 Ill. Reg. 13146, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19914, effective October 30, 1998; amended at 23 Ill. Reg. 5819, effective April 30, 1999; emergency amendment at 23 Ill. Reg. 8256, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13663, effective November 1, 1999; amended at 24 Ill. Reg. 8353, effective June 1, 2000; emergency amendment at 26 Ill. Reg. 14882, effective October 1, 2002, for a maximum of 150 days; amended at 27 Ill. Reg. 2176, effective February 1, 2003; emergency amendment at 27 Ill. Reg. 10854, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18671, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 12218, effective August 11, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 14214, effective October 18, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 852, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2014, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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4360, effective March 7, 2005; expedited correction at 29 Ill. Reg. 14127, effective March 7, 2005; amended at 29 Ill. Reg. 6967, effective May 1, 2005; amended at 29 Ill. Reg. 14987, effective September 30, 2005; amended at 30 Ill. Reg. 8845, effective May 1, 2006; amended at 31 Ill. Reg. 5589, effective April 1, 2007; emergency amendment at 31 Ill. Reg. 5876, effective April 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11681, effective August 1, 2007; amended at 33 Ill. Reg. 11803, effective August 1, 2009; emergency amendment at 36 Ill. Reg. 6751, effective April 13, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 13885, effective August 27, 2012; amended at 37 Ill. Reg. 17624, effective October 28, 2013; expedited correction at 38 Ill. Reg. 4518, effective October 28, 2013; amended at 38 Ill. Reg. 13255, effective June 11, 2014; amended at 38 Ill. Reg. 13893, effective June 23, 2014; amended at 38 Ill. Reg. 15152, effective July 2, 2014; emergency amendment at 38 Ill. Reg. 15713, effective July 7, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 23768, effective December 2, 2014; emergency amendment at 39 Ill. Reg. 6945, effective May 1, 2015 through June 30, 2015; emergency amendment at 42 Ill. Reg. 13733, effective July 2, 2018, for a maximum of 150 days; emergency amendment to emergency rule at 42 Ill. Reg. 16311, effective August 13, 2018, for the remainder of the 150 days; emergency expired November 28, 2018; amended at 42 Ill. Reg. 16731, effective August 28, 2018; emergency amendment at 42 Ill. Reg. 17935, effective September 24, 2018, for a maximum of 150 days; emergency expired February 20, 2019; amended at 43 Ill. Reg. 6803, effective May 28, 2019; Subpart B and Subpart E recodified at 43 Ill. Reg. 7014; amended at 44 Ill. Reg. 2331, effective January 15, 2020; emergency amendment at 44 Ill. Reg. 12825, effective July 17, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART D: CHILDREN'S COMMUNITY-BASED HEALTH CARE CENTERS

**Section 146.550 Reimbursement for Services**

- a) Effective for dates of service on and after July 1, 2014, services provided under Section 146.540(a)(1) shall be reimbursed in accordance with 89 Ill. Adm. Code 140.474(c).
- b) Services provided under Section 146.540(a)(2) shall be reimbursed on a per diem basis at the lower of the Children's Community-Based Health Care Center's usual and customary charge to the public or at the Department's [maximum allowable rate as identified on the Children's Community-Based Health Care Center Fee Schedule](#). ~~Payments rate of \$683 and payments~~ at this rate are exempt from the 2.7% rate reduction required under [Section 5-5e of the Public Aid Code 305 ILCS 5/5-5e](#).

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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- c) Services provided under Section 146.540(b)(1) shall be reimbursed in accordance with 89 Ill. Adm. Code 140.474(c).
- d) Services provided under Section 146.540(b)(2) shall be reimbursed at the Department's maximum allowable rate as identified on the Children's Community-Based Health Care Center Fee Schedule~~rate of \$17 per hour~~.
- e) Effective for dates of service on or after July 1, 2012, reimbursement rates paid under this Section shall be reduced by 2.7% from the rates in effect on June 30, 2012.

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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Child Care
- 2) Code Citation: 89 Ill. Adm. Code 50
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
50.230	Amendment
50.320	Amendment
- 4) Statutory Authority: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking indexes the child care income eligibility guidelines so that the threshold for child care benefits is no less than 200% of the most current federal poverty level for each family size. This rulemaking also adjusts the amount of the parent co-payment fee to no more than 7% of a family's gross income for the Child Care Assistance Program.
- 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 these amendments 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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

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: This rulemaking will affect businesses that provide child care services.
  - 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 summarized on the July 2020 Regulatory Agenda.

The full text of the Proposed Amendments is identical to that of the text of the Emergency Amendments for this Part, and begins in this issue of the *Illinois Register* on page 13789.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Supplemental Nutrition Assistance Program (SNAP)
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Number: 121.7                      Proposed Action: Amendment
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13]; 7 CFR 273.2(i)(3)(iii) and 7 CFR 273.2(i)(4)(iii)(A) and (B).
- 5) A Complete Description of the Subjects and Issues Involved: The Food Nutrition Service (FNS) Waiver of federal regulations at 7 CFR 273.2(i)(3)(iii) and 7 CFR 273.2(i)(4)(iii)(A) and (B) has ended. As a result of ending this FNS Waiver, households must complete an interview prior to approval for expedited Supplemental Nutrition Assistance Program (SNAP) benefits. This rulemaking will require SNAP applicants to complete an interview before approval of expedited SNAP benefits.
- 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? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other 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

## 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 the need for it was unanticipated.

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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 121  
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)

## SUBPART A: APPLICATION PROCEDURES

## Section

- 121.1 Application for Assistance
- 121.2 Time Limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Service
- 121.8 Express Stamps Application Project
- 121.10 Interviews

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

## Section

- 121.18 Work Requirement
- 121.19 Ending a Voluntary Quit Disqualification (Repealed)
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers
- 121.23 Work Registration/Participation Requirements
- 121.24 Individuals Exempt from Work Registration Requirements
- 121.25 Failure to Comply with Work Provisions
- 121.26 Periods of Sanction
- 121.27 Voluntary Job Quit/Reduction in Work Hours
- 121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours
- 121.29 Exemptions from Voluntary Quit/Reduction in Work Hours Rules

## SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

## Section

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits (Repealed)
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomers or Boarders
121.53	Income From Rental Property
121.54	Earned Income In-Kind
121.55	Sponsors of Aliens
121.57	Assets
121.58	Exempt Assets
121.59	Asset Disregards

## SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions from Monthly Income
121.64	Supplemental Nutrition Assistance Program (SNAP) Benefit Amount

## SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Categorically Eligible Households

## SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

Section	
121.80	Fraud Disqualification (Renumbered)
121.81	Initiation of Administrative Fraud Hearing (Repealed)
121.82	Definition of Fraud (Renumbered)
121.83	Notification To Applicant Households (Renumbered)
121.84	Disqualification Upon Finding of Fraud (Renumbered)
121.85	Court Imposed Disqualification (Renumbered)
121.90	Monthly Reporting and Retrospective Budgeting (Repealed)
121.91	Monthly Reporting (Repealed)
121.92	Budgeting
121.93	Issuance of Food Stamp Benefits
121.94	Replacement of the EBT Card or SNAP Benefits
121.95	Restoration of Lost Benefits
121.96	Uses for SNAP Benefits
121.97	Supplemental Payments
121.98	Client Training Brochure for the Electronic Benefits Transfer (EBT) System
121.105	State Food Program (Repealed)
121.107	New State Food Program
121.108	Transitional Food Stamp (TFS) Benefits
121.117	Farmers' Market Technology Improvement Program
121.120	Redetermination of Eligibility
121.125	Simplified Reporting
121.130	Residents of Shelters for Battered Women and their Children
121.131	Fleeing Felons and Probation/Parole Violators
121.135	Incorporation By Reference
121.136	Food and Nutrition Act of 2008
121.140	Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers
121.145	Quarterly Reporting (Repealed)

## SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section	
121.150	Definition of Intentional Violations of the Program
121.151	Penalties for Intentional Violations of the Program
121.152	Notification To Applicant Households
121.153	Disqualification Upon Finding of Intentional Violation of the Program
121.154	Court Imposed Disqualification

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

## SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

## Section

- 121.160 Participation in Voluntary SNAP Employment and Training (SNAP E&T)
- 121.162 Program Requirements
- 121.163 Vocational Training
- 121.164 Orientation (Repealed)
- 121.165 Community Workfare
- 121.166 Assessment and Employability Plan (Repealed)
- 121.167 Counseling/Prevention Services (Repealed)
- 121.170 Supervised Job Search Activity
- 121.172 Basic Education Activity
- 121.174 Job Readiness Activity
- 121.176 Work Experience Activity
- 121.177 Illinois Works Component (Repealed)
- 121.178 Job Training Component (Repealed)
- 121.179 JTPA Employability Services Component (Repealed)
- 121.180 Grant Diversion Component (Repealed)
- 121.182 Earnfare Activity
- 121.184 Sanctions for Non-cooperation with Food Stamp Employment and Training (Repealed)
- 121.186 Good Cause for Failure to Cooperate (Repealed)
- 121.188 Supportive Services
- 121.190 Conciliation (Repealed)
- 121.200 Types of Claims (Recodified)
- 121.201 Establishing a Claim for Intentional Violation of the Program (Recodified)
- 121.202 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
- 121.203 Collecting Claim Against Households (Recodified)
- 121.204 Failure to Respond to Initial Demand Letter (Recodified)
- 121.205 Methods of Repayment of Food Stamp Claims (Recodified)
- 121.206 Determination of Monthly Allotment Reductions (Recodified)
- 121.207 Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
- 121.208 Suspension and Termination of Claims (Recodified)

## SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

## Section

- 121.220 Work Requirement Components (Repealed)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 121.221 Meeting the Work Requirement with the Earnfare Component (Repealed)
- 121.222 Volunteer Community Work Component (Repealed)
- 121.223 Work Experience Component (Repealed)
- 121.224 Supportive Service Payments to Meet the Work Requirement (Repealed)
- 121.225 Meeting the Work Requirement with the Illinois Works Component (Repealed)
- 121.226 Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; preemptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; preemptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; preemptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; preemptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; preemptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; preemptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; preemptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; preemptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; preemptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; preemptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; preemptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; preemptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; preemptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; preemptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; preemptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; preemptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days;

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; preemptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; preemptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; preemptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; preemptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; preemptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. 6991, effective April 30, 2007; amended at 31 Ill. Reg. 10482, effective July 9, 2007; amended at 31 Ill. Reg. 11318, effective July 23, 2007; preemptory amendment at 31 Ill. Reg. 14372, effective October 1, 2007; amended at 32 Ill. Reg. 2813, effective February 7, 2008; amended at 32 Ill. Reg. 4380, effective March 12, 2008; amended at 32 Ill. Reg. 4813, effective March 18, 2008; amended at 32 Ill. Reg. 9621, effective June 23, 2008; preemptory amendment at 32 Ill. Reg. 16905, effective October 1, 2008; preemptory amendment to Sections 121.94(c), 121.96(d)(2) and 121.150(b) suspended at 32 Ill. Reg. 18908, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 200, effective February 5, 2009; preemptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 3514, effective February 5, 2009, for a maximum of 150 days; preemptory amendment at 32 Ill. Reg. 18092, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4187, effective February 24, 2009, for a maximum

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

of 150 days; emergency expired July 23, 2009; preemptory amendment at 33 Ill. Reg. 5537, effective April 1, 2009; emergency amendment at 33 Ill. Reg. 11322, effective July 20, 2009, for a maximum of 150 days; emergency expired December 16, 2009; amended at 33 Ill. Reg. 12802, effective September 3, 2009; amended at 33 Ill. Reg. 14121, effective September 22, 2009; emergency amendment at 33 Ill. Reg. 14627, effective October 13, 2009, for a maximum of 150 days; emergency expired March 11, 2010; amended at 33 Ill. Reg. 16875, effective November 30, 2009; amended at 33 Ill. Reg. 17350, effective December 14, 2009; amended at 34 Ill. Reg. 4777, effective March 17, 2010; amended at 34 Ill. Reg. 5295, effective April 12, 2010; amended at 34 Ill. Reg. 5823, effective April 19, 2010; emergency amendment at 34 Ill. Reg. 6967, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 7265, effective May 10, 2010; amended at 34 Ill. Reg. 7685, effective May 18, 2010; amended at 34 Ill. Reg. 12547, effective August 11, 2010; preemptory amendment at 34 Ill. Reg. 15543, effective October 1, 2010; amended at 35 Ill. Reg. 1042, effective December 28, 2010; amended at 35 Ill. Reg. 7688, effective April 29, 2011; amended at 35 Ill. Reg. 10119, effective June 7, 2011; preemptory amendment at 35 Ill. Reg. 16118, effective October 1, 2011; preemptory amendment at 35 Ill. Reg. 16904, effective October 1, 2011; amended at 35 Ill. Reg. 17120, effective October 5, 2011; amended at 35 Ill. Reg. 18780, effective October 28, 2011; amended at 35 Ill. Reg. 19278, effective November 8, 2011; amended at 35 Ill. Reg. 19778, effective December 5, 2011; preemptory amendment at 36 Ill. Reg. 15148, effective October 1, 2012; emergency amendment at 37 Ill. Reg. 15423, effective September 9, 2013, for a maximum of 150 days; preemptory amendment at 37 Ill. Reg. 16016, effective October 1, 2013; emergency amendment at 37 Ill. Reg. 16845, effective October 1, 2013, for a maximum of 150 days; preemptory amendment at 37 Ill. Reg. 17983, effective November 1, 2013; amended at 38 Ill. Reg. 4475, effective January 29, 2014; amended at 38 Ill. Reg. 5382, effective February 7, 2014; emergency amendment at 38 Ill. Reg. 8414, effective April 1, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 17616, effective August 8, 2014; preemptory amendment at 38 Ill. Reg. 19831, effective October 1, 2014; amended at 39 Ill. Reg. 6470, effective April 22, 2015; preemptory amendment at 39 Ill. Reg. 13513, effective October 1, 2015; amended at 39 Ill. Reg. 15577, effective December 1, 2015; amended at 40 Ill. Reg. 360, effective January 1, 2016; preemptory amendment at 40 Ill. Reg. 14114, effective October 1, 2016; preemptory amendment at 41 Ill. Reg. 12905, effective October 1, 2017; amended at 42 Ill. Reg. 8310, effective May 4, 2018; amended at 42 Ill. Reg. 8505, effective May 8, 2018; preemptory amendment at 42 Ill. Reg. 18531, effective October 1, 2018; amended at 43 Ill. Reg. 360, effective December 20, 2018; preemptory amendment at 43 Ill. Reg. 11035, effective October 1, 2019; emergency amendment at 43 Ill. Reg. 11718, effective October 1, 2019, for a maximum of 150 days; emergency amendment at 43 Ill. Reg. 11953, effective October 1, 2019, for a maximum of 150 days; emergency expired February 27, 2020; emergency amendment at 43 Ill. Reg. 14449, effective November 26, 2019, for a maximum of 150 days; amended at 44 Ill. Reg. 3265, effective February 5, 2020; amended at 44 Ill. Reg. 5348, effective

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March 11, 2020; amended at 44 Ill. Reg. 6984, effective April 16, 2020; amended at 44 Ill. Reg. 9944, effective May 20, 2020; amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: APPLICATION PROCEDURES

**Section 121.7 Expedited Service**

- a) Households in need of immediate food assistance shall be provided expedited service if the household:
  - 1) has liquid assets (such as, cash on hand, checking or savings accounts) of no more than \$100, and has gross monthly income for the fiscal month of application of less than \$150; or
  - 2) has liquid assets of no more than \$100; and contains a migrant or seasonal farmworker who is destitute. A migrant or seasonal farmworker household meeting one of the following criteria is considered destitute:
    - A) Migrant or seasonal farmworker households whose only income for the fiscal month of application was received prior to the date of application and was from a terminated source are considered destitute.
      - i) Income is considered as coming from a terminated source if it is received monthly or more frequently and will not be received again from the same source during the fiscal month of application or during the month following application, or it is normally received less often than monthly and will not be received in the month the next payment is normally received.
      - ii) A household member who changes jobs but continues to work for the same employer is considered as still receiving income from the same source.
      - iii) Migrant households which have received their last wages from a grower, food processor, livestock, nursery or other employer are considered destitute.

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- B) Income from a New Source
    - i) Migrant or seasonal farmworker households whose only income, for the fiscal month in which the application is filed, is from a new source are considered destitute if income of more than \$25 will not be received from the new source by the 10<sup>th</sup> calendar day following the date of application.
    - ii) Income is considered as coming from a new source if it is normally received on a monthly basis or more frequently and more than \$25 has not been received from the source within 30 days prior to the date the application was filed, or it is normally received less often than monthly and income of more than \$25 was not received within the last normal interval between regular payments.
  - C) Households may receive income from a terminated source prior to the date of application and income from a new source after the date of application. Such households may be considered destitute if they receive no other income in the fiscal month of application and income of more than \$25 from the new source will not be received by the 10<sup>th</sup> calendar day after the date of initial application.
  - D) The receipt of a wage advance for the travel costs of a new employee does not affect the determination of whether subsequent payments from the employer are from a new source of income or whether a household is to be considered destitute.
- 3) has combined gross monthly income and liquid resources which are less than the household's monthly rent or mortgage and utility costs.
- b) A household may be entitled to expedited service but factors of eligibility (see subsection (e)) may make the household ineligible to receive SNAP benefits or eligible for an amount less than the maximum monthly benefit amount for the household size.
  - c) If a household is not entitled to expedited service, the Department will continue to process the application using the regular application procedures (found at Section

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121.2). The application will only be denied if the household is ineligible under regular processing standards.

- d) Processing Time Standard
- 1) The first day of the time standard is the calendar day following the day the signed application was filed. The date of application is the day the signed application is received in the correct local office.
  - 2) The Department shall process applications for eligible households entitled to expedited service within the following processing time standards:
    - A) If entitlement for expedited service is discovered at the date of application, benefits shall be made available to the household no later than the fifth calendar day following the date of application.
    - B) If entitlement to expedited service is discovered during normal processing of the application, benefits shall be made available no later than the fifth calendar day following the day entitlement to expedited service was discovered.
- e) Households entitled to expedited service shall be interviewed no later than the work day following the date of application. Households entitled to expedited service are given an interview appointment on the day the signed application is filed. If the applicant fails to appear for the scheduled interview, the time frame for expedited service no longer applies (see Section 121.2 for the time limitations on the disposition of an application). The applicant's application will be processed using the regular processing standards found at Section 121.2.
- ~~1) When unsuccessful attempts have been made to contact the applicant to conduct the interview on the day of application or the following day and identity can be verified, the household will receive SNAP benefits based on the information provided on the application and any other readily available information for one month for households applying on or before the 15<sup>th</sup> of the month or two months for households applying after the 15<sup>th</sup> of the month. An interview appointment will be mailed, along with a request for any necessary verification.~~

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- A) ~~If the applicant participates in the interview and provides the necessary verification to retain eligibility, the remainder of the certification period will be authorized.~~
- B) ~~If the applicant does not respond to the interview request and/or provide the necessary verifications, no further action will be taken on the case.~~
- 2) ~~When unsuccessful attempts have been made to contact the applicant on the day of application or the following day and identity cannot be verified, an interview will be scheduled. If the applicant fails to appear for the scheduled interview, the time frame for expedited service no longer applies (see Section 121.2 for the time limitations of the disposition of an application). The applicant's application will be processed using the regular processing standards found at Section 121.2.~~
- f) When a migrant household is entitled to expedited service and a two-month certification period is assigned, the Department shall authorize the second month's benefits without requiring verification which must be obtained from another state. However, the out-of-state verification must be obtained before additional benefits will be authorized in a new certification period. Migrant households shall be entitled to postpone out-of-state verifications for a second month only once each season.
- g) Prior to certification for expedited service, only the applicant's identity (for example, driver's license and voter registration card) must be verified. Income (for example, pay stubs) and residency (for example, driver's license and voter registration card) shall be verified if verification will not cause benefits to be delayed.
- h) SNAP units applying for recertification between the 15<sup>th</sup> and the last day of the last month of their current certification period are not entitled to expedited service.

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

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- 1) Heading of the Part: Riverboat and Casino Gambling
- 2) Code Citation: 86 Ill. Adm. Code 3000
- 3) 

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
3000.286	Amendment
3000.520	New Section
3000.530	New Section
3000.540	New Section
- 4) Statutory Authority: Implementing and authorized by the Illinois Gambling Act [230 ILCS 10], Video Gaming Act [230 ILCS 40], Sports Wagering Act [230 ILCS 45], and Illinois Horse Racing Act of 1975 [230 ILCS 5].

Authority for amendment to 86 Ill. Adm. Code 3000.286:

Section 5 (c) (2) of the Illinois Gambling Act (IGA) confers upon the Illinois Gaming Board (Board or IGB) "jurisdiction and supervision over all riverboat gambling operations authorized under this Act and all persons in places where gambling operations are conducted."

Section 5 (c) (3) of the IGA empowers the Board to "promulgate rules and regulations for the purpose of administering the provisions of this Act and to prescribe rules, regulations and conditions under which all gambling operations subject to this act shall be conducted." These rules and regulations include "the review of any permits or licenses necessary to operate a riverboat, casino, or organization gaming facility under any laws or regulations applicable to riverboats, casinos, or organization gaming facilities and to impose penalties for violations thereof."

Section 5 (c) (7) of the IGA empowers the Board to "adopt appropriate standards for all organization gaming facilities, riverboats, casinos, and other facilities authorized under this Act."

Authority for new Sections 86 Ill. Adm. Code 3000.520, 3000.530 and 3000.540:

Section 5 (c) (2) of the IGA confers upon the Board "jurisdiction and supervision over all riverboat gambling operations authorized under this Act and all persons in places where gambling operations are conducted."

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Section 5 (c) (3) of the IGA empowers the Board to "promulgate rules and regulations for the purpose of administering the provisions of this Act and to prescribe rules, regulations and conditions under which all gambling operations subject to this act shall be conducted." These rules and regulations include "the review of any permits or licenses necessary to operate a riverboat, casino, or organization gaming facility under any laws or regulations applicable to riverboats, casinos, or organization gaming facilities and to impose penalties for violations thereof."

Section 5 (c) (7) of the IGA empowers the Board to "adopt appropriate standards for all organization gaming facilities, riverboats, casinos, and other facilities authorized under this Act."

- 5) Effective Date of Rules: August 6, 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 principal office and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: 44 Ill. Reg. 5974; April 17, 2020; and 44 Ill. Reg. 6205; April 24, 2020
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The final version substitutes "women" for "female" in 86 Ill. Adm. Code 3000.286 wherever the latter word previously appeared. This change makes the terminology of Section 3000.286 consistent with Section 7.6 of the IGA as amended by PA 100-391, effective August 25, 2017.

In new Section 3000.540 (d), the final version adds a definition of "good cause" for purposes of this subsection.

The final version also makes various non-substantive changes to the originally proposed amendment that have been agreed to by the agency and the Joint Committee on Administrative Rules.

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- 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 any emergency rulemaking currently in effect? No
- 14) Are there any rulemakings pending on this part? No
- 15) Summary and Purpose of Rulemaking: Contracting goals for veteran owned firms [86 Ill. Adm. Code 3000.286]:

Subsection (c-5) of Section 7.6 of the Illinois Gambling Act (IGA) [230 ILCS 10/7.6 (c-5)], added by PA 100-1152, effective December 14, 2018, 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."

The contracting goal provisions of 86 Ill. Adm. Code 3000.286 previously applied only to businesses owned by minorities, women and disabled persons. As directed by PA 100-1152, the present amendment to 86 Ill. Adm. Code 3000.286 revises this section to include within the contracting goal provisions veteran owned firms. The new language closely tracks the existing rule language applicable to businesses owned by minorities, women and disabled persons. Specifically, the new language provides the following:

Contracting goals for veteran owned businesses shall 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 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:

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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 contained in Section 3000.286 for businesses owned by minorities, women and disabled persons.

To ensure that veteran owned businesses have the best possible information about contracting opportunities with Illinois casinos, the amendment requires casinos to publish information to potential bidders on their websites as to how they can 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.

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

11% for minority owned businesses;

7% for women owned businesses;

2% for businesses owned by persons with disabilities; and

3% for veteran owned businesses.

The final contracting goals shall approach, as closely as the Board deems practicable, the benchmark contracting goals.

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Additionally, the amendment substitutes "women" for "female" in Section 3000.286 whenever the latter word appears. This change makes the terminology of Section 3000.286 consistent with Section 7.6 of the IGA as amended by ct 100-391, effective August 25, 2017.

Organization gaming facilities [230 ILCS 3000.520, 3000.530 and 3000.540]:

New Sections 3000.520, 3000.530 and 3000.540 implement Section 7.7 of the Illinois Gambling Act [230 ICLS 10/7.7] relating to organization gaming facilities. They also establish requirements for temporary gaming facilities for both owners licensees and organization gaming licensees.

New Section 3000.520 (Organization Gaming Facilities) provides the following: Organization gaming facilities shall be restricted to persons over 21 years of age (subsection (a)). An organization gaming facility shall be maintained physically separate and apart from inter-track wagering and all other activities conducted at the racetrack. Direct access to organization gaming facilities without entry to their associated licensee racetrack is permitted (subsection (c)). All entries and exits shall be recorded at turnstiles allowing entry to organization gaming facilities regardless of whether a patron is entering from the racetrack facility or from outside (subsection (d)). If an organization gaming facility is housed in the same structure as racetrack facilities, patrons must have direct access between both facilities (subsection (e)).

New Section 3000.530 (Modification of Organization Gaming Facilities) establishes construction approval procedures as follows:

Subsection (a) provides that before an organization gaming licensee constructs any form of building, or makes alterations to an existing building or structure of its organization gaming facility, it shall provide information that includes a description of where the gaming facilities will be located; clear, legible and proportionate diagrams; plans for surveillance and security systems; and certification of compliance with all applicable building codes and ordinances.

Subsection (b) requires an organization gaming licensee to provide any additional information or documentation requested by the Administrator.

Section (c) authorizes the Administrator to deny approval for construction, modification, or alteration if the Administrator determines that the grounds of the organization licensee will be altered so that the act of live racing becomes

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ancillary to gaming under the Act. The subsection includes a non-exhaustive list of factors that the Administrator is to consider in making this determination. These factors include: prominence or maintenance of racetrack character relative to the organization gaming facility and gaming operation; proposed placement of gaming operations and use of gaming equipment within existing or new structures; placement of the racetrack grandstand, pari-mutuel betting windows and related facilities; and frequency of live racing.

Subsection (d) provides that, following a denial by the Administrator of a request for modification or construction, the organization gaming licensee may request the Board to review the Administrator's determination.

Subsection (e) requires an organization licensee to convince the Board by clear and convincing evidence that any construction, modification, or alteration does not cause the act of live racing to be ancillary to gaming under the Act. In making this determination, the Board may consider information submitted to the Administrator as well as additional relevant information. The Board may request additional information. Factors to be considered by the Board in making its determination are the same as those listed for the Administrator's determination under subsection (c).

Subsection (f) requires the Board to provide written notice to the organization gaming licensee of its approval or denial of a request.

Section 3000.540 authorizes gaming at temporary facilities by owners licensees and organization gaming licensees pending the construction of a permanent facility or the remodeling or relocation of an existing facility. The temporary facility may accommodate gaming participants for up to 24 months after the temporary facility begins to conduct gaming.

Subsection (a) provides that a request to operate a temporary gaming facility shall include a description of where the facility will be located; clear, legible and proportionate diagrams; plans for surveillance and security systems; and other information and details as may be required or deemed necessary by the Board.

Subsection (b) contains a non-exhaustive list of factors to be considered by the Board in determining whether to authorize gaming at a temporary facility. These include impact on the security and integrity of gaming; impact on health and

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safety of patrons; physical appearance and character of the facility; logistics of the gaming operation; or any other factor deemed relevant by the Board.

Subsection (c) allows operation of a temporary facility under the following conditions:

Operation for a maximum of 24 months, unless extended by the Board.

No concurrent operation with a permanent gaming facility.

Rescission of Board approval for any just cause, including but not limited to failure by the licensee to operate in a manner consistent with the information submitted to the Board; determination by the Board that continued operation poses a risk to the integrity or security of gaming; or determination by the Board that continued operation of the temporary facility may be injurious to the health, safety, morals, good order, or general welfare of the people of the State of Illinois.

Subsection (d) provides that upon request of an owners licensee or organization gaming licensee, and upon a showing of good cause by the licensee, the Board shall extend the period during which the licensee may conduct gaming at the temporary facility by up to 12 months. For purposes of this subsection, "good cause" means any delay in the completion of the construction, remodeling or relocation of a permanent facility where the owners licensee has made good faith efforts to complete the construction, remodeling, or relocation of a permanent facility in a timely manner. Good cause may include, but is not limited to, construction delays, public health concerns, environmental concerns, or economic factors.

- 16) Information and questions regarding these adopted rules may be addressed to:

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

[IGB.RuleComments@igb.illinois.gov](mailto:IGB.RuleComments@igb.illinois.gov)

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

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

## ILLINOIS GAMING BOARD

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TITLE 86: REVENUE  
CHAPTER IV: ILLINOIS GAMING BOARDPART 3000  
RIVERBOAT AND CASINO GAMBLING

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3000.100	Definitions
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3000.102	Public Inquiries
3000.103	Organization of the Illinois Gaming Board
3000.104	Rulemaking Procedures
3000.105	Board Meetings
3000.106	Code of Conduct
3000.110	Disciplinary Actions
3000.115	Records Retention
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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
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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

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3000.200	Classification of Licenses
3000.210	Fees and Bonds
3000.220	Applications
3000.221	Other Required Forms

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3000.222	Identification and Requirements of Key Persons
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 of 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

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- 3000.330 Review of Procedures (Repealed)
- 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
- 3000.510 Cancelled or Disrupted Cruises
- [3000.520 Organization Gaming Facilities](#)
- [3000.530 Modification of Organization Gaming Facilities](#)
- [3000.540 Temporary Facilities](#)

## SUBPART F: CONDUCT OF GAMING

## Section

- 3000.600 Wagering Only with Electronic Credits, Approved Chips, Tokens and Electronic Cards
- 3000.602 Disposition of Unauthorized Winnings
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- 3000.606 Gaming Positions

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3000.610	Publication of Rules and Payout Ratio for Live Gaming Devices
3000.614	Tournaments, Enhanced Payouts and Give-aways
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3000.636	Distribution of Coupons for Complimentary Chips, Tokens, Vouchers, Cash and Electronic Credits
3000.640	Exchange of Chips, Tokens, and Vouchers
3000.645	Receipt of Gaming Chips or Tokens from Manufacturer or Distributor
3000.650	Inventory of Chips
3000.655	Destruction of Chips, Tokens, and Vouchers
3000.660	Minimum Standards for Electronic Gaming Devices
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
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## 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
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3000.725	Duty of Licensees
3000.730	Procedure for Entry of Names
3000.740	Petition for Removal from the Board Exclusion List
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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
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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
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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

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3000.800	Required Surveillance Equipment
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3000.820	Segregated Telephone Communication
3000.830	Surveillance Logs
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## SUBPART J: OWNERSHIP AND ACCOUNTING RECORDS AND PROCEDURES

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3000.1000	Ownership Records
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- 3000.1070 Tips or Gratuities
- 3000.1071 Admission Tax and Wagering Tax
- 3000.1072 Cash Reserve Requirements

## SUBPART K: SEIZURE AND DISCIPLINARY HEARINGS

## 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 Illinois Gambling Act [230 ILCS 10], Video Gaming Act [230 ILCS 40], Sports Wagering Act [230 ILCS 45], and Illinois Horse Racing Act of 1975 [230 ILCS 5].

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

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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 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; emergency amendment at 44 Ill. Reg. 6426, effective April 7, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 11156, effective June 17, 2020; amended at 44 Ill. Reg. 13653, effective August 6, 2020.

## SUBPART B: LICENSES

**Section 3000.286 Contracting Goals for Owners Licensees**

- a) For purposes of this Section:

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- 1) The terms "minority", "minority owned business", "~~womenfemale~~ 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, ~~WomenFemales~~, 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].
- 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, ~~womenfemales, 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, ~~womenfemales, 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, ~~womenfemale~~ 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

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minorities, ~~women, 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 distribute this statement to the Business Enterprise Program of the Department of Central Management Services established under the Business Enterprise for Minorities, ~~Women/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, ~~women/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, ~~women/female~~ owned businesses, ~~and~~ businesses owned by persons with disabilities, ~~and veteran owned businesses~~. A benchmark contracting goal shall provide for the greatest

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reasonable dollar percentage, consistent with the ability of vendors that are not minority owned businesses, ~~women~~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 August 1, 2020, the benchmark contracting goals under this Section shall be the following:
  - A) 11% for minority owned businesses;
  - B) 7% for women owned businesses;
  - C) 2% for businesses owned by persons with disabilities; and
  - D) 3% for veteran owned businesses.
- 2) 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, ~~women~~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, ~~women~~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.
- 3) *When setting the goals for the award of contracts, the Board shall not include contracts in which:*

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- A) *any purchasing mandates would be dependent upon the availability of minority owned businesses, ~~women~~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;*
- 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, Women~~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, ~~women~~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*

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*the goals for participation by minority owned businesses, ~~women~~women~~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, ~~women~~women~~female~~ owned businesses, ~~and~~ 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, ~~women~~women~~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, ~~women~~women~~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, ~~women~~women~~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, ~~women~~women~~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)]*

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- 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, ~~women~~~~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.
- 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. 13653, effective August 6, 2020)

## SUBPART E: CRUISING

Section 3000.520 Organization Gaming Facilities

- a) Organization gaming facilities shall be restricted to patrons over 21 years of age.
- b) The organization gaming facility portion of an organization gaming licensee's racetrack facilities shall be maintained physically separate and apart from inter-track wagering and all other activities conducted at the racetrack. The separation may be by physical barrier if located within the same structure.
- c) Direct access to organization gaming facilities without requiring entry to their associated licensee racetrack is permitted.
- d) All entries and exits shall be recorded at turnstiles allowing access to organization gaming facilities regardless of whether a patron is entering from the racetrack facility or from outside.
- e) If the organization gaming facility is housed in the same structure as racetrack facilities, patrons must have direct access between both facilities.

(Source: Added at 44 Ill. Reg. 13653, effective August 6, 2020)

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**Section 3000.530 Modification of Organization Gaming Facilities**

- a) Construction Approval Procedures. Requests to modify organization gaming facilities shall be submitted to the Administrator before an organization gaming licensee constructs any form of building, or makes alterations to an existing building or structure of its organization gaming facility. Those requests shall include:
- 1) A description of where the gaming facility or facilities will be located on the property used.
  - 2) Clear and legible diagrams of the interior of the facility or facilities. The diagrams must be representative and proportional, and must include specific reference to the size of the gaming floor or areas through the use of detailed measurements.
  - 3) Plans for the surveillance and security systems for the facility or facilities.
  - 4) Certification that the modifications are in compliance with all applicable local building codes and ordinances.
- b) The organization gaming licensee shall provide any additional information or documentation requested by the Administrator.
- c) The Administrator may deny approval for construction, modification, or alteration if he or she determines that the construction, modification, or alteration alters the grounds of the organization gaming licensee so that the act of live racing is an ancillary activity to gaming under the Act. Factors to be considered include, but are not limited to:
- 1) Prominence or maintenance of racetrack character relative to the organization gaming facility and gaming operation, including but not limited to the planned and actual locations of all proposed and existing buildings on the subject property to be used to facilitate gaming;
  - 2) Proposed placement of gaming operations and use of gaming equipment within existing or new structures;

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- 3) The placement of the racetrack grandstand, pari-mutuel betting windows, and other related facilities;
  - 4) Organization gaming facility capacity and gaming positions;
  - 5) The frequency of live racing.
- d) If the Administrator denies a request for modification or construction, the organization gaming licensee may request the Board review the Administrator's determination. The request must be submitted no later than 14 days after service of the Administrator's Notice of Denial.
- e) The organization gaming licensee must satisfy the Board by clear and convincing evidence that any construction, modification, or alteration does not cause the act of live racing to be ancillary to gaming under the Act.
- 1) When reviewing an Administrator's Notice of Denial, the Board will consider any information that was previously provided to the Administrator.
  - 2) The Board may consider any additional information it deems relevant.
  - 3) The Board may request any additional information from the organization gaming licensee the Board deems necessary.
  - 4) The Board will make its determination based upon the factors in subsection (c).
- f) The Board shall provide written notice to the organization gaming licensee of its approval or denial of the request.

(Source: Added at 44 Ill. Reg. 13653, effective August 6, 2020)

**Section 3000.540 Temporary Facilities**

*An owners licensee or organization gaming licensee may conduct gaming at a temporary facility pending the construction of a permanent facility or the remodeling or relocation of an existing facility to accommodate gaming participants. Gaming at a temporary facility is authorized for up to 24 months after the temporary facility begins to conduct gaming. [230 ILCS 10/7(1)]*

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- a) An owners licensee or organization gaming licensee may request to operate a temporary gaming facility. The request shall include:
- 1) A description of where the gaming facility or facilities will be located on the property used.
  - 2) Clear and legible diagrams of the interior of the facility or facilities. The diagrams must be representative and proportional, and must include specific reference to the size of the gaming floor or areas through the use of detailed measurements. Diagrams must be submitted with an initial application that clearly depicts each entrance and exit.
  - 3) Plans for the surveillance and security systems for the facility or facilities.
  - 4) Such other or additional information and details as may be required or deemed necessary by the Board.
- b) In determining whether to authorize gaming at a temporary gaming facility, the Board shall consider factors including, but not limited to, the following:
- 1) Impact on the security and integrity of gaming;
  - 2) Impact on the health and safety of patrons or employees;
  - 3) Physical appearance and character of the facility; and
  - 4) Logistics of the gaming operation.
- c) Temporary Gaming Facility Conditions
- 1) A temporary gaming facility shall operate for a maximum of 24 months, unless extended by the Board;
  - 2) A temporary gaming facility shall not operate concurrently with a permanent facility.
  - 3) Board approval for a temporary gaming facility may be rescinded without prior notice for any just cause, including but not limited to:

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- A) Failure by the licensee to operate in a manner consistent with the information submitted to the Board;
  - B) A determination by the Board that continued operation of the temporary gaming facility is or may be a risk to the integrity or security of gaming; or
  - C) A determination by the Board that continued operation of the temporary gaming facility is or may be injurious to the health, safety, morals, good order, or general welfare of the people of the State of Illinois.
- d) Upon request by the owners licensee or organization gaming licensee, and upon a showing of good cause by the licensee, the Board shall extend the period during which the licensee may conduct gaming at a temporary facility by up to 12 months. For purposes of this subsection, "good cause" means any delay in the completion of the construction, remodeling or relocation of a permanent facility when the owners licensee has made good faith efforts to complete the construction, remodeling, or relocation of a permanent facility in a timely manner. Good cause may include, but is not limited to, construction delays, public health concerns, environmental concerns, or economic factors.

(Source: Added at 44 Ill. Reg. 13653, effective August 6, 2020)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
140.403	Amendment
140.442	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Rules: August 7, 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 materials 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. 4288; March 20, 2020 and 44 Ill. Reg. 5560; April 3, 2020
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Several non-substantive corrections and clarifications were made to Section 140.442, including clarifying the name of the Board as the Drug and Therapeutics Advisory Board. Changes were also made to Section 140.403, including: clarifying subsection (e) applies during a public health emergency; allowing the Department to determine when the services or flexibilities allowed during a public health emergency are no longer necessary based on a number of events, including federal and state declarations and stakeholder feedback; and clarifying that services delivered using a telehealth delivery system must be provided in accordance with federal law and regulations.
- 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 emergency rulemakings currently in effect? Yes, Section 403 only

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- 14) Are there any other rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
140.80	Amendment	44 Ill. Reg. 12721, July 31, 2020

- 15) Summary and Purpose of Rulemaking: These adopted amendments implement PA 101-62 by establishing the Pharmaceutical and Therapeutics Advisory Board and significantly broaden telehealth rules during a public health emergency.

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

Steffanie Garrett  
General Counsel  
Illinois Department of Healthcare and Family Services  
201 South Grand Avenue East, 3<sup>rd</sup> Floor  
Springfield IL 62763-0002

HFS.Rules@Illinois.gov

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 89: SOCIAL SERVICES

## CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## SUBCHAPTER d: MEDICAL PROGRAMS

## PART 140

## MEDICAL PAYMENT

## SUBPART A: GENERAL PROVISIONS

## Section

- 140.1 Incorporation By Reference
- 140.2 Medical Assistance Programs
- 140.3 Covered Services Under Medical Assistance Programs
- 140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.5 Covered Medical Services Under General Assistance
- 140.6 Medical Services Not Covered
- 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
- 140.8 Medical Assistance For Qualified Severely Impaired Individuals
- 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 140.10 Medical Assistance Provided to Persons Confined or Detained by the Criminal Justice System

## SUBPART B: MEDICAL PROVIDER PARTICIPATION

## Section

- 140.11 Enrollment Conditions for Medical Providers
- 140.12 Participation Requirements for Medical Providers
- 140.13 Definitions
- 140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Suspension and Denial of Payment, Recovery of Money and Penalties
- 140.16 Termination, Suspension or Exclusion of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.18 Effect of Termination, Suspension, Exclusion or Revocation on Persons

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- Associated with Vendor
- 140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension, Exclusion or Barring
- 140.20 Submittal of Claims
- 140.21 Reimbursement for QMB Eligible Medical Assistance Recipients and QMB Eligible Only Recipients and Individuals Who Are Entitled to Medicare Part A or Part B and Are Eligible for Some Form of Medicaid Benefits
- 140.22 Magnetic Tape Billings (Repealed)
- 140.23 Payment of Claims
- 140.24 Payment Procedures
- 140.25 Overpayment or Underpayment of Claims
- 140.26 Payment to Factors Prohibited
- 140.27 Assignment of Vendor Payments
- 140.28 Record Requirements for Medical Providers
- 140.30 Audits
- 140.31 Emergency Services Audits
- 140.32 Prohibition on Participation, and Special Permission for Participation
- 140.33 Publication of List of Sanctioned Entities
- 140.35 False Reporting and Other Fraudulent Activities
- 140.40 Prior Approval for Medical Services or Items
- 140.41 Prior Approval in Cases of Emergency
- 140.42 Limitation on Prior Approval
- 140.43 Post Approval for Items or Services When Prior Approval Cannot Be Obtained
- 140.44 Withholding of Payments Due to Fraud or Misrepresentation
- 140.45 Withholding of Payments Upon Provider Audit, Quality of Care Review, Credible Allegation of Fraud or Failure to Cooperate
- 140.55 Electronic Data Interchange Service
- 140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments
- 140.72 Drug Manual (Recodified)
- 140.73 Drug Manual Updates (Recodified)
- 140.74 Resolution of Claims Related to Inaccurate or Updated Enrollment Information
- 140.75 Managed Care – Disputed Provider Claims Resolution Process

## SUBPART C: PROVIDER ASSESSMENTS

## Section

- 140.80 Hospital Provider Fund
- 140.82 Developmentally Disabled Care Provider Fund

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140.84	Long Term Care Provider Fund
140.86	Supportive Living Facility Funds
140.88	Managed Care Organization Provider Assessment
140.94	Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund (Repealed)
140.95	Hospital Services Trust Fund (Repealed)
140.96	General Requirements (Recodified)
140.97	Special Requirements (Recodified)
140.98	Covered Hospital Services (Recodified)
140.99	Hospital Services Not Covered (Recodified)
140.100	Limitation On Hospital Services (Recodified)
140.101	Transplants (Recodified)
140.102	Heart Transplants (Recodified)
140.103	Liver Transplants (Recodified)
140.104	Bone Marrow Transplants (Recodified)
140.110	Disproportionate Share Hospital Adjustments (Recodified)
140.116	Payment for Inpatient Services for GA (Recodified)
140.117	Hospital Outpatient and Clinic Services (Recodified)
140.200	Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201	Payment for Hospital Services After June 30, 1982 (Repealed)
140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203	Limits on Length of Stay by Diagnosis (Recodified)
140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350	Copayments (Recodified)
140.360	Payment Methodology (Recodified)
140.361	Non-Participating Hospitals (Recodified)
140.362	Pre July 1, 1989 Services (Recodified)
140.363	Post June 30, 1989 Services (Recodified)
140.364	Prepayment Review (Recodified)
140.365	Base Year Costs (Recodified)
140.366	Restructuring Adjustment (Recodified)
140.367	Inflation Adjustment (Recodified)
140.368	Volume Adjustment (Repealed)
140.369	Groupings (Recodified)
140.370	Rate Calculation (Recodified)
140.371	Payment (Recodified)
140.372	Review Procedure (Recodified)

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140.373	Utilization (Repealed)
140.374	Alternatives (Recodified)
140.375	Exemptions (Recodified)
140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391	Definitions (Recodified)
140.392	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.396	Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.398	Hearings (Recodified)

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

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- 140.527 Quality Incentive Survey (Repealed)
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- 140.860 County Owned or Operated Nursing Facilities
- 140.865 Sponsor Qualifications (Repealed)
- 140.870 Sponsor Responsibilities (Repealed)
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- 140.900 Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
- 140.901 Functional Areas of Needs (Recodified)
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**AUTHORITY:** Implementing and authorized by Articles III, IV, V and VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5].

**SOURCE:** Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; preemptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency

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amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a

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maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14,

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1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992,

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for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996;

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amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593,

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effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective August 18, 2006; expedited correction at 31 Ill. Reg. 1745, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 17970, effective November 1, 2006, for a maximum of 150

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days; amended at 30 Ill. Reg. 18648, effective November 27, 2006; emergency amendment at 30 Ill. Reg. 19400, effective December 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 388, effective December 29, 2006; emergency amendment at 31 Ill. Reg. 1580, effective January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 2413, effective January 19, 2007; amended at 31 Ill. Reg. 5561, effective March 30, 2007; amended at 31 Ill. Reg. 6930, effective April 29, 2007; amended at 31 Ill. Reg. 8485, effective May 30, 2007; emergency amendment at 31 Ill. Reg. 10115, effective June 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14749, effective October 22, 2007; emergency amendment at 32 Ill. Reg. 383, effective January 1, 2008, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 6743, effective April 1, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 32 Ill. Reg. 18323, effective November 12, 2008; peremptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days; emergency expired April 10, 2009; peremptory amendment repealed at 33 Ill. Reg. 6667, effective April 29, 2009; amended at 32 Ill. Reg. 7727, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10480, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17133, effective October 15, 2008; amended at 33 Ill. Reg. 209, effective December 29, 2008; amended at 33 Ill. Reg. 9048, effective June 15, 2009; emergency amendment at 33 Ill. Reg. 10800, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 11287, effective July 14, 2009; amended at 33 Ill. Reg. 11938, effective August 17, 2009; amended at 33 Ill. Reg. 12227, effective October 1, 2009; emergency amendment at 33 Ill. Reg. 14324, effective October 1, 2009, for a maximum of 150 days; emergency expired February 27, 2010; amended at 33 Ill. Reg. 16573, effective November 16, 2009; amended at 34 Ill. Reg. 516, effective January 1, 2010; amended at 34 Ill. Reg. 903, effective January 29, 2010; amended at 34 Ill. Reg. 3761, effective March 14, 2010; amended at 34 Ill. Reg. 5215, effective March 25, 2010; amended at 34 Ill. Reg. 19517, effective December 6, 2010; amended at 35 Ill. Reg. 394, effective December 27, 2010; amended at 35 Ill. Reg. 7648, effective May 1, 2011; amended at 35 Ill. Reg. 7962, effective May 1, 2011; amended at 35 Ill. Reg. 10000, effective June 15, 2011; amended at 35 Ill. Reg. 12909, effective July 25, 2011; amended at 36 Ill. Reg. 2271, effective February 1, 2012; amended at 36 Ill. Reg. 7010, effective April 27, 2012; amended at 36 Ill. Reg. 7545, effective May 7, 2012; amended at 36 Ill. Reg. 9113, effective June 11, 2012; emergency amendment at 36 Ill. Reg. 11329, effective July 1, 2012 through June 30, 2013; emergency amendment to Section 140.442(e)(4) suspended at 36 Ill. Reg. 13736, effective August 15, 2012; suspension withdrawn from Section 140.442(e)(4) at 36 Ill. Reg. 14529, September 11, 2012; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.442(e)(4) at 36 Ill. Reg. 14820, effective September 21, 2012 through June 30, 2013; emergency amendment to Section 140.491 suspended at 36 Ill. Reg. 13738, effective August 15, 2012; suspension withdrawn by the Joint Committee on Administrative Rules from Section 140.491 at 37 Ill. Reg. 890, January 8, 2013;

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emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.491 at 37 Ill. Reg. 1330, effective January 15, 2013 through June 30, 2013; amended at 36 Ill. Reg. 15361, effective October 15, 2012; emergency amendment at 37 Ill. Reg. 253, effective January 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 846, effective January 9, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 1774, effective January 28, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 2348, effective February 1, 2013 through June 30, 2013; amended at 37 Ill. Reg. 3831, effective March 13, 2013; emergency amendment at 37 Ill. Reg. 5058, effective April 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 5170, effective April 8, 2013 through June 30, 2013; amended at 37 Ill. Reg. 6196, effective April 29, 2013; amended at 37 Ill. Reg. 7985, effective May 29, 2013; amended at 37 Ill. Reg. 10282, effective June 27, 2013; amended at 37 Ill. Reg. 12855, effective July 24, 2013; emergency amendment at 37 Ill. Reg. 14196, effective August 20, 2013, for a maximum of 150 days; amended at 37 Ill. Reg. 17584, effective October 23, 2013; amended at 37 Ill. Reg. 18275, effective November 4, 2013; amended at 37 Ill. Reg. 20339, effective December 9, 2013; amended at 38 Ill. Reg. 859, effective December 23, 2013; emergency amendment at 38 Ill. Reg. 1174, effective January 1, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 4330, effective January 29, 2014; amended at 38 Ill. Reg. 7156, effective March 13, 2014; amended at 38 Ill. Reg. 12141, effective May 30, 2014; amended at 38 Ill. Reg. 15081, effective July 2, 2014; emergency amendment at 38 Ill. Reg. 15673, effective July 7, 2014, for a maximum of 150 days; emergency amendment at 38 Ill. Reg. 18216, effective August 18, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 18462, effective August 19, 2014; amended at 38 Ill. Reg. 23623, effective December 2, 2014; amended at 39 Ill. Reg. 4394, effective March 11, 2015; emergency amendment at 39 Ill. Reg. 6903, effective May 1, 2015 through June 30, 2015; emergency amendment at 39 Ill. Reg. 8137, effective May 20, 2015, for a maximum of 150 days; emergency amendment at 39 Ill. Reg. 10427, effective July 10, 2015, for a maximum of 150 days; emergency expired December 6, 2015; amended at 39 Ill. Reg. 12825, effective September 4, 2015; amended at 39 Ill. Reg. 13380, effective September 25, 2015; amended at 39 Ill. Reg. 14138, effective October 14, 2015; emergency amendment at 40 Ill. Reg. 13677, effective September 16, 2016, for a maximum of 150 days; emergency expired February 12, 2017; amended at 41 Ill. Reg. 999, effective January 19, 2017; amended at 41 Ill. Reg. 3296, effective March 8, 2017; amended at 41 Ill. Reg. 7526, effective June 15, 2017; amended at 41 Ill. Reg. 10950, effective August 9, 2017; amended at 42 Ill. Reg. 4829, effective March 1, 2018; amended at 42 Ill. Reg. 12986, effective June 25, 2018; emergency amendment at 42 Ill. Reg. 13688, effective July 2, 2018, for a maximum of 150 days; emergency amendment to emergency rule at 42 Ill. Reg. 16265, effective August 13, 2018, for the remainder of the 150 days; amended at 42 Ill. Reg. 14383, effective July 23, 2018; amended at 42 Ill. Reg. 20059, effective October 26, 2018; amended at 42 Ill. Reg. 22352, effective November 28, 2018; amended at 43 Ill. Reg. 1014, effective December 31, 2018; amended at 43 Ill. Reg. 2227, effective February 4, 2019; amended at 43 Ill. Reg. 4094, effective March 25, 2019; amended at

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43 Ill. Reg. 5706, effective May 2, 2019; amended at 43 Ill. Reg. 6736, effective May 28, 2019; emergency amendment at 43 Ill. Reg. 12093, effective October 15, 2019, for a maximum of 150 days; amended at 44 Ill. Reg. 226, effective December 23, 2019; amended at 44 Ill. Reg. 4616, effective March 3, 2020; emergency amendment at 44 Ill. Reg. 5745, effective March 20, 2020, for a maximum of 150 days; emergency amendment at 44 Ill. Reg. 12278, effective July 17, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 13678, effective August 7, 2020.

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

**Section 140.403 Telehealth Services**

- a) Definitions
- 1) "Asynchronous Store and Forward Technology" means the transmission of a patient's medical information from an originating site to the provider at the distant site. The provider at the distant site can review the medical case without the patient being present. An asynchronous telecommunication system in single media format does not include telephone calls, images transmitted via facsimile machines and text messages without visualization of the patient (electronic mail). Photographs visualized by a telecommunication system must be specific to the patient's medical condition and adequate for furnishing or confirming a diagnosis and/or treatment plan. Dermatological photographs (for example, a photograph of a skin lesion) may be considered to meet the requirement of a single media format under this provision.
  - 2) "Distant Site" means the location at which the provider rendering the service is located.
  - 3) "Encounter Clinic" means a Federally Qualified Health Center, Rural Health Clinic or Encounter Rate Clinic, as defined in 89 Ill. Adm. Code 140.461.
  - 4) "Facility Fee" means the reimbursement made to the following originating sites for the telehealth service: physician's office, podiatrist's office, local health departments, community mental health centers, licensed hospital outpatient departments as defined in 89 Ill. Adm. Code 148.25(d) and substance abuse treatment centers licensed by the Department of Human Services-Division of Alcoholism and Substance Abuse (DASA).

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- 5) "Interactive Telecommunication System" means multimedia communications equipment that includes, at a minimum, audio and video equipment permitting two-way, real-time interactive communication between the patient and the distant site provider. Telephones, facsimile machines, and electronic mail systems do not meet the definition of an interactive telecommunication system.
  - 6) "Originating Site" means the location at which the participant receiving the service is located.
  - 7) "Telecommunication System" means an asynchronous store and forward technology and/or an interactive telecommunication system that is used to transmit data between the originating and distant sites.
  - 8) "Telehealth" means services provided via a telecommunication system.
  - 9) "Telemedicine" means the use of a telecommunication system to provide medical services for the purpose of evaluation and treatment when the patient is at one medical provider location and the rendering provider is at another location.
  - 10) "Telepsychiatry" means the use of a telecommunication system to provide psychiatric services for the purpose of evaluation and treatment when the patient is at one medical provider location and the rendering provider is at another location.
- b) Requirements for Telehealth Services
- 1) Telemedicine
    - A) A physician or other licensed health care professional must be present at all times with the patient at the originating site.
    - B) The distant site provider must be a physician, physician assistant, podiatrist or advanced practice nurse who is licensed by the State of Illinois or by the state where the patient is located.

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- C) The originating and distant site provider must not be terminated, suspended or barred from the Department's medical programs.
  - D) Medical data may be exchanged through a telecommunication system.
  - E) The interactive telecommunication system must, at a minimum, have the capability of allowing the consulting distant site provider to examine the patient sufficiently to allow proper diagnosis of the involved body system. The system must also be capable of transmitting clearly audible heart tones and lung sounds, as well as clear video images of the patient and any diagnostic tools, such as radiographs.
- 2) Telepsychiatry
- A) A physician, licensed health care professional or other licensed clinician, mental health professional (MHP), or qualified mental health professional (QMHP), as defined in 59 Ill. Adm. Code 132.25, must be present at all times with the patient at the originating site.
  - B) The distant site provider must be a physician licensed by the State of Illinois or by the state where the patient is located and must have completed an accredited general psychiatry residency program or an accredited child and adolescent psychiatry residency program.
  - C) The originating and distant site provider must not be terminated, suspended or barred from the Department's medical programs.
  - D) The distant site provider must personally render the telepsychiatry service.
  - E) Telepsychiatry services must be rendered using an interactive telecommunication system.
  - F) Group psychotherapy is not a covered telepsychiatry service.

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- c) Reimbursement for Telehealth Services
  - 1) Originating Site Reimbursement
    - A) A facility fee shall be paid to providers as defined in subsection (a)(4) of this Section.
    - B) Local education agencies may submit telehealth services as a certified expenditure.
    - C) Providers who receive reimbursement for a patient's room and board are not eligible for reimbursement as an originating site.
    - D) Clinics reimbursed under the prospective payment system shall be eligible for a medical encounter as set forth in subsection (c)(3) of this Section.
  - 2) Reimbursement for Rendering Provider at the Distant Site
    - A) Participating providers shall be reimbursed for the appropriate AMA Current Procedural Terminology (CPT) code for the telehealth service rendered.
    - B) Nonparticipating providers may be reimbursed by the originating site provider, but will not be eligible for reimbursement from the Department.
  - 3) Clinic Reimbursement
    - A) An encounter clinic serving as the originating site shall be reimbursed for its medical encounter as defined in Section 140.462. The clinic is responsible for reimbursement to the distant site provider.
    - B) An encounter clinic serving as the distant site shall be reimbursed as follows:
      - i) If the originating site is another encounter clinic, the distant site encounter clinic shall receive no reimbursement from

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the Department. The originating site encounter clinic is responsible for reimbursement to the distant site encounter clinic; and

- ii) If the originating site is not an encounter clinic, the distant site encounter clinic shall be reimbursed for its medical encounter. The originating site provider will receive a facility fee as defined in subsection (a)(4) of this Section.
- d) Record Requirements for Telehealth Services
- 1) Medical records documenting the telehealth services provided must be maintained by the originating and distant sites and shall include, but not be limited to, the following:
    - A) The records required in Section 140.28;
    - B) The name and license number of the licensed health care professional or other licensed clinician present with the patient at the originating site;
    - C) The name and license number of the provider at the distant site and, if the service involves telepsychiatry, documentation that the physician has completed an approved general psychiatry residency program or an approved child and adolescent psychiatry residency program;
    - D) The locations of the originating and distant sites;
    - E) The date and the beginning and ending times of the telehealth service; and
    - F) The medical necessity for the telehealth service.
  - 2) When the originating site is an encounter clinic, records from the distant site must also be maintained.

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- 3) Appropriate steps must be taken by the originating and distant site staff to assure patient confidentiality, based on technical advances in compliance with all federal and state privacy and confidentiality laws.
  - 4) The type of interactive telecommunication system utilized at the originating and distant sites shall be documented.
  - 5) The billing records related to the use of the telecommunication system shall be maintained as provided in Section 140.28.
- e) Telehealth Requirements During a Public Health Emergency. Notwithstanding any other provision of this Part, and to protect the public health in connection with a public health emergency, the Department will reimburse medically necessary and clinically appropriate telehealth services that meet the requirements of this subsection (e) for dates of service on or after March 9, 2020 until the Department determines any or all of the services or flexibilities permitted under this subsection (e) are no longer necessary. This determination will be based upon federal or State disaster declarations, Executive Orders of the Governor, termination of disaster-related flexibilities granted by federal agencies, or feedback from stakeholders.
- 1) Telehealth services are medically necessary and clinically appropriate services covered under the Medical Assistance Program (see Section 140.3), and provided in accordance with federal law and regulations, that are delivered through a communication or technology system (see subsection (e)(5)) to a patient at an originating site by a provider located at a distant site. The Department will also reimburse for the following services that do not meet the definition of "telehealth services" during this public health emergency, including:
    - A) Notwithstanding the restriction on services provided via phone in Section 140.6(m) and this Section, brief communication technology-based service, e.g. virtual check-in that uses audio-only real-time telephone interactions or synchronous, two-way audio interactions that are enhanced with video or other kinds of data transmission. Virtual check-ins must be rendered by a physician, advanced practice registered nurse, or physician assistant who can report evaluation and management (E/M) services, provided to an established patient, not originating from a related E/M service

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provided within the previous 7 days nor leading to an E/M service or procedure within the next 24 hours or soonest available appointment. The Department will reimburse for this service at the rate established on the Department's fee schedule. Federally Qualified Health Centers, Rural Health Clinics, and Encounter Rate Clinics may also receive reimbursement for this service at the rate established on the Department's fee schedule.

- B) Notwithstanding the restriction on services provided via phone in Section 140.6(m) and this Section, online patient portal or "E-visit" services are non-face-to-face patient-initiated communications using online patient portals. These services can only be reported when the billing practice has an established relationship with the patient. For these encounters, the patient must generate the initial inquiry and communications can occur over a 7-day period. The patient must verbally consent to receive virtual check-in services. The Department will reimburse for HCPCS codes G2061, G2062 and G2063 and CPT codes 99421, 99422 and 99423 at the rate established on the Department's fee schedule. Federally Qualified Health Centers, Rural Health Clinics, and Encounter Rate Clinics may also receive reimbursement for this service at the rate established on the Department's fee schedule.
- C) Notwithstanding the restriction on services provided via phone in Section 140.6(m) and this Section, the Department will reimburse for all behavioral health services (substance use disorder and mental health disorder) detailed in Section 140.453 (except for Mobile Crisis Response and Crisis Stabilization as defined in Section 140.453(d)(3)) and behavioral health services (substance use disorder and mental health disorder) contained on an applicable Department fee schedule provided using audio-only real-time telephone interactions, or video interaction in accordance with subsection (e)(5). The Department will reimburse for these services at the same rate paid for services provided on site.
- 2) The distant site provider is any enrolled provider, operating within its scope of practice, and with the appropriate license or certification.

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- 3) Telehealth services are delivered to a patient that is located at an originating site. Any site that allows for the patient to use a communication or technology system as defined in subsection (e)(5) may be an originating site, including a patient's place of residence located within the State of Illinois or other temporary location within or outside the State of Illinois.
- 4) An originating site will be eligible for a facility fee when it is a certified eligible facility or provider organization that acts as the location of the patient at the time a telehealth service is rendered, including but not limited to: substance use treatment programs licensed by the Department of Human Services' Division Substance Use Prevention and Recovery (SUPR), Supportive Living Program providers, Hospice providers, Community Integrated Living Arrangement (CILA) providers, and providers who receive reimbursement for a patient's room and board.
- 5) To be eligible for reimbursement, the telehealth service must be delivered using:
  - A) An "interactive telecommunication system" or "telecommunication system" as described in subsection (a); or
  - B) A communication system where information exchanged between the physician or other qualified health care practitioner and the patient during the course of the synchronous telehealth service is of an amount and nature that would be sufficient to meet the key components and requirements of the same service when rendered via face-to-face interaction.
- 6) Reimbursement for telehealth services will be made at the same rate paid for face-to-face services. Reimbursement for the services described in subsections (e)(1)(A) and (B) will be at the rate established on the Department's fee schedule. Reimbursement for the services described in subsection (e)(1)(C) will be made at the same rate paid for services provided on site.
- 7) The distant site provider and originating site provider eligible for a facility fee must maintain adequate documentation of the telehealth services provided in accordance with the record requirements of subsection (d).

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- 8) A physician or other licensed health care professional is not required to be present at all times with the patient at the originating site.

(Source: Amended at 44 Ill. Reg. 13678, effective August 7, 2020)

**Section 140.442 Drug Product Prior Approval and the Preferred Drug List of Prescriptions**

- a) The Department may require prior approval for the reimbursement of any drug product, except as provided in this Section. Determinations of whether a drug product is listed as preferred on the Preferred Drug List (PDL) and when prior approval for any drug product is required shall be made in the following manner:
- 1) The Department shall consult with the Drug and Therapeutics Advisory Board (the Board), comprised of individuals ~~or organizations~~ that possess appropriate expertise in the areas of pharmacology and medicine, when determining which drug products to list as preferred on the PDL, as well as which drug products outside of the PDL require prior approval. ~~In doing so, the Department shall consult with organizations composed of physicians, pharmacologists, or both, and shall, to the extent that it consults with organizations, limit its consultations to organizations that include within their membership physicians practicing in all of the representative geographic areas in which recipients reside and practicing in a majority of the areas of specialization for which the Department reimburses physicians for providing care to recipients.~~
  - 2) Board Members. The Board shall be comprised of voting members appointed by the Governor in accordance with Section 5-30.11 of the Public Aid Code.
  - 3) Board Advisors. The Department will select nonvoting clinicians to advise the Board in accordance with Section 5-30.11.
  - 4) Board members shall serve 3 year terms without compensation. Board advisors are appointed by the Department to serve 3 years terms without compensation.
  - 5) Board members and advisors shall disclose conflicts of interest and shall not participate in matters in which they have a potential conflict of

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interest.

- 62) The Board shall meet not less than one time per calendar quarter. The Department shall consult with a panel from the organizations (the panel is selected by the organizations) to review and make recommendations regarding prior approval. The panel shall meet not less than four times a year for the purpose of the review of drugs. The recommendations of the Board actions of the panel shall be non-binding upon the Department and can in no way bind or otherwise limit the Department's right to determine, in its sole discretion, those drugs that shall be available with or without prior approval, or as preferred or non-preferred products.
- 73) Upon U.S. Food and Drug Administration approval of a new drug product, the new drug product shall require prior approval until the Department determines otherwise. When a newly approved drug product enters the market, or when post-marketing information becomes available for existing drug productsdrugs requiring prior approval, the drug manufacturer shall be responsible for submitting materials to the Department that the Department and the Board willconsulting organization shall consider in determining whether reimbursement for the drug product willshall require prior approval.
- 84) New dosage strengths and new dosage forms of drug products already currently included in the list of drugs available without prior approval (see Section 140.440(e)) shall be available without prior approval upon the request of the manufacturer, unless otherwise designated by the Director. In such a case, the Director shall submit the new dosage strength, or new form, to the prior approval procedures described in this Section.
- 95) To ensure all Board members and the Department have the same information regarding drug products, drug manufacturers shall provide, in writing, all relevant drug product information to the Department and the Board in its entirety. The Board shall only consider information given to both the entire Board and the Department when reviewing a drug product. Upon receipt of the final agenda established for each meeting of the panel created under subsection (a)(2), the Department shall promptly review materials and literature supplied by drug manufacturers. Additional literature may be researched by the Department to assist the panel in its review of the products on the agenda. The Department shall

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~~make comments and, within 10 working days after receipt of the agenda, transmit those comments, either in person or in writing, to the panel. This shall be done for each meeting of the panel.~~

- ~~106) The Board shall evaluate drug products in an impartial manner, and base recommendations on clinical and cost effectiveness factors. The consulting organization shall transmit its recommendations to the Department in writing.~~
- ~~11) Board members shall make motions and take votes during the meeting, and the Department shall record the results in the meeting minutes.~~
- ~~127) The Department shall make a final determination on the status of drug products reviewed by the Board. Final determinations will be made using complete clinical and financial information received by the Department. The Department shall notify the Board and the affected manufacturers of all final determinations within 30 business days after receipt of a recommendation from the Board. Upon receipt of this transmittal letter, the Department shall, within 15 business days, notify all interested parties, including pharmaceutical product manufacturers, of all recommendations of the consulting organization accepted or rejected by the Director. Notifications to pharmaceutical manufacturers of the Director's decision to require prior approval shall include reasons for the decision. Decisions requiring prior approval of new drug products not previously requiring prior approval shall become effective no sooner than ten days after the notification to providers and all interested parties, including manufacturers. The Department shall maintain a mailing list of all interested parties who wish to receive a copy of applicable notices.~~
- ~~138) Drug manufacturers shall be afforded an opportunity to request reconsideration of products recommended for prior approval or non-preferred status. The drug manufacturers may submit any whatever information they deem appropriate to support their request for reconsideration of the drug product. All reconsideration requests must be submitted in writing to the Department for inclusion on the agenda at a subsequent meeting and shall be considered at the next regularly scheduled meetings of the expert panel created under subsection (a)(2).~~
- ~~149) The Effective July 1, 2012, the Department shall require provide that the~~

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~~following types of drugs~~ contraceptive drugs and products are available without prior approval.:

- A) ~~Contraceptive drugs and products; and~~
  - B) ~~Non-innovator products, listed in the State of Illinois Drug Product Selection Program's current Illinois Formulary, when the innovator product is available without prior approval.~~
- b) Prior approval shall be given for drug products~~drugs requiring authorization~~ if:
- 1) The drug is a legend item ~~(requires a prescription)~~; and
  - 2) The drug product is used in accordance with predetermined standards consistent with the compendia consisting of the American Hospital Formulary Service Drug Information, the United States Pharmacopeia—~~Drug Information and the American Medical Association Drug Evaluations~~, as well as the peer-reviewed medical literature; and
  - 3) Either:
    - A) The drug is necessary to prevent a higher level of care, such as institutionalization; or
    - B) The prescriber has determined that the drug is medically necessary over other available treatments.
- c) Decisions on all requests for prior approval by telephone or other telecommunications device and, upon the Department's receipt of the request, shall be made by the same time of the Department's next working day. In an emergency situation, the Department shall provide for the dispensing of at least a 72-hour supply of a covered prescription drug.
- d) In accordance with subsection (d)(2), the Department may require approval prior to reimbursement for a brand name prescription drug if the patient for whom the drug is prescribed has already received three brand name prescription drugs in the preceding 30-day period and is 21 years of age or older.

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- 1) For purposes of this subsection (d), brand name prescription drugs in the following therapeutic classes shall not count towards the limit of three brand name prescription drugs and shall not be subject to prior approval requirements because a patient has received three brand name prescription drugs in the preceding 30 days.
  - A) Antiretrovirals;
  - B) Antineoplastics; and
  - C) Anti-Rejection Drugs.
- 2) Brand name prescription drugs are exempt from the prior approval requirements of this subsection (d) if:
  - A) there are no generic therapies for the condition treated within the same therapeutic drug class; or
  - B) the Department determines that the brand name prescription drug is cost effective.
- e) Effective July 1, 2012, the Department may require prior approval prior to reimbursement for a prescription drug if the patient for whom the drug is prescribed has already received four prescription drugs in the preceding 30-day period. For purposes of this subsection (e), prescription drugs in the following therapeutic classes shall not count towards the limit of four prescription drugs and shall not be subject to prior approval requirements because a patient has received four prescription drugs in the preceding 30 days:
  - 1) Antiretrovirals;
  - 2) Antineoplastics;
  - 3) Anti-Rejection Drugs; and
  - 4) Effective July 1, 2014, Antipsychotics.
- f) ~~Effective July 1, 2014, the Department shall exempt from the prior approval process required under subsection (e) children with complex medical needs~~

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~~enrolled in a care coordination entity contracted with the Department to solely coordinate care for those children, if the Department determines that the entity has a comprehensive drug reconciliation program.~~

(Source: Amended at 44 Ill. Reg. 13678, effective August 7, 2020)

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- 1) Heading of the Part: Amnesty Regulations
- 2) Code Citation: 86 Ill. Adm. Code 520
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
520.101	Amendment
520.105	Amendment
- 4) Statutory Authority: 35 ILCS 745; 20 ILCS 2505/2505-795
- 5) Effective Date of Rules: August 6, 2020
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule 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. 8677; August 16, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? These amendments were slated for consideration at JCAR's April, 2020 meeting. That meeting was cancelled due to COVID-19. By letter dated April 21, 2020 JCAR indicated that the Department could adopt these rules after expiration of the Second Notice period (ended on May 17, 2020).
- 11) Differences between Proposal and Final Version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. 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 other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking updates the amnesty regulations to implement the upcoming amnesty program created by PA 101-9.

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

Brian Fliflet, Acting General 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 520  
AMNESTY REGULATIONS

## Section

520.101	Amnesty Program In General
520.105	Amnesty Program Requirements

AUTHORITY: Implementing and authorized by the Illinois Tax Delinquency Amnesty Act [35 ILCS 745].

SOURCE: Emergency Rules adopted at 34 Ill. Reg. 15515, effective September 24, 2010, for a maximum of 150 days; emergency expired February 20, 2011; adopted at 35 Ill. Reg. 4248, effective February 25, 2011; amended at 44 Ill. Reg. 13714, effective August 6, 2020.

**Section 520.101 Amnesty Program In General**

- a) Pursuant to the Illinois Tax Delinquency Amnesty Act (ITDAA), as amended by P.A. ~~101-000996-1435~~, the Department will conduct an amnesty program ("the Amnesty Program"). As more fully described in Section 520.105, the Amnesty Program will apply to payments of contested and uncontested tax liabilities received by the Department from October 1, ~~2019~~~~2010~~ through November ~~15, 2019~~~~8, 2010~~. If a taxpayer participates in the Amnesty Program and complies with all the requirements of this Part, the Department *shall abate and not seek to collect any interest or penalties that may be applicable and the Department shall not seek civil or criminal prosecution for any taxpayer for the period of time for which amnesty has been granted to the taxpayer.* (ITDAA Section 10)
- b) Definitions and special provisions. For purposes of this Part:
  - 1) ~~"200% Sanction" means the doubling of the rates of penalty and interest imposed on a taxpayer with an Eligible Liability who fails to participate in the Amnesty Program. See UPIA Sections 3-2(g), 3-3(j), 3-4(e), 3-5(e), 3-6(d) and 3-7.5(c). The 200% Sanction does not apply to:~~
    - A) ~~a liability that results from a Federal Change, if the Federal Change is not final as of the end of the Amnesty Program Period.~~

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- B) ~~a taxpayer in bankruptcy proceedings during the Amnesty Program Period.~~
- C) ~~a taxpayer who, prior to the beginning of the Amnesty Program Period, has entered into an installment payment agreement with the Department and pays the liability in full compliance with the agreement.~~

2) "Amnesty Issue" means an issue taken into account in determining an ~~eligible liability~~Eligible Liability, including all issues of law that must be resolved in making the determination and all facts relevant to the determination, as in existence as of the end of the Amnesty Program ~~period~~Period. (See Section 520.105(k)(1).)

3) "Amnesty Program Period" means the period from October 1, ~~2019~~2010, through November ~~15, 2019~~8, 2010.

4) "Eligible Liability" means a tax liability with respect to which a taxpayer may participate in the Amnesty Program. (See ~~subsections (h) and (i) of~~ Section 520.105~~(h) and (i)~~(h) and (i).)

5) "Established Liability" means an ~~eligible liability~~Eligible Liability that has been assessed or become final prior to the beginning of the Amnesty Program ~~period~~Period; any amount paid under the Protest Act prior to the beginning of the Amnesty Program ~~period~~Period; or any amount of tax shown on a notice of deficiency, notice of assessment or notice of tax liability that was issued prior to the beginning of the Amnesty Program ~~period~~Period or on an amended return or waiver of restrictions on assessment presented by the Department to the taxpayer prior to the beginning of the Amnesty Program ~~period~~Period after the conclusion of an audit (including any proceedings before the Informal Conference Board).

6) "Estimated Federal Change Liability" means the ~~eligible liability~~Eligible Liability that a taxpayer estimates will result from a ~~federal change~~Federal Change that has not become final under IITA Section 506(b) as of the end of the Amnesty Program ~~period~~Period.

7) "Federal Change" means a change affecting the taxpayer's federal income tax liability that must be reported to the Department under IITA Section 506(b).

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~~8)~~"Notice and Demand" means any demand for payment issued by the Department that is eligible for the 30-day interest-free grace period under [Section 3-2\(c-5\) of the Uniform Penalty and Interest Act \(UPIA\) \[35 ILCS 735\]](#)~~Section 3-2(c-5).~~

~~9)~~"Protest Act" means the State Officers and Employees Money Disposition Act [30 ILCS 230].

~~10)~~"Taxable Period" means *the period of time for which any tax is imposed by and owed to the State of Illinois.* (ITDAA Section 5)

- e) ~~The Amnesty Program under this Part authorized by the ITDAA is separate from and independent of the amnesty program to be conducted from January 1, 2011, through October 15, 2011, for individuals with liabilities under the Use Tax Act under P.A. 96-1388.~~

(Source: Amended at 44 Ill. Reg. 13714, effective August 6, 2020)

**Section 520.105 Amnesty Program Requirements**

- a) The Department has no duty to notify taxpayers of liabilities that may make them eligible for participation in the Amnesty Program. Failure of the Department to notify a taxpayer of the existence or correct amount of a liability eligible for amnesty shall not preclude the taxpayer from participating in the Amnesty Program, ~~nor shall such failure be grounds for abating the 200% Sanction for failure to pay the liability.~~
- b) Participation in the Amnesty Program:
- 1) A taxpayer may participate in the Amnesty Program selectively, provided that the taxpayer completely satisfies its ~~eligible liability~~Eligible Liability for the tax type and tax period for which amnesty is sought. Thus, a taxpayer may participate in the Amnesty Program with respect to:
    - A) particular types of tax liability, but not others (e.g., Illinois Income Tax, but not Illinois Retailers Occupation Tax);~~;~~ or

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- B) particular tax periods but not others (e.g., ~~2013~~2003 Illinois Income Tax but not ~~2014~~2004 Illinois Income Tax).
- 2) Except as otherwise expressly provided in this Section:
- A) In the case of an ~~eligible liability~~Eligible Liability that has been assessed or has otherwise become subject to collection action by the Department, the taxpayer participates in the Amnesty Program by paying the ~~eligibility liability~~Eligible Liability during the Amnesty Program ~~period~~Period.
- B) In the case of an ~~eligible liability~~Eligible Liability that has not been assessed or otherwise become subject to collection action by the Department, the taxpayer participates in the Amnesty Program by filing the appropriate return or amended tax return to report the ~~eligibility liability~~Eligible Liability and making payment of the ~~eligible liability~~Eligible Liability to the Department during the Amnesty Program ~~period~~Period. Unless a special form or schedule is provided by the Department for filing an original or amended return to report an ~~eligibility liability~~Eligible Liability, the taxpayer must use the form ordinarily prescribed by the Department for that return or amended return.
- 3) Separate payments should be made for each ~~eligible liability~~Eligible Liability to insure proper application by the Department. A single payment that is made for multiple ~~eligible liabilities~~Eligible Liabilities must be accompanied by a clear identification of the liabilities to which the payment is to be applied, and in what amounts it is to be applied. Any portion of any payment that is not expressly designated by the taxpayer as applicable to a specifically-identified liability will be applied against liabilities of the taxpayer in accordance with 86 Ill. Adm. Code 700.500, which may result in failure of the taxpayer to pay all ~~eligible liabilities~~Eligible Liabilities it intended to pay.
- c) Form of Payment. *Payments must be made by cash, check, guaranteed remittance, or ACH debit.* (ITDAA Section 10)
- 1) The reduction of a liability that results from claiming a credit or the carryover of a credit under IITA Article 2 or Section 601(b)(3) or (b)(4)-~~of~~

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~~the IITA~~, from claiming a federal capital or net operating loss or Illinois net loss under IITA Section 207, or from the use of a Manufacturer's Purchase Credit under Section 3-85 of the Use Tax Act [\[35 ILCS 105\]](#), is not a payment of tax. Therefore, if the taxpayer is entitled to an income tax credit or loss or to a Manufacturer's Purchase Credit that reduces the taxpayer's unpaid liability for a tax in a particular period to zero, the application of the credit or loss is not a payment that may qualify under amnesty.

- 2) Payments by check that are returned due to insufficient funds in the taxpayer's account do not qualify as payments during the Amnesty Program ~~period~~[Period](#).
- 3) Payments of amounts due from individuals under the IITA may be made by credit card, provided that the ~~taxpayer must pay any discount fee charged by the credit card issuer~~[taxpayer must pay any discount fee charged by the credit card issuer](#). (IITA Section 605)
- 4) Other forms of payment:
  - A) The Department will treat the following items as payments qualifying under the Amnesty Program:
    - i) Offset of a verified overpayment or credit memorandum relating to sales and excise taxes, to the extent available to the taxpayer prior to the end of the Amnesty Program ~~period~~[Period](#); or
    - ii) For a taxpayer under audit (including matters pending [in the Fast Track Resolution Program](#) or before the Informal Conference Board), an overpayment tentatively determined by the Department for a tax period in the audit may be offset against an ~~eligible liability~~[Eligible Liability](#) for another tax period in the same audit.
  - B) The return, amended return or other allowable amnesty filing reporting the ~~eligible liability~~[Eligible Liability](#) to be offset must identify each verified overpayment, credit memorandum, or overpayment tentatively determined by the Department in an audit

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to be used as an Amnesty Program payment by tax type, period and amount.

- Ⓒ) ~~If a taxpayer in good faith requests an offset of a verified overpayment, credit memorandum, or audit overpayment against an Eligible Liability, and the amount that is actually allowable as an offset is less than the amount requested by the taxpayer, the 200% Sanction shall be imposed as provided in subsection (j)(3).~~
- 5) The Department will not offset an unpaid overpayment of income tax shown on a return or refund claim filed by a taxpayer prior to the beginning of the Amnesty Program ~~period~~Period against an ~~eligible liability~~Eligible Liability. Except as otherwise provided in this Section if a taxpayer has reported an income tax overpayment for a taxable year that has not been paid or denied as of the beginning of the Amnesty Program ~~period~~Period, and wishes to report and pay an ~~eligible liability~~Eligible Liability for the same taxable year, the taxpayer must file an amended return, reporting its corrected liability taking into account all adjustments that must be made to its original return, including any adjustments reported on its refund claim and any additional adjustments creating the ~~eligible liability~~Eligible Liability, and pay the increase in tax reported on the amended return, as if it had already received a refund of the previously-reported overpayment. The taxpayer may preserve its claim for refund of that overpayment by writing in the explanation section of its amended return it files under the ~~ITDAA~~Amnesty Act, "This amended return is filed for purposes of Amnesty, and does not take into account an overpayment in the amount of [dollar amount] reported on [date]. This amended return shall be treated as a claim for refund of this amount, and as a confirmation of any outstanding claim for refund." The refund claim will be allowable to the same extent it would have been allowed had no Amnesty Program report and payment been made, and shall accrue interest without regard to the provisions in subsection (k)(5).
- d) Civil Cases Pending in State Courts. ITDAA Section 10 provides that ~~amnesty shall not be granted to a taxpayer that is~~amnesty may not be granted to a taxpayer that is a party to any civil litigation that is pending in any circuit court or appellate court or the Supreme Court of this State with respect to an otherwise ~~eligible liability~~Eligible Liability.

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- 1) A payment made under the Protest Act initiates a civil suit in circuit court. Accordingly, payment of a liability under the Protest Act disqualifies the taxpayer from participation in the Amnesty Program with respect to that liability, even if the liability would otherwise be an eligible liability and the payment is made during the Amnesty Program period.
- 2) A taxpayer that is ineligible for the Amnesty Program under this Section becomes eligible if the taxpayer ceases to be a party to a civil action by dismissing the action prior to the end of the Amnesty Program period. The action is dismissed on or before the November 15, 2019, 2010, deadline if the taxpayer has executed an agreed order stipulating to judgment in favor of the Department, and during the Amnesty Program period has either paid the eligible liability that is the subject of the action, or, in a Protest Act case, agreed to a dissolution of the injunction and a court order that directs the amount of the eligible liability to be released to the Department. A taxpayer participating in the Amnesty Program under this subsection (d)(2) need not file a return or amended return under subsection (b) with respect to the liability that is the subject of the litigation, but must specify in its motion to dismiss the action that it is doing so in order to participate in the Amnesty Program and its payment of the eligible liability must be accompanied by a statement that the payment is being made under the Amnesty Program and must identify the eligible liability being paid.
- 3) Bankruptcy proceedings take place in federal courts, and a taxpayer in bankruptcy may be eligible to participate in the Amnesty Program.
- 4) While a taxpayer that is a party to civil litigation in an Illinois court is not eligible to participate in the Amnesty Program with respect to a liability in dispute in that litigation, that taxpayer will not be subject to the 200% Sanction on that liability for failure to participate in the Amnesty Program with respect to that liability. The taxpayer may still participate in the Amnesty Program with respect to other liabilities, and will be subject to the 200% Sanction for failure to do so.
- e) Matters Pending in the Department's Office of Administrative Hearings or at the Illinois Independent Tax Tribunal. Matters pending in the Department's Office of

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Administrative Hearings or at the Illinois Independent Tax Tribunal are not *pending in any circuit court or appellate court or the Supreme Court of this State.* (ITDAA Section 10) Therefore, a tax liability that is being contested before one of the Department's or Tribunal's Administrative Law Judges is eligible for the Amnesty Program.

- 1) A taxpayer who wishes to participate in the Amnesty Program with respect to an eligible liability~~Eligible Liability~~ at issue in a matter pending in the Office of Administrative Hearings or Illinois Independent Tax Tribunal must stipulate to judgment in favor of the Department with respect to that liability on or before November 15, 2019~~15, 2019~~, ~~2019~~ and pay that liability during the Amnesty Program Period.
  - 2) A taxpayer participating in the Amnesty Program under this subsection (e)(2) need not file a return or amended return under subsection (b) with respect to the liability that is the subject of the proceeding, but must specify in the stipulation that it is participating in the Amnesty Program and pay the eligible liability~~Eligible Liability~~ to the Department during the Amnesty Program period~~Period~~.
  - ~~3) A taxpayer that fails to participate in the Amnesty Program with respect to the liability that is the subject of the proceeding will be subject to the 200% Sanction.~~
  - 34) A liability being contested in the Office of Administrative Hearings or at the Illinois Independent Tax Tribunal is an established liability~~Established Liability~~, and no refund of the payment is allowed with respect to an amnesty issue~~Amnesty Issue~~.
- f) Matters Under Audit or Pending in the Fast Track Resolution Program or Before the Informal Conference Board. A tax liability under audit~~Audit~~ (including audits under review in the Fast Track Resolution Program or before the Informal Conference Board) is eligible for the Amnesty Program.
- 1) After an audit has been concluded, by the issuance of an amended return or waiver of restrictions on assessment that becomes final prior to the beginning of the Amnesty Program period~~Period~~, the liability determined by the Department is an established liability~~Established Liability~~ so that ~~failure to pay the full amount of the Eligible Liability during the Amnesty~~

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~~Program Period will subject the taxpayer to the 200% sanction on the entire liability under subsection (j)(2) and no refund with respect to an amnesty issue.~~ Amnesty Issue will be allowed.

- 2) Prior to the issuance of an amended return or waiver of restrictions on assessment after the conclusion of an audit, a taxpayer may participate in the Amnesty Program by reporting the amount of eligible liability~~Eligible Liability~~ that it estimates will result from the audit on an original or amended return, and paying that amount during the Amnesty Program period~~Period~~. The Department will continue with the audit (including any proceedings in the Fast Track Resolution Program or before the Informal Conference Board) in the same manner as if no amnesty payment had been made, except that the interest and penalties related to the amnesty payment will be abated.
- 3) Examples. The principles for participating in the Amnesty Program for an eligible liability~~Eligible Liability~~ that is currently under audit may be illustrated as follows:
  - A) EXAMPLE 1. As of the beginning of the Amnesty Program Period, the Department is auditing Taxpayer for occupation and use taxes due for the periods July 1, 2015~~2005~~, through June 30, 2017~~2007~~. The audit will not be completed before the end of the Amnesty Program period~~Period~~. After consulting with the Department's auditor, Taxpayer estimates that it owes an additional Use Tax obligation of \$300 for each of the months of July, August and September of 2016~~2006~~. During the Amnesty Program period~~Period~~, Taxpayer files amended returns and pays the additional \$300 in tax for each month. After the audit is completed (including any proceedings in the Fast Track Resolution Program or before the Informal Conference Board) in 2021~~2011~~, the Department determines that, taking into account the \$300 payments made during the Amnesty Program period~~Period~~, Taxpayer has overpaid its Use Tax obligation for July of 2016~~2006~~ by \$150 and owes an additional \$50 in Use Tax for August of 2016~~2006~~. As provided in subsection (k), Taxpayer may receive a refund of the overpayment for July of 2016~~2006~~. ~~As provided in subsection (j)(3)(A), Taxpayer will be assessed the 200% Sanction with respect to its \$50 underpayment for August of 2006.~~ Also, if

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Taxpayer unsuccessfully contests any portion of the \$50 underpayment after the conclusion of the audit, or fails to pay in full the \$50 ~~liability and the related 200% Sanction~~ no later than the due date for payment of the demand for payment made by the Department, ~~amnesty will be denied~~ ~~the 200% sanction will also be imposed~~ on the \$300 amount paid during the Amnesty Program ~~period~~ ~~Period~~ with respect to August of ~~2016~~ ~~2006~~, as provided in subsection (j)(3) ~~(B)~~. The abatement of penalties and interest with respect to the \$300 paid for September of ~~2016~~ ~~2006~~ is not affected by any changes or proceedings related to the liabilities for July or August of ~~2016~~ ~~2006~~. The Department will offset the \$50 in additional tax for August of ~~2016~~ ~~2006~~, ~~plus the 200% Sanction on that amount~~, against the overpayment for July of ~~2016~~ ~~2006~~ and allow a refund or credit of the remaining overpayment for July of ~~2016~~ ~~2006~~, to the extent the refund or credit is not otherwise barred. Taxpayer may also claim a refund or credit for some or all of the \$50 additional tax for August of ~~2016~~ ~~2006~~, ~~for some or all of the 200% Sanction~~, or for any other amount for July or August of ~~2016~~ ~~2006~~, providing the refund or credit would otherwise be allowable.

- ~~B)~~ EXAMPLE 2: During an audit of Taxpayer's corporate income tax returns, the Department issued a Notice of Proposed Deficiency to Taxpayer, proposing deficiencies of \$500 with respect to its ~~2015~~ ~~2005~~ liability and \$800 with respect to ~~2016~~ ~~2006~~. Taxpayer timely requested review of both deficiencies by the Informal Conference Board under 35 Ill. Adm. Code 215.115, and the review had not been completed as of the beginning of the Amnesty Program ~~period~~ ~~Period~~. Taxpayer decides to participate in the Amnesty Program by paying the entire \$500 for ~~2015~~ ~~2005~~ in full, but only pays \$600 for ~~2016~~ ~~2006~~ during the Amnesty Program ~~period~~ ~~Period~~. After the Department receives the payment for ~~2015~~ ~~2005~~, penalties and interest related to the ~~2015~~ ~~2005~~ deficiency will be abated. The Informal Conference Board review and the remaining audit processes for ~~2016~~ ~~2006~~ will continue. If, at the conclusion of the audit, the Department determines that the ~~2016~~ ~~2006~~ deficiency was the \$600 paid by Taxpayer during the Amnesty Program ~~period~~ ~~Period~~, penalties and interest related to ~~2016~~ ~~2006~~ will be abated. If the Department determines that the

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~~20162006~~ deficiency was greater than the \$600 paid by Taxpayer, ~~amnesty will be denied for 2016the 200% Sanction will be imposed only on the additional deficiency, unless Taxpayer unsuccessfully contests the additional liability,~~ as provided in subsection (j)(3)~~(B)~~. If the Department determines that the ~~20162006~~ deficiency was less than the \$600 paid by Taxpayer, a refund or credit will be granted, providing the refund or credit would otherwise be allowable.

- g) Criminal Investigation or Case. ITDAA Section 10 provides that amnesty may not be granted to taxpayers that are a party to *any criminal investigation for nonpayment, delinquency or fraud in relation to any State tax imposed by any law of the State of Illinois* with respect to an otherwise ~~eligible liability~~Eligible Liability. A taxpayer who is a party to a pending investigation or case is ineligible to participate in the Amnesty Program with respect to the specific taxes and tax periods under investigation or contained in the complaint, information, or indictment, ~~and will not be subject to the 200% Sanction for failure to participate in the Amnesty Program with respect to that liability.~~
- h) Eligible Liabilities. Under ITDAA Section 10, the Amnesty Program applies to *any tax, except for the motor fuel use tax imposed under Section 13a of the Motor Fuel Tax Law [35 ILCS 505]35-ILCS 505/13a, imposed by reason of or pursuant to authorization by any law of the State of Illinois and collected by the Department.* Each liability that comes within this definition and meets the other criteria for a taxpayer to participate in the Amnesty Program is generally divisible into two parts: the ~~eligible liability~~Eligible Liability that must be paid during the Amnesty Program and the penalty and interest that may be abated under the Amnesty Program. An exception to this rule is the reimbursement of collection expenses incurred by the Department, when those expenses are not deemed by statute to be part of the related tax liabilities. The obligation to pay these expenses is not a penalty that may be abated by participation in the Amnesty Program, nor does failure to pay one of these expenses during the Amnesty Program ~~period~~Period disqualify the taxpayer from the benefits of amnesty. The following examples are illustrative of items that may be characterized as ~~eligible liabilities~~Eligible Liabilities or as penalties or interest that may be abated, or as expenses that are neither ~~eligible liabilities~~Eligible Liabilities nor penalties:
- 1) A taxpayer who has paid all of the tax due for a period, but has not yet paid all of the penalty and interest associated with the liability, may not

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participate in the Amnesty Program with respect to the penalty or interest. This ~~subsection (h)(1) rule~~ applies regardless of the reason the tax has been paid, but not the penalty or interest, including instances when the taxpayer filed a return and paid its tax late, and so incurred late filing and late payment penalties, or because amounts paid by or collected from the taxpayer were applied against tax before being applied against penalty and interest pursuant to UPIA Section 700.500. A taxpayer may not seek to retroactively reapply payments previously made to the Department for the purpose of creating ~~eligible liabilities~~~~Eligible Liabilities~~ eligible for the Amnesty Program or increasing the amount of penalties and interest that will be abated as the result of the taxpayer's participation in the Amnesty Program.

- 2) Over-collections of Use Tax that are required to be remitted to the Department by reason of Section 2-40 of the Retailers' Occupation Tax Act ~~[35 ILCS 120/2-40]~~ are tax liabilities that may be ~~eligible liabilities~~~~Eligible Liabilities~~ rather than penalties that may be abated if the related ~~eligible liability~~~~Eligible Liability~~ is paid during the Amnesty Program ~~period~~~~Period~~.
- 3) The vendor's discount from tax allowed in Section 3 of the Retailers' Occupation Tax for the expenses of collecting and remitting is forfeited when the tax is not ~~properly and~~ timely paid. Any lost discount is a tax liability that may be an ~~eligible liability~~~~Eligible Liability~~ rather than a penalty that may be abated if the related ~~eligible liability~~~~Eligible Liability~~ is paid during the Amnesty Program ~~period~~~~Period~~.
- 4) A collection agency fee that is added to a taxpayer's tax liability under Section 2505-400(a) of the ~~Department of Revenue Law~~~~Civil Administrative Code~~ ~~[20 ILCS 2505/2505-400]~~ is not a penalty, but is a tax liability that may be an ~~eligible liability~~~~Eligible Liability~~. If an ~~eligible liability~~~~Eligible Liability~~ has been referred to a collection agency and the fee is owed to the collection agency, the fee related to the ~~eligible liability~~~~Eligible Liability~~ must be paid during the Amnesty Program ~~period~~~~Period~~ in order for the taxpayer to qualify for abatement of penalties and interest. No collection agency fee is due on amounts paid directly to the Department under the Amnesty Program. However, if a taxpayer makes any payment of any portion of an ~~eligible liability~~~~Eligible Liability~~ to a collection agency, the fee due the collection agency will be added to

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and included in the ~~eligible liability~~Eligible Liability that must be paid during the Amnesty Program ~~period~~Period for the taxpayer to qualify for amnesty.

- 5) The recording fees that must be paid by a taxpayer before a lien for unpaid taxes may be released under Section 1105(a) of the Illinois Income Tax Act [35 ILCS 5/~~4105~~] or under Section 5a, 5b or 5c of the Retailers' Occupation Tax Act [35 ILCS 120/~~5a, 5b or 5c~~] are not added to the tax liability of the taxpayer, and are neither tax liabilities nor penalties. A taxpayer's obligation to pay these fees is not abated by participation in the Amnesty Program, nor is failure to pay one of these fees grounds for denying the abatement of penalties and interest under the Amnesty Program.
  - 6) Responsible officer penalties imposed pursuant to UPIA Section 3-7 of the ~~Uniform Penalty and Interest Act~~ for failure to collect, account for and pay over trust taxes are penalties imposed on the responsible officer, even though the penalty includes unpaid tax, and therefore cannot be ~~eligible liabilities~~Eligible Liabilities of the responsible officer. However, a responsible officer's employer may participate in the Amnesty Program. If the underlying trust tax liability of the employer is paid under the Amnesty Program, the related penalties and interest, and therefore the responsible officer penalty, will be abated.
- i) Eligible Periods. Only taxes due for a ~~taxable period~~Taxable Period ending after June 30, ~~2011~~2002 and prior to July 1, ~~2018~~2009 are eligible for amnesty. The following examples are illustrative:
- 1) The usual ~~taxable period~~Taxable Period for Retailers' Occupation Tax purposes is the calendar month. A taxpayer reporting and paying Retailers' Occupation Tax on a monthly basis may participate in the Amnesty Program with respect to a liability based on taxable receipts received after June 30, ~~2011~~2002, and prior to July 1, ~~2018~~2009.
    - A) One exception to this general rule is the case of a taxpayer authorized to pay and who does pay Retailers' Occupation Tax liability on an annual or quarterly basis. The ~~taxable period~~Taxable Period for annual taxpayers of Retailers' Occupation Tax is the calendar year during which gross receipts from retail

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sales were received. Consequently, annual taxpayers of Retailers' Occupation Tax may participate in the Amnesty Program with respect to a liability based on receipts received on and before December 31, ~~2017~~~~2008~~, but not with respect to a liability based on receipts received on and after January 1, ~~2018~~~~2009~~. Liabilities for receipts received by an annual taxpayer at any time during the ~~2012~~~~2002~~ taxable year are eligible for amnesty. The ~~taxable period~~~~Taxable Period~~ for quarterly taxpayers is the quarterly period in which gross receipts from retail sales were received.

- B) Another exception to this general rule is the case of a taxpayer required to file and pay occupation or use tax liabilities from the sale or use of an aircraft, watercraft, motor vehicle or trailer on a separate transaction reporting return. Each liability required to be reported on a separate transaction reporting return is a separate liability for purposes of the ITDAA, and the ~~taxable period~~~~Taxable Period~~ for that liability is the date of delivery.
- 2) The ~~taxable period~~~~Taxable Period~~ for Illinois Income Tax purposes is the taxable year. Taxpayers whose taxable year is the calendar year may participate in the Amnesty Program with respect to a liability based on income earned or received ~~after December 31, 2010 and~~ on and before December 31, ~~2017~~~~2008~~, but not with respect to a liability based on income earned or received on and after January 1, ~~2018~~~~2009~~. Taxpayers whose taxable year is a fiscal year may participate in the Amnesty Program for taxable years ending after June 30, ~~2011~~~~2002~~, and prior to July 1, ~~2018~~~~2009~~.
- j) Payment of All Taxes Due for a Taxable Period. ITDAA Section 10 provides that *failure to pay all taxes due to the State for a taxable period shall invalidate any amnesty granted under ~~the~~~~this~~ Act*. In order to participate in the Amnesty Program a taxpayer must pay the entire ~~eligible liability~~~~Eligible Liability~~ for a tax type and tax period, irrespective of whether that liability is known to the Department or the taxpayer, or whether the Department has assessed it.
- 1) The requirement that the ~~eligible liability~~~~Eligible Liability~~ be paid in full precludes a taxpayer from receiving abatement of penalties and interest by entering into an installment payment agreement with the Department under which the ~~eligible liability~~~~Eligible Liability~~ will not be paid until

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after the end of the Amnesty Program ~~period~~Period. A taxpayer who has been making installment payments under an agreement with the Department may participate in the Amnesty Program by paying during Amnesty Program ~~period~~Period any ~~eligible liability~~Eligible Liability that remains unpaid, ~~but will not be subject to 200% Sanction if the Eligible Liability is not paid in full during the Amnesty Program Period unless the taxpayer fails to pay the liability in full compliance with the installment payment agreement.~~

- 2) A taxpayer may participate in the Amnesty Program with respect to an ~~established liability~~Established Liability only by paying during the Amnesty Program ~~period~~Period the full amount of the ~~established liability~~Established Liability that is actually due. If a taxpayer pays only a portion of an ~~established liability~~Established Liability during the Amnesty Program ~~period~~Period, and it is subsequently determined that the taxpayer has not paid the full amount of the ~~eligible liability~~Eligible Liability, abatement of penalties and interest for that tax period will be revoked ~~and the 200% Sanction will apply to the entire Eligible Liability.~~
- 3) Except in the case of an ~~established liability~~Established Liability, the taxpayer should make a good faith estimate of the ~~eligible liability~~Eligible Liability, report that amount on an original or amended return as required under subsection (b)(2)(B), and pay the reported amount in full. A taxpayer that fails to pay the reported amount of ~~eligible liability~~Eligible Liability in full during the Amnesty Program ~~period~~Period does not qualify for amnesty.
  - A) If the taxpayer later determines that its Amnesty Program payment was less than the total ~~eligible liability~~Eligible Liability, and voluntarily reports and pays the additional amount due, ~~penalties and interest~~the 200% Sanction will be assessed only with respect to the additional amount of tax due.
  - B) If the Department later determines that a payment made during the Amnesty Program ~~period~~Period is insufficient to completely satisfy the ~~eligible liability~~Eligible Liability, and the applicable statute of limitations has not yet expired, the Department will assess the additional liability and issue a demand for payment to the taxpayer for the remaining taxes due, following the procedures

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applicable to that liability. If the taxpayer does not contest the assessment and pays the additional tax due no later than the due date shown on the demand for payment, the Department will assess ~~penalties and interest~~~~the 200% Sanction~~ only with respect to the portion of the ~~eligible liability~~~~Eligible Liability~~ that was not paid during the Amnesty Program ~~period~~~~Period~~. A taxpayer who unsuccessfully contests any portion of the additional liability (whether by protesting the notice of deficiency or notice of tax liability by filing an action under the Protest Act, by paying the liability and filing a claim for refund, or by any other means) or who fails to pay any portion of the additional liability by the due date on the demand for payment will be liable for ~~penalties and interest~~~~200% Sanction~~ as if no payment had been made during the Amnesty Program ~~period~~~~Period~~. For purposes of this subsection ~~(j)(3)(b)~~, requesting review by the Informal Conference Board is not contesting an additional liability. Also, a taxpayer may contest the imposition or the amount of interest or penalty due with respect to a tax liability, ~~without becoming subject to the 200% Sanction for contesting the tax liability~~. However, failure to pay any assessed amount of interest or penalty within 30 days after receiving a notice and demand for payment of that amount will subject the taxpayer to ~~penalties and interest~~~~the 200% Sanction~~ as if no payment had been made during the Amnesty Program ~~period~~~~Period~~.

- C) Subsections (j)(3)(A) and (B) do not apply to an underpayment of an ~~established liability~~~~Established Liability~~, which must be paid in full, except in the case where the underpayment is caused solely by the disallowance of some or all of an offset requested by the taxpayer in good faith under subsection (c)(4).
- D) If the payment made during the Amnesty Program ~~period~~~~Period~~ is less than the ~~eligible liability~~~~Eligible Liability~~ because the taxpayer failed to report and pay a liability resulting from a ~~federal change~~~~Federal Change~~ that was not final as of the end of the Amnesty Program ~~period~~~~Period~~, ~~and the 200% Sanction does not apply~~. ~~However~~, if the taxpayer fails to timely report and pay the liability as required under IITA Section 506(b), or to pay any related interest and penalties no later than 30 days after receiving a

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notice and demand from the Department for payment of those amounts, the abatement of penalties and interest originally allowed under the Amnesty Program for that income tax liability will be forfeited and the abated amounts will be deemed assessed and payable.

4) The following examples are illustrative:

- A) ~~EXAMPLE 1: In October 2010, a taxpayer files an amended Retailers' Occupation Tax return for May of 2008, reporting an additional tax of \$5,000 and paying that amount. After November 8, 2010, the taxpayer discovers an additional \$1,000 in Retailers' Occupation Tax liability for May, 2008 that was omitted from its Amnesty Program payment. The taxpayer can avoid the 200% Sanction on the \$5,000 in tax liability already paid by voluntarily filing an amended return, and paying the additional \$1,000 with the amended return, and paying the 200% Sanction on the \$1,000 no later than 30 days after the Department has issued a notice and demand for payment of the penalty and interest.~~
- B) ~~EXAMPLE 2: In November 2010, the Department is conducting an audit of the taxpayer's calendar year 2002 Illinois income tax return. The taxpayer is considering whether to participate in the Amnesty Program and asks the auditor to complete the audit prior to the November 8, 2010 amnesty deadline. The auditor advises the taxpayer that the audit cannot be completed prior to November 8, 2010. The taxpayer makes a good faith estimate that \$3,000 in Income Tax liability will be owed at the end of the audit. The taxpayer pays the \$3,000 with an amended return during the Amnesty Program Period. After November 8, 2010, the auditor determines that an additional \$500 in Income Tax liability attributable to tax year 2002 is due. The Department sends a notice of deficiency to the taxpayer for the additional \$500 in income tax, plus the 200% Sanction. The taxpayer can avoid paying the 200% Sanction on the \$3,000 amount of Income Tax liability paid during the Amnesty Program Period attributable to tax year 2002 by allowing the deficiency to be assessed and by paying the additional \$500 tax, plus the 200% Sanction on the \$500, by the due date of the notice and demand issued by the~~

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Department after the assessment. The taxpayer may also protest the imposition or amount of any penalty or interest shown in the notice of deficiency, or contest the penalty and interest by paying the amounts and filing a claim for refund, without incurring the 200% Sanction on the \$3,000 paid during the Amnesty Program Period. If, however, the taxpayer files a protest of the \$500 deficiency or pays the \$500 deficiency and contests it under the Protest Act, and any portion of the deficiency is upheld, the 200% Sanction will apply to the \$3,000 paid during the Amnesty Program as well as to the amount of deficiency upheld.

- C) ~~EXAMPLE 3: In May 2010, a taxpayer was issued a notice of assessment in the amount of \$10,000 plus penalty and interest for Retailers' Occupation Tax incurred in January 2008. The taxpayer conceded only one half of the Established Liability, but has never requested an administrative hearing on the disputed portion and the assessment has, therefore, become final. The taxpayer requests amnesty on the \$5,000 agreed portion of the assessment and attempts to participate in the Amnesty Program by making a \$5,000 payment on November 8, 2010. Because the \$10,000 Established Liability was not paid in full, the taxpayer will be subject to the 200% Sanction on the entire Retailers' Occupation Tax liability attributable to January 2008.~~
- D) ~~EXAMPLE 4: Company A operates a retail mail order and internet business that makes sales to Illinois residents. Company A does not collect or remit Illinois Use Tax on such sales. Company A's failure to participate in the Amnesty Program would subject it to the 200% sanction on uncollected Illinois Use Tax if it is subsequently determined that Company A was obligated to collect and pay over Illinois Use Tax on its sales to Illinois residents.~~
- E) ~~EXAMPLE 5: A retailer does not participate in the Amnesty Program. The Department audits the retailer for all tax periods in 2007. In completing the audit, the Department has determined that the retailer was overpaid Retailers' Occupation Tax for some tax periods within the audit period while others were underpaid. The Department will assess the 200% Sanction on the underpaid tax periods even if the taxpayer has a net overpayment for the periods~~

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~~under audit. Each tax type for each tax period qualifies for amnesty separately, and failure to participate for any Eligible Liability for any tax type or period incurs the 200% Sanction. The retailer was allowed to participate in the Amnesty Program only on a month-by-month basis, and could have avoided paying any interest or penalties on the deficient months only by making timely amnesty payments for each deficient month.~~

~~F)~~ **EXAMPLE 16:** During the Amnesty Program ~~period~~Period, Taxpayer files an amended Illinois income tax return reporting an ~~estimated federal change liability~~Estimated Federal Change Liability of \$10,000 it believes it will owe once an IRS audit of its ~~2017~~2007 federal income tax return is completed. When the IRS audit is completed in ~~2021~~2011, the changes determined by the IRS increase Taxpayer's Illinois income tax liability by an additional \$1,000. If Taxpayer timely reports the \$1,000 under IITA Section 506(b) and pays the tax and any related interest and penalties resulting from the federal change no later than 30 days after the Department has issued a notice and demand for payment, any interest and penalties abated as a result of the Taxpayer's participation in the Amnesty Program will remain abated. If, however, Taxpayer fails to timely report and pay the \$1,000 or fails to pay any related interest or penalties within 30 days after the Department issues a notice and demand for payment, any Amnesty Program abatement interest and penalties related to Taxpayer's ~~2017~~2007 income tax liability will be forfeited, and those amounts will be deemed assessed and immediately collectible by the Department. ~~In this example, all penalties and interest are related to federal changes, so the 200% Sanction will not apply to the penalties and interest related to the \$1,000 additional liability or to the penalties and interest abated with respect to the amnesty payment, if the abatement is subsequently forfeited.~~ If Taxpayer believes the interest or penalties in the notice and demand are incorrect for any reason, it may pay those amounts within 30 days after the issuance of the notice and demand and file a refund claim in order to contest those amounts without forfeiting the original abatement of interest or penalties.

~~G)~~ **EXAMPLE 7:** ~~If, in addition to the \$10,000 Estimated Federal Change Liability paid during the Amnesty Program Period in Example 6, Taxpayer also reports and pays a \$500 liability that is not related to a federal change, and fails to pay the \$1,000~~

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~~additional liability determined in 2011 or any related interest and penalties within 30 days after the Department issues a notice and demand for payment, the 200% Sanction will apply to any interest or penalty related to that \$500 liability. Also, if the additional liability determined in 2011 includes any amount that is not related to a federal change, the 200% Sanction will apply to that amount. However, the 200% Sanction will not apply to the \$10,000 Estimated Federal Change Liability paid during the Amnesty Program Period or to any federal change liability determined after the Amnesty Program Period.~~

~~H)EXAMPLE 28: An individual files his original income tax return for 20172008 during the Amnesty Program periodPeriod, and pays the full amount of tax reported on the return. The Department determines that the individual erroneously transcribed the amount of Illinois income tax withholding reported on his Form W-2, and issues a notice and demand for payment of the resulting underpayment, plus interest and penalty for late payment computed on the underpayment. If the individual pays the entire amount shown on the notice and demand by the due date for payment shown in the notice and demand, no penalty or interest will be imposed on the amount paid with the return. If the individual fails to pay the entire amount shown due in the notice and demand by the due date, the 200% Sanction will apply to both the amount paid with the return and to the underpayment.~~

- k) Overpayments of Eligible Liabilities. *Participation in the Amnesty Program shall not preclude a taxpayer from claiming a refund for an overpayment of an ~~established liabilityEstablished Liability~~ based on an issue that is not an ~~amnesty issueAmnesty Issue~~, an overpayment of an ~~eligible liabilityEligible Liability~~ that is not an ~~established liabilityEstablished Liability~~, or an overpayment of an ~~estimated federal change liabilityEstimated Federal Change Liability~~.* (ITDAA Section 10)
- 1) Amnesty Issues. An issue is an ~~amnesty issueAmnesty Issue~~ unless it is *unrelated to the issues for which the taxpayer claimed amnesty.* (ITDAA Section 10) An ~~amnesty issueAmnesty Issue~~ is therefore every issue of law that must be resolved in determining the amount of an ~~eligible liabilityEligible Liability~~ paid during the Amnesty Program and all facts

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relevant to those issues, as in existence as of the time the amnesty payment is made.

- A) The amount and nature of any item of income, gross receipt or other positive item included in the tax base in computing the amount paid by the taxpayer under the Amnesty Program is an [amnesty issue](#)~~Amnesty Issue~~, except to the extent that item is properly reduced after taking into account only facts not in existence as of the time the amnesty payment is made.
- B) The taxpayer's entitlement to any deduction, exclusion, credit or other item reducing the amount of tax paid by the taxpayer under the Amnesty Program, and the amount of that item, is an [amnesty issue](#)~~Amnesty Issue~~, except to the extent that item is properly allowable or altered after taking into account only facts not in existence as of the time the amnesty payment is made.
- C) An overpayment of tax does not result from an [amnesty issue](#)~~Amnesty Issue~~ to the extent the overpayment results from the taxpayer's payment during the Amnesty Program [period](#)~~Period~~ of the amount of a liability shown in a statement issued by the Department that failed to take into account either a payment made by the taxpayer prior to the issuance of the statement or an amount collected by the Department by garnishment, levy, offset or other collection action.
- D) An overpayment of tax does not result from an [amnesty issue](#)~~Amnesty Issue~~ to the extent the overpayment results from a clerical or transcription error made by the taxpayer on a return or amended return filed as part of the Amnesty Program or in completing the check or other method of payment of an [eligible liability](#)~~Eligible Liability~~ during the Amnesty Program [period](#)~~Period~~.
- E) In order to qualify for a refund or credit of an overpayment, a taxpayer must provide clear and convincing evidence that the overpayment did not result from an [amnesty issue](#)~~Amnesty Issue~~.

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- F) Examples. The principles for determining whether an item is an ~~amnesty issue~~Amnesty Issue may be illustrated as follows:

i)EXAMPLE 1: On its Illinois income tax return for calendar ~~20172008~~, Taxpayer claimed \$2,000 in enterprise zone investment credits under IITA Section 203(f) that were earned in ~~20162007~~ and carried forward to ~~20172008~~ because Taxpayer had credits in excess of its liability for ~~20162007~~. Taxpayer determines that, because of an error in computing its ~~20172008~~ sales factor, it has underpaid its ~~20172008~~ Illinois income tax liability by \$1,000, and it pays that amount under the Amnesty Program. Taxpayer subsequently determines that it had failed to claim a subtraction for interest on federal obligations for ~~20162007~~. Taking the subtraction reduces its pre-credit liability by \$400 and increases its allowable enterprise zone investment credit carryover to ~~20172008~~ by \$400. No refund for ~~20172008~~ is allowed, because the reduction in base income for ~~20162007~~ is based on facts that were in existence as of the time the amnesty payment is made.

ii)EXAMPLE 2: If, in Example 1, Taxpayer is an individual whose ~~20162007~~ base income is reduced by a carryback to ~~20162007~~ of a federal net operating loss incurred in calendar ~~20182010~~, the refund from carrying forward the additional credit results from the fact of the ~~20182010~~ loss, which was not in existence as of the time the amnesty payment is made, and the ~~20172008~~ refund is allowable.

iii)EXAMPLE 3: If Taxpayer in Example 1 receives a Schedule K-1-P from a partnership in ~~20202011~~, reporting that Taxpayer was entitled to a credit for ~~20172008~~ or for ~~20162007~~ and the credit may be carried forward to ~~20172008~~, and the credit had not previously been reported to Taxpayer, Taxpayer may claim a refund based on that credit.

iv)EXAMPLE 4: On its Retailers' Occupation Tax return for January ~~20182009~~, Taxpayer reports \$1,000,000 in taxable gross receipts. During the Amnesty Program ~~period~~Period, Taxpayer pays an ~~established liability~~Established Liability equal to the tax on an additional \$50,000 in taxable receipts that had been included

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in an amended return filed after the conclusion of an audit. Taxpayer subsequently discovers that its records contain a resale certificate for a sale of \$20,000 in January ~~20182009~~, which it had erroneously reported as taxable. No refund is allowed in this instance, whether the \$20,000 in receipts were included in the original return or only in the amended return, because the facts in existence as of the time the amnesty payment is made indicated that the receipts were not taxable.

v)EXAMPLE 5: If, subsequent to the end of the Amnesty Program ~~period~~~~Period~~, one of the customers of the Taxpayer in Example 3 presents a resale certificate for a purchase made during January ~~20182009~~ for which Taxpayer had collected Use Tax because no resale certificate had been provided at that time, Taxpayer may refund the Use Tax to the customer and claim a refund for its Retailers' Occupation Tax. The reduction in Taxpayer's liability results from a fact that was not in existence as of the time the amnesty payment is made.

vi)EXAMPLE 6: On September 15, ~~20192010~~, the Department issues a statement to Taxpayer indicating that it has an outstanding tax liability of \$2,000. On September 20, ~~20192010~~, the Department collects \$300 of the liability by offsetting against it an overpayment of a different tax. If Taxpayer pays the entire \$2,000 shown in the statement during the Amnesty Program ~~period~~~~Period~~, the resulting \$300 overpayment of the liability is not the result of an ~~amnesty issue~~~~Amnesty Issue~~.

vii)EXAMPLE 7: During the Amnesty Program ~~period~~~~Period~~, Taxpayer files a return reporting an ~~eligible liability~~~~Eligible Liability~~. Due to an arithmetic error made in completing the return, Taxpayer reports an ~~eligible liability~~~~Eligible Liability~~ of \$2,530 rather than \$2,350. The \$180 overpayment resulting from this error is not the result of an ~~amnesty issue~~~~Amnesty Issue~~. Similarly, if the return reported a \$2,350 liability, but Taxpayer paid \$2,530 with the return, the \$180 overpayment is not the result of an ~~amnesty issue~~~~Amnesty Issue~~.

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- 2) Estimated Federal Change Liabilities. A taxpayer may file a claim for refund of the overpayment that results from the finalization of a ~~federal change~~Federal Change that was not final as of the end of the Amnesty Program ~~period~~Period, even if the taxpayer participated in the Amnesty Program based on an ~~estimated federal change liability~~Estimated Federal Change Liability and the facts related to the determination of its federal change were in existence before the end of the Amnesty Program ~~period~~Period.
- 3) If a taxpayer participates in the Amnesty Program with respect to an ~~eligible liability~~Eligible Liability that is under audit during the Amnesty Program ~~period~~Period, the refund or credit allowable for the taxable period may not exceed the amount determined by the audit, except to the extent the refund results from an issue that is not an ~~amnesty issue~~Amnesty Issue or from the finalization of a federal change after the Amnesty Program ~~period~~Period. For example:
- ~~A)~~A)EXAMPLE 1: Taxpayer's income tax return for the calendar year ~~2015~~2005 is under audit during the Amnesty Program ~~period~~Period, but no ~~established liability~~Established Liability has been created. Taxpayer participates in the Amnesty Program for ~~2015~~2005. After the audit is concluded, the Department determines that Taxpayer has overpaid its ~~2015~~2005 liability by \$300. Taxpayer may receive a refund of that \$300, but no additional refund is allowable unless the additional refund results from issue that is not an ~~amnesty issue~~Amnesty Issue or from the finalization of a federal change after the Amnesty ~~period~~Period.
- ~~B)~~B)EXAMPLE 2: If Taxpayer in Example 1 also participates in the Amnesty Program for ~~2016~~2006, a year that is not under audit during the Amnesty Program ~~period~~Period and for which there is no ~~established liability~~Established Liability, Taxpayer's participation in the Amnesty Program for ~~2015~~2005 does not limit Taxpayer's right to a refund for ~~2016~~2006.
- 4) No refunds are allowed for any tax liability and period with respect to which the taxpayer participated in amnesty other than as allowed under this subsection (k).

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- 5) No interest is payable by the Department on any refund or credit allowed for a tax and period for which the taxpayer participated in the Amnesty Program. (See UPIA Section 3-2(h).) However, interest will be allowed on any refund or credit based on a refund claim that was outstanding as of the beginning of the Amnesty Program ~~period~~Period, as described in subsection (c)(5).
- 1) Statutes of Limitation and Other Filing Periods. Participation in the Amnesty Program does not toll or extend any applicable statute of limitations or other time period for the filing of refund claims, protests with the Department, or actions in circuit court under the Protest Act. The Taxpayers' Bill of Rights does not toll or extend any applicable statute of limitations. A statute of limitations or other time period that expires during or after the Amnesty Program ~~period~~Period cannot be revived, even if the taxpayer has failed to satisfy all the requirements of the Amnesty Program. The Department's procedures for obtaining waivers of statutes of limitations for taxpayers under audit shall continue to apply.
- 1) The following examples are illustrative:
- A) Corporation A reported federal taxable income of \$1,000,000 on its calendar ~~2016-2006~~ federal and Illinois income tax returns. During November ~~2019-2010~~, Corporation A is undergoing a federal income tax audit of its ~~2016-2006~~ federal income tax return, which it expects will result in an increase in its federal taxable income to as much as \$1,500,000. In order to participate in the Amnesty Program, Corporation A files an amended Illinois income tax return on November ~~15, 2019, 2010~~ that reports federal taxable income of \$1,500,000, and pays the ~~estimated federal change liability~~Estimated Federal Change Liability resulting from the increase in its federal taxable income.
- B) If, as a result of the federal audit, its federal taxable income is determined to be \$1,300,000, Corporation A will be allowed to file a refund claim under subsection (k) for the amount it paid under the Amnesty Program in excess of the tax liability computed using \$1,300,000 in federal taxable income. However, because participation in the Amnesty Program does not toll or extend the statute of limitations for filing the refund claim, the claim must be denied unless it was filed within one year after the date of the

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Amnesty Program payment under IITA Section 911(a)(2) or the Corporation A and the Department have entered into an agreement under IITA Section 911(c) extending the period for filing a refund claim. Although the statute of limitations for filing a refund claim is reopened under IITA Section 911(b) as a result of the conclusion of the federal audit, IITA Section 911(b)(1) provides that the claim is limited to the overpayment that results from the federal change. In this case, the federal change is an increase in federal taxable income of \$300,000, and the overpayment attributable to that increase is zero. The difference between the \$1,500,000 in federal taxable income reported on the amended return filed in the Amnesty Program and the \$1,300,000 finally determined is not a federal change that reopens the limitations period for filing a refund claim because, for federal income tax purposes, the \$1,500,000 was never reported or finally determined to be Corporation A's federal taxable income.

- C) If, as a result of the federal audit, its federal taxable income is determined to be \$900,000, Corporation A will be entitled to file a refund claim for the overpayment that results from the \$100,000 reduction in its federal taxable income from the \$1,000,000 amount reported on its original federal income tax return, provided that its claim is filed within the period set by IITA Section 911(b). The difference between the \$1,500,000 in federal taxable income reported on the amended return filed in the Amnesty Program and the \$1,000,000 reported on its original federal income tax return is not a federal change that reopens the limitations period for filing a refund claim, and the overpayment resulting from that \$500,000 difference must be claimed within one year after the payment date unless Corporation A and the Department have entered into an agreement extending the limitations period.
- 2) A taxpayer who reports and pays an estimated federal change liability~~Estimated Federal Change Liability~~ under the IITA may claim a refund of any excess of the estimated federal change liability~~Estimated Federal Change Liability~~ over the liability resulting from the final federal change by writing in the explanation section of its amended return it files under the ITDAAmnesty Act, "This amended return reports an estimated federal change liability~~Estimated Federal Change Liability~~ for purposes of

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

~~amnesty~~Amnesty, and is a claim for refund of any excess of the ~~estimated federal change liability~~Estimated Federal Change Liability over the liability resulting from the final federal change." When the federal change becomes final under IITA Section 506(a), the taxpayer should then file another amended return, reporting the difference between the final federal change and the ~~estimated federal change liability~~Estimated Federal Change Liability, and paying any increased liability reported or requesting a refund of any decreased liability.

- 3) A taxpayer who reports and pays an ~~estimated federal change liability~~Estimated Federal Change Liability under the IITA and fails to follow the procedures in subsection (1)(2) should file a claim for refund no later than one year after making the amnesty payment in order to protect its rights to any refund resulting from the finalized federal change. If the federal change has not become final by the time the claim is filed, the taxpayer should include in the explanation section language stating, "This amended return modifies an amended return filed during the Amnesty Program ~~period~~Period to report an ~~estimated federal change liability~~Estimated Federal Change Liability, and is a claim for refund of any excess of the ~~estimated federal change liability~~Estimated Federal Change Liability over the liability resulting from the federal change, which has not yet become final."

m) Reasonable Cause.

- 1) Nothing in the ITDAA or this Section is intended to change the meaning of "reasonable cause" as that term is used in ~~UPIA Section 3-8~~the Uniform Penalty and Interest Act [35 ILCS 735/3-8]. Taxpayers needing clarification of "reasonable cause" should consult 86 Ill. Adm. Code 700.400.
- 2) A taxpayer who would be entitled to abatement of a penalty due to "reasonable cause" for its delinquency remains entitled to abatement of that penalty even if it failed to participate in the Amnesty Program with respect to any unpaid liability associated with that penalty.
- 3) A taxpayer who has "reasonable cause" for its failure to participate in the Amnesty Program with respect to an ~~eligible liability~~Eligible Liability will remain subject to any penalties otherwise applicable to that liability, ~~but~~

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

~~not to the doubled rates for the penalties that would otherwise apply.~~

"Reasonable cause" abatement under UPIA Section 3-8 ~~of the Uniform Penalty and Interest Act~~ does not apply to interest, so any underpayment interest on the ~~eligible liability~~Eligible Liability will accrue ~~at doubled rates~~ even if the taxpayer had reasonable cause for failing to participate in the amnesty. The inability of a taxpayer in bankruptcy to obtain permission from the federal courts to participate in the Amnesty Program shall constitute reasonable cause for not participating. Failure of the Department to notify a taxpayer of its eligibility to participate in the Amnesty ~~Program~~program or of the correct amount of its ~~eligible liability~~Eligible Liability does not constitute reasonable cause for the taxpayer's failure to participate in the Amnesty Program.

(Source: Amended at 44 Ill. Reg. 13714, effective August 6, 2020)

## OFFICE OF THE SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Statements of Economic Interests
- 2) Code Citation: 2 Ill. Adm. Code 565
- 3) Section Number: 565.40                      Adopted Action:  
Amendment
- 4) Statutory Authority: Implementing and authorized by Section 4A-105 of the Illinois Governmental Ethics Act [5 ILCS 420/4A-105].
- 5) Effective Date of Rule: August 4, 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 the *Illinois Register*: 44 Ill. Reg. 5708; April 3, 2020
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Additional statements were added to address the likelihood of Executive Orders and Gubernatorial Proclamations, which serve as the reason for the rulemaking, being extended.
- 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? Yes
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Pursuant to this rulemaking, the provisions of Article 4A of the Illinois Governmental Ethics Act [5 ILCS 420/4A], and Section IV of Executive Order 2015-09, providing for the filing of statements of economic interests, are suspended during the duration of the Gubernatorial Disaster Proclamation and for 30 days following its termination.

OFFICE OF THE SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

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

Secretary of State  
Pamela Wright  
298 Howlett Building  
Springfield IL 62756

217/785-3094  
pwright@ilsos.gov

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

## OFFICE OF THE SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

TITLE 2: GOVERNMENTAL ORGANIZATION  
SUBTITLE C: CONSTITUTIONAL OFFICERS  
CHAPTER III: SECRETARY OF STATEPART 565  
STATEMENTS OF ECONOMIC INTERESTS

Section	
565.20	Purpose
565.30	Definitions
565.35	Disclosure of Interest in State Contracts by Appointees
565.40	Requests For Extensions
565.50	Reasons For Which Extensions Will Be Granted
565.60	Reasons For Which Extensions Will Not Be Granted
565.70	Failure to File Upon Receipt of Extension

## 565.APPENDIX A Disclosure of Appointee Interest in State Contracts

AUTHORITY: Implementing and authorized by Section 4A-105 of the Illinois Governmental Ethics Act [5 ILCS 420/4A-105].

SOURCE: Adopted at 20 Ill. Reg. 12485, effective September 1, 1996; amended at 29 Ill. Reg. 8908, effective June 10, 2005; emergency amendment at 44 Ill. Reg. 5782, effective March 20, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 13744, effective August 4, 2020.

**Section 565.40 Requests For Extensions**

- a) All requests for extensions shall be submitted in writing to the Secretary of State Index Department at 111 E. Monroe Street, Springfield, Illinois 62756. Requests shall include any documentation in support of the filer's reason, including, but not limited to, a physician's note or a receipt of mailing.
- b) Pursuant to Gubernatorial Disaster Declaration No. 2020-038 issued on March 9, 2020 and any subsequent COVID-19 disaster proclamations, and Executive Order No. 2020-08 issued March 17, 2020 and any subsequent extension of that Executive Order, the provisions of Article 4A of the Illinois Governmental Ethics Act [5 ILCS 420/4A] and Section IV of Executive Order 2015-09, providing for the filing of statements of economic interests, are suspended during the duration of the Gubernatorial Disaster Proclamation and for 30 days following its

OFFICE OF THE SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

[termination.](#)

(Source: Amended at 44 Ill. Reg. 13744, effective August 4, 2020)

## OFFICE OF THE SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Uniform Commercial Code
- 2) Code Citation: 14 Ill. Adm. Code 180
- 3) Section Number: 180.13                      Adopted Action:  
Amendment
- 4) Statutory Authority: Implementing and authorized by Article 9 of the Uniform Commercial Code [810 ILCS 5].
- 5) Effective Date of Rule: August 4, 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 the *Illinois Register*: 44 Ill. Reg. 5720; April 3, 2020
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Punctuation and grammatical changes were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? Yes
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Section authorizes the Secretary of State to extend, for the duration of the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-038 issued on March 9, 2020, as extended, and for a period of 90 days thereafter, filing deadlines for materials required to be filed with the Secretary of State.

OFFICE OF THE SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

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

Secretary of State  
Pamela Wright  
298 Howlett Building  
Springfield IL 62756

217/785-3094  
pwright@ilsos.gov

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

## OFFICE OF THE SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

TITLE 14: COMMERCE  
SUBTITLE A: REGULATION OF BUSINESS  
CHAPTER I: SECRETARY OF STATEPART 180  
UNIFORM COMMERCIAL CODE

## Section

180.10	Definitions
180.11	Tender of UCC Records for Filing/Search Request Delivery
180.12	Forms
180.13	Filing Fees/Methods of Payment/Overpayment and Underpayment Policies <a href="#">and Extension of Filing Deadlines</a>
180.14	Public Record Services
180.15	Acceptance and Refusal of Records
180.16	UCC Information Management System
180.17	Filing and Data Entry Procedures
180.18	Search Requests and Reports
180.19	XML Documents

AUTHORITY: Implementing and authorized by Article 9 of the Uniform Commercial Code [810 ILCS 5].

SOURCE: Adopted at 12 Ill. Reg. 17431, effective November 1, 1988; amended at 18 Ill. Reg. 2101, effective February 1, 1994; amended at 20 Ill. Reg. 7064, effective May 8, 1996; emergency amendment at 25 Ill. Reg. 9984, effective July 23, 2001, for a maximum of 150 days; emergency expired December 19, 2001; amended at 26 Ill. Reg. 7448, effective May 2, 2002; amended at 29 Ill. Reg. 19704, effective November 28, 2005; amended at 30 Ill. Reg. 12977, effective July 11, 2006; amended at 31 Ill. Reg. 8559, effective June 15, 2007; amended at 32 Ill. Reg. 12057, effective July 16, 2008; amended at 34 Ill. Reg. 1411, effective February 1, 2010; amended at 36 Ill. Reg. 3931, effective February 27, 2012; amended at 37 Ill. Reg. 15745, effective September 19, 2013; amended at 38 Ill. Reg. 15638, effective July 1, 2014; emergency amendment at 44 Ill. Reg. 5809, effective March 20, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 6624, effective April 9, 2020, for the remainder of the 150 days; amended at 44 Ill. Reg. 13748, effective August 4, 2020.

**Section 180.13 Filing Fees/Methods of Payment/Overpayment and Underpayment Policies [and Extension of Filing Deadlines](#)**

## OFFICE OF THE SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

- a) Filing Fees.
  - 1) The fee for filing and indexing a UCC record communicated in a paper-based format or electronically is \$20.
  - 2) A fee of \$20 shall be paid for an initial financing statement that indicates that it is filed in connection with a public-finance transaction and a fee of \$20 shall be paid for an initial financing statement that indicates that it is filed in connection with a manufactured-home transaction.
  - 3) UCC search fee. The fee for a UCC search request communicated on paper or in a paper-based format is \$10 per name searched.
  - 4) UCC search – copies. The fee for UCC search copies is \$1 per page.
- b) Methods of Payment. Filing fees and fees for public records services may be paid by the following methods:
  - 1) Cash. Payment in cash shall be accepted, if paid in person at the filing office.
  - 2) Checks. Personal checks, cashier's checks and money orders made payable to the filing office shall be accepted for payment if they are drawn on a bank acceptable to the filing office or if the drawer is acceptable to the filing office. Checks made payable to the filing office are acceptable to the filing office if drawn on a bank insured by the Federal Deposit Insurance Corporation (FDIC), the Federal Savings and Loan Insurance Corporation (FSLIC), or the National Credit Union Association (NCUA).
  - 3) Electronic funds transfer. The filing office may accept payment via electronic funds transfer under National Automated Clearing House Association (NACHA) rules from remitters who have entered into appropriate NACHA-approved arrangements for the EFT and who authorize the relevant transfer pursuant to the arrangements and rules. NACHA rules are available at NACHA, 13665 Dulles Technology Drive, Suite 300, Herndon VA 20171. The NACHA rules were effective as of January 1, 2001 and do not include any later amendments or editions.
  - 4) Credit cards. The UCC Division shall accept payment by credit cards

## OFFICE OF THE SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

issued by approved issuers. Remitters shall provide the filing officer with the card number, the expiration date of the card, the name of the card issuer, the name of the person or entity to whom the card was issued, the daytime telephone number of the remitter and the billing address for the card. Payment will not be deemed tendered until the issuer or its agent has confirmed payment. A current list of approved credit card issuers is available from the filing office.

- 5) Debit cards. The UCC Division shall accept payment by debit cards issued by approved issuers (e.g., Visa, MasterCard). Remitters shall provide the filing officer with the card number, the expiration date of the card, the name of the card issuer, the name of the person or entity to whom the card was issued, the daytime telephone number of the remitter and the billing address for the card. Payment will not be deemed tendered until the issuer or its agent has confirmed payment. A current list of approved debit card issuers is available from the filing office.

c) Overpayment and Underpayment Policies.

- 1) Overpayment. The filing officer shall refund an overpayment only upon the written request of the remitter. Requests for refund shall contain the debtor's name and address, the file number and date of filing the record for which overpayment was made. If the record for which a refund is requested is a UCC-3, the request must also include the file number of the original filing.
- 2) Underpayment. Upon receipt of a record with an insufficient fee, the filing officer shall return the record to the remitter as provided in Section 180.15. The tendered payment shall be included with the record.
- 3) Non-sufficient funds. Upon notification from Accounting/Revenue that non-sufficient funds or an unacceptable form of payment was received for a UCC filing, that filing will be reversed and removed from the Secretary of State information management system as though it were never received and was refused for acceptance under the provisions of 810 ILCS 5/9-516(b)(2).

d) [Filing of Uniform Commercial Code \(UCC\) Documents, Federal Tax Liens, and Other UCC-related Materials.](#)

## OFFICE OF THE SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

- 1) All UCC documents, federal tax liens, and other UCC-related materials required to be filed with the Secretary of State pursuant to Chapter 810 of the Illinois Compiled Statutes shall be filed with the Business Services Department, Howlett Building, Room 350, Springfield IL 62756.
- 2) Pursuant to the powers vested in him by Section 5(7) of the Secretary of State Act, the Secretary of State hereby extends for the duration of the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-038, issued on March 9, 2020, as extended by subsequent disaster proclamations, and for a period of 90 days thereafter, the filing deadlines for materials required to be filed with the Secretary of State pursuant to Chapter 810 of the Illinois Compiled Statutes and that were due to be filed on or after March 17, 2020. This extension period may be rescinded by the Secretary of State through the adoption of an emergency rule. Any fees for late filings of materials shall be waived for materials subject to this Section.

(Source: Amended at 44 Ill. Reg. 13748, effective August 4, 2020)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Acquisition, Management and Disposal of Real Property
- 2) Code Citation: 44 Ill. Adm. Code 5000
- 3) Section Number: 5000.210                      Emergency Action: Amendment
- 4) Statutory Authority: Implementing Section 7.1 of the State Property Control Act [30 ILCS 605/7.1], implementing and authorized by Sections 5-675, 405-215, 405-300, 405-305, 405-310 and 405-315 of the Civil Administrative Code of Illinois [20 ILCS 5/5-675 and 20 ILCS 405/405-215, 405-300, 405-305, 405-310, 405-315] and authorized by Section 6 of the State Property Control Act [30 ILCS 605/6] and the Illinois Procurement Code [30 ILCS 500].
- 5) Effective Date of Emergency Rule: August 10, 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: No
- 7) Date Filed with the Index Department: August 10, 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: CMS is filing an emergency amendment that, due to the COVID-19 Gubernatorial Disaster Proclamations, postpones the submission deadline for the Annual Plan. The Annual Plan is a report that is submitted by all agencies, boards and commissions under the purview of the Office of the Governor, detailing the utilization of leased and owned real property. The emergency amendment postpones the due date of the Annual Plan from July 30, 2020 to September 1, 2020.
- 10) A Complete Description of the Subjects and Issues Involved: The emergency amendment amends Section 5000.210 (b) to postpone the due date of the Annual Plan from July 30, 2020 to September 1, 2020.
- 11) Are there any other rulemakings to this Part pending? No
- 12) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

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

Sean Coombe  
Deputy General Counsel  
Illinois Department of Central Management Services  
720 Stratton Office Building  
Springfield IL 62706

217/557-3761  
sean.coombe@illinois.gov

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

TITLE 44: GOVERNMENT CONTRACTS, GRANTMAKING,  
PROCUREMENT AND PROPERTY MANAGEMENT  
SUBTITLE D: PROPERTY MANAGEMENT  
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICESPART 5000  
ACQUISITION, MANAGEMENT AND DISPOSAL OF REAL PROPERTY

## SUBPART A: GENERAL

Section	
5000.100	Authority
5000.110	Policy
5000.120	Applicability

## SUBPART B: LEASED SPACE ACQUISITION POLICY

Section	
5000.200	General Policy and Responsibility
5000.210	Requests for Space/Agency Responsibilities
<u>EMERGENCY</u>	
5000.220	Acquisition Authority
5000.230	General Acquisition Procedures
5000.231	Acquisition of Leases by RFI
5000.232	Leases Acquired by Other Methods
5000.233	Renewal or Extension of Lease in Effect Prior to July 1, 1998
5000.234	Renewal of Leases Entered into After July 1, 1998
5000.235	Purchase Options
5000.240	Lease Administration
5000.250	Emergency Lease Procurement

## SUBPART C: BUILDING STANDARDS

Section	
5000.300	Scope
5000.310	Area Measurement
5000.320	Space Planning Assistance
5000.330	Open Space
5000.340	Space Allowance and Standards

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

- 5000.350 Office Furnishing
- 5000.360 Handicapped Accessibility
- 5000.370 Vending Facilities/Blind Operators
- 5000.380 Improvements

## SUBPART D: ASSIGNMENT AND MANAGEMENT OF SPACE

## Section

- 5000.400 Assignment and Management by DCMS
- 5000.410 Assignment by Agencies
- 5000.420 Reviews and Appeal of Space Assignment Actions
- 5000.430 Services Provided
- 5000.440 Alterations
- 5000.450 Local Requirements

SUBPART E: UTILIZATION OF SPACE  
(STATE-OWNED AND LEASED PROPERTIES)

## Section

- 5000.500 Space Inspections and Surveys
- 5000.510 Responsibility of Agencies
- 5000.520 Release of Space Not Fully Utilized
- 5000.530 Notice to DCMS of Relinquishment or Termination of Space

## SUBPART F: EXCESS REAL PROPERTY

## Section

- 5000.600 Excess Real Property Defined
- 5000.610 Reports of Excess Real Property
- 5000.620 Utilization of Excess Real Property
- 5000.630 Charges for Use of Excess Property
- 5000.640 Temporary Occupancy
- 5000.650 Disputes
- 5000.660 Non-State Use

## SUBPART G: SURPLUS REAL PROPERTY

## Section

- 5000.700 Surplus Real Property Defined

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

5000.710	Declaration of Surplus
5000.720	Reporting Surplus Real Property
5000.730	Notice of Availability to State Agencies
5000.740	State Agency Requests for Surplus Real Property
5000.750	Transfer Decisions
5000.760	Transfer Procedures
5000.770	Transfer to Department of Central Management Services
5000.780	Subsequent Disposal
5000.790	Sale of Surplus
5000.800	Notice of Sale to Local Governments
5000.810	Local Government Offer to Purchase
5000.820	Public Sale
5000.830	Public Sale Procedures
5000.840	Non-State Interim Use

## SUBPART H: USE OF OFFICE BUILDING

Section	
5000.900	Applicability
5000.901	Building Access and Security
5000.902	Security
5000.910	Definitions
5000.920	Business Hours and Public Access
5000.930	Prohibited Activities
5000.940	Demonstrations
5000.950	Exhibits and Special Events
5000.960	Distribution of Leaflets
5000.970	Severability
5000.APPENDIX A	Space Standards
5000.APPENDIX B	Rental Fees

**AUTHORITY:** Implementing Section 7.1 of the State Property Control Act [30 ILCS 605], implementing and authorized by Sections 5-675, 405-215, 405-300, 405-305, 405-310 and 405-315 of the Civil Administrative Code of Illinois [20 ILCS 5 and 405] and authorized by Section 6 of the State Property Control Act [30 ILCS 605] and the Illinois Procurement Code [30 ILCS 500].

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

SOURCE: Adopted at 6 Ill. Reg. 12984, effective October 13, 1982; emergency amendment at 7 Ill. Reg. 3743, effective March 18, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 7825, effective June 22, 1983; emergency amendment at 8 Ill. Reg. 13444, effective July 17, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 19345; amended at 10 Ill. Reg. 636, effective December 31, 1985; amended at 17 Ill. Reg. 1006, effective January 19, 1993; emergency amendment at 17 Ill. Reg. 2361, effective February 5, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 10753, effective July 1, 1993; amended at 18 Ill. Reg. 1886, effective January 21, 1994; emergency amendment at 17 Ill. Reg. 15653, effective September 9, 1993, for a maximum of 150 days; amended at 19 Ill. Reg. 585, effective January 9, 1995; amended at 20 Ill. Reg. 15002, effective November 7, 1996; emergency amendment at 22 Ill. Reg. 12569, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20545, effective November 16, 1998; emergency amendment at 25 Ill. Reg. 15438, effective November 16, 2001, for a maximum of 150 days; emergency expired April 14, 2002; 26 Ill. Reg. 8083, effective May 17, 2002; amended at 27 Ill. Reg. 2105, effective January 27, 2003; emergency amendment at 29 Ill. Reg. 15686 effective November 17, 2004, for a maximum of 150 days; emergency expired April 15, 2005; amended at 30 Ill. Reg. 14094, effective August 10, 2006; amended at 31 Ill. Reg. 99, effective December 20, 2006; recodified Title of the Part at 39 Ill. Reg. 5903; emergency amendment at 44 Ill. Reg. 13754, effective August 10, 2020, for a maximum of 150 days.

## SUBPART B: LEASED SPACE ACQUISITION POLICY

**Section 5000.210 Requests for Space/Agency Responsibilities****EMERGENCY**

- a) Agencies shall indicate their space needs by submitting a Space Request form to the DCMS office responsible for the geographic area in which the space is required.
- b) Agencies shall give the Department of Central Management Services early notice of new or changing space requirements. An annual space plan will be presented to the Springfield Office of the Department of Central Management Services by ~~September 1~~ July 30 of each year detailing changes in space needs for the then current fiscal year. Each agency shall provide information as may be required by the Department of Central Management Services. Needs not shown in the annual plan are to be communicated to DCMS in advance of projected needs with six months being the preferred notice.
- c) Agencies shall economize in their requirements for space and alterations thereto.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

Agencies shall review continuously their needs for space taking into account the feasibility of centralizing or decentralizing service or activities which can be carried on without excessive cost or significant loss of efficiency.

- d) Each agency head shall certify the need for space required, the number of personnel to occupy the premises and the availability of funds on each Space Request submitted to DCMS.
- e) Agencies shall cooperate and assist the Department of Central Management Services in carrying out responsibilities with respect to buildings and space.
- f) Each agency shall designate a coordinator to deal with DCMS on real estate matters.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 13754, effective August 10, 2020, for a maximum of 150 days)

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF EMERGENCY AMENDMENTS TO EMERGENCY RULE

- 1) Heading of the Part: Local Coronavirus Urgent Remediation Emergency (or Local CURE) Support Program
- 2) Code Citation: 14 Ill. Adm. Code 700
- 3) 

<u>Section Numbers:</u>	<u>Emergency Actions:</u>
700.10	Amendment
700.20	Amendment
700.30	Amendment
700.40	Amendment
700.50	Amendment
700.60	Amendment
700.70	Amendment
700.80	Amendment
700.90	Amendment
700.100	Amendment
700.110	Amendment
700.120	New Section
- 4) Statutory Authority: Implementing Section 605-1045 and authorized by Sections 605-1045(a), 605-1045(c) of the Local Coronavirus Urgent Remediation Emergency (or Local CURE) Support Program [20 ILCS 605/605-1045].
- 5) Effective Date of Rules: August 10, 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: The Department has not specified an expiration date.
- 7) Date Filed with the Index Department: August 10, 2020
- 8) A statement that 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: The Department maintains a copy of the adopted rule including any reference materials in its principal office in Springfield, Illinois and is available for public inspection.
- 9) Reason for Emergency: To provide for the expeditious and timely implementation of the Local Coronavirus Urgent Remediation Emergency (or Local CURE) Support Program, the General Assembly amended the Illinois Administrative Procedure Act through P.A.

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF EMERGENCY AMENDMENTS TO EMERGENCY RULE

101-0636, Section 3-5, by adding new section 5 ILCS 100/5-45.1, which deems the adoption of emergency rules pursuant to 5 ILCS 100/5-45.1 and P.A. 101-0636, Section 3-10 (new 20 ILCS 605/605-1045) necessary in the public interest, safety and welfare. Specifically, the federal Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136, (CARES Act), which funds the Local Coronavirus Urgent Remediation Emergency (or Local CURE) Support Program, requires that all expenditures be necessary and related to the COVID-19 public health emergency and that the expenditures must be incurred by December 30, 2020.

- 10) A Complete Description of the Subjects and Issues Involved: The rules implement the Local Coronavirus Urgent Remediation Emergency (or Local CURE) Support Program authorized by PA 101-636, Section 3-10 (new 20 ILCS 605/605-1045). The rules provide the administrative framework required for the Department to administer this program which provides financial support to units of local government that have incurred necessary expenditures due to the COVID-19 public health emergency.
- 11) Are there any other rulemakings pending on this Part? Yes
- 12) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805].
- 13) Information and questions regarding this emergency rulemaking shall be directed in writing to:

Jolene Clarke  
Rules Administrator  
Department of Commerce and Economic Opportunity  
500 E. Monroe  
Springfield IL 62701

217/557-1820  
jolene.clarke@illinois.gov

The full text of the Emergency Amendments to Emergency Rule begins on the next page:

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF EMERGENCY AMENDMENTS TO EMERGENCY RULE

## TITLE 14: COMMERCE

## SUBTITLE C: ECONOMIC DEVELOPMENT

## CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## PART 700

LOCAL CORONAVIRUS URGENT REMEDIATION EMERGENCY  
(OR LOCAL CURE) SUPPORT PROGRAM

## Section

700.10 Purpose

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700.20 Definitions

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700.70 Third Party Administrator

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700.90 Certification Process for Allocations Based on Proportionate Population

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700.100 Process for Reimbursement Requests Under Section 700.80(c)

EMERGENCY

700.110 Monitoring and Records Retention

EMERGENCY700.120 Economic Support Payments Grants ProgramEMERGENCY

AUTHORITY: Implementing Section 605-1045 and authorized by Sections 605-1045(a), 605-1045(c) of the Local Coronavirus Urgent Remediation Emergency (or Local CURE) Support Program [20 ILCS 605].

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SOURCE: Adopted by emergency rulemaking at 44 Ill. Reg. 11824, effective July 2, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 13761, effective August 10, 2020, for the remainder of the 150 days.

**Section 700.10 Purpose****EMERGENCY**

The purpose of the Local Coronavirus Urgent Remediation Emergency (or Local CURE) Support Program is to *administer federal funds from the Coronavirus Relief Fund provided to the State pursuant to ~~section~~Section 5001 of the federal CARES Act to provide financial support to units of local government for purposes authorized by ~~section~~Section 5001 of the CARES Act and related federal guidance and any subsequent guidance issued by the U.S. Department of the Treasury. Upon receipt of ~~those~~such funds, and based on appropriations for their use, the Department shall administer a program to provide financial support to units of local government that have incurred necessary expenditures due to the COVID-19 public health emergency. [20 ILCS 605/605-1045(a)]:*

(Source: Added by emergency rulemaking at 44 Ill. Reg. 11824, effective July 2, 2020, for a maximum of 150 days; amended by emergency amendment to emergency rule at 44 Ill. Reg. 13761, effective August 10, 2020 for the remainder of the 150 days.)

**Section 700.20 Definitions****EMERGENCY**

The following definitions are applicable to the Local Coronavirus Urgent Remediation Emergency (or Local CURE) Support Program:

"Business" means a for-profit enterprise or non-profit organization lawfully conducting business in Illinois. This term does not include any business that is prohibited from receiving funds under section 5001(b) of the CARES Act.

"Business Interruption Grant Program" or "BIG Program" means the financial assistance program funding opportunities administered by the Department and implemented in 14 Ill. Adm. Code 690. (See 20 ILCS 605/605-1050.)

"Business participant" means the business that receives financial assistance under the economic support payments grant program.

"CARES Act" means the federal Coronavirus Aid, Relief, and Economic Security

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Act (P.L. 116-136).

"Certified Public Health Department" means a unit of local government ~~that,~~ ~~which~~ is a local public health department certified by the Illinois Department of Public Health.

"Cost of business interruption" means:

decreases in revenue caused by closing or limiting access to the business establishment to comply with COVID-19 prevention directives or to otherwise prevent the spread of COVID-19 within the business establishment;

decreases in revenue caused by decreased customer demand as a result of the COVID-19 emergency; or

other revenue reductions approved for reimbursement from the CRF by the U.S. Department of the Treasury.

*"COVID-19" means the novel coronavirus disease deemed COVID-19 by the World Health Organization on February 11, 2020 [20 ILCS 605/605-1045(d)(1)].*

"CRF" means the Coronavirus Relief Fund established by the CARES Act.

"Department" means the Department of Commerce and Economic Opportunity.

"Disproportionately ~~impacted area~~~~Impacted Area~~" means those ZIP Codes most severely affected by the COVID-19 Crisis, to be determined based on positive COVID-19 case per capita rates, and high rates in at least one of the following poverty-related categories relative to other ZIP Codes within their region:

share of population consisting of children age 6 to 17 in households with income less than 125% of the federal poverty level (FPL);

share of population consisting of adults over age 64 in households with income less than 200% ~~FPL of the federal poverty level~~;

share of population in household with income less than 150% ~~FPL~~federal poverty level; and

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share of population consisting of children ages 5 and under in households with income less than 185% FPL federal poverty level.

The Department, using the criteria listed in this definition above, may determine, in accordance with the Illinois Administrative Procedure Act (IAPA), different eligibility thresholds when allocating funding for the Allotment Tiers.

"Economic Support Payments Grants" means grants applied for and issued to units of local government under Sections 700.80(e) and 700.120 to provide financial support to businesses that have experienced interruption of business attributable to the COVID-19 public health emergency.

"GATA" means the Grant Accountability and Transparency Act [30 ILCS 708].

"GATA Rule" means 44 Ill. Adm. Code 7000.

"Incurred expenses" means services were performed for, or goods were received by, units of local government to respond directly to the COVID-19 public health emergency ~~with respect to COVID-19~~.

"LGDF formula" means the Local Government Distributive Fund formula Formula established by the Illinois Department of Revenue.

"Local CURE Program" means the Local Coronavirus Urgent Remediation Emergency (or Local CURE) Support Program.

*"Local government" or "unit of local government" means any unit of local government as defined in Article VII, Section 1 of the Illinois Constitution [20 ILCS 605/605-1045(d)(2)].*

"Local Health Protection Grant Program Formula" means the methodology formula established by the Illinois Department of Public Health (see 77 Ill. Adm. Code 615.210).

"Necessary expenditure" means an expenditure of funds that is eligible for reimbursement from CRF and necessary to:

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respond to the COVID-19 public health emergency, including, but not limited to, expenditures incurred to allow local governments to respond directly to the emergency, such as by addressing medical or public health needs of the local governments or local businesses; or

reimburse the cost of business interruption.

"Non-profit organization" means an organization that is registered as a non-profit corporation with the Illinois Secretary of State.

"Participating" means municipalities, counties, certified local public health departments or other local governments, as applicable, that received Local CURE Program allotments under Section 700.80(a), (b) or (c).

"Qualifying business" means a business or organization that experienced or is experiencing business interruption due to the COVID-19 public health emergency and for which provision of financial assistance under the Economic Support Payments Grants Program is eligible for reimbursement as prescribed by section 601(a) of the Social Security Act (42 USC) as added by section 5001 of the CARES Act, or other federal legislation addressing the COVID-19 emergency. A qualifying business includes self-employed individuals and independent contractors.

"Substantially dedicated use" means the payroll expenses for employees whose services were focused on mitigating or responding to the COVID-19 public health emergency. These classes of employees include public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to COVID-19. Payroll and benefit costs associated with public employees who could have been furloughed or otherwise laid off but who were instead repurposed to perform previously unbudgeted functions substantially dedicated to mitigating or responding to COVID-19 are also included.

"Substantially different use" means costs that include, but are not necessarily limited to, costs of personnel and services that were budgeted for in the most recently approved budget but which, due entirely to the COVID-19 public health emergency, have been diverted to substantially different functions. A public function does not become a "substantially different use" merely because it is provided from a different location or through a different manner.

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*"Third party administrator" means a service provider selected by the Department to provide operational assistance with the administration of the Local CURE Program [20 ILCS 605/605-1045(d)(3)].*

(Source: Added by emergency rulemaking at 44 Ill. Reg. 11824, effective July 2, 2020, for a maximum of 150 days; amended by emergency amendment to emergency rule at 44 Ill. Reg. 13761, effective August 10, 2020 for the remainder of the 150 days.)

**Section 700.30 GATA Requirements****EMERGENCY**

- a) The Department will be excepted from the following Grant Accountability and Transparency Act ~~[30 ILCS 708]~~ requirements for funds allotted to local governments under Section 700.80(a), (b) and (c):
  - 1) The Department will not be required to issue a notice of funding opportunity (NOFO);
  - 2) Applications will not be subject to a merit-based review process;
  - 3) In lieu of the Uniform Grant Agreement~~uniform grant agreement~~, the Department will utilize a certification form for the units of local government to complete in order to receive funding.
- b) The Department and units of local government must still comply with the following GATA requirements for funds allotted to local governments under Section 700.80(a), (b) and (c):
  - 1) Local CURE Program payments are considered "other financial assistance" under 2 CFR 200.40(a)(6).
  - 2) The Department shall create a Catalog of State Financial Assistance (CSFA) entry for the disbursement of ~~the~~ Local CURE Program funds and shall record on the GATA Grantee Portal~~portal~~ the payments made to units of local government.
  - 3) Local CURE Program payments made to ~~units of~~ local governments~~government~~ are considered to be federal financial assistance

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subject to the Single Audit Act (31 USC 7501 ~~through~~—7507) and the ~~following~~ related provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR 200):

- A) 2 CFR 200.303 regarding internal controls;
  - B) 2 CFR 200.330 through 200.332 regarding subrecipient monitoring and management;
  - C) subpart E regarding cost eligibility requirements; and
  - D) subpart F regarding audit requirements.
- 4) ~~Local governments~~Units of local government must have a current registration on SAM.gov to receive a reimbursement payment. ~~Local governments~~Units of local government do not need to register or be pre-qualified in the GATA Grantee Portal.
- 5) ~~Local governments shall~~Units of local government may not use funds received under the Local CURE Program to pay an entity that is listed on the federal or ~~State~~state debarred and suspended list.
- c) ~~All GATA requirements apply to the economic support payments grant program under Sections 700.80(e) and 700.120.~~

(Source: Added by emergency rulemaking at 44 Ill. Reg. 11824, effective July 2, 2020, for a maximum of 150 days; amended by emergency amendment to emergency rule at 44 Ill. Reg. 13761, effective August 10, 2020 for the remainder of the 150 days.)

**Section 700.40 ~~Local Government Allocation~~ Eligibility Requirements**  
**EMERGENCY**

- a) Local governments are eligible for Local CURE Program allocations under ~~Section 700.80(a), (b) and (c)~~this Part if they meet the following criteria:
- 1a) The ~~unit of~~local government is within the State of Illinois, except that units of local government, or portions thereof, located within the five Illinois counties that received direct allotments from the CARES Act fund will not be included in the Local CURE Program; and

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- 2b) The ~~unit of~~ local government incurred necessary expenses due to the COVID-19 public health emergency.
- b) Local governments are eligible for Local CURE Program Economic Support Payments Grants under Sections 700.80(e) and 700.120 if they meet the following criteria:
- 1) The local government is a municipality or county within the State of Illinois, except that local governments, or portions thereof, located within the five Illinois counties that received direct allotments from the CARES Act fund will not be eligible; and
  - 2) Local government applicants shall have an active GATA registration and shall be pre-qualified on the GATA Grantee Portal at the time of application submission.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 11824, effective July 2, 2020, for a maximum of 150 days; amended by emergency amendment to emergency rule at 44 Ill. Reg. 13761, effective August 10, 2020 for the remainder of the 150 days.)

**Section 700.50 Restrictions on the Use of Program Funds  
EMERGENCY**

- a) The Local CURE Program expenditures must follow the requirements of the CARES Act. Accordingly, payments to ~~units of local governments~~ ~~government~~ under the Local CURE ~~Program~~ ~~program~~ may only be used to cover costs that:
- 1) Are necessary expenditures incurred due to the public health emergency with respect to COVID-19;
  - 2) Were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the ~~unit of~~ local government; and
  - 3) Were incurred during the period that begins on March 1, 2020 and ends December 30, 2020.
- b) ~~The Department reserves the right to reduce the period of allowable costs to~~

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~~units of local government to meet the CARES Act spending deadline of December 30, 2020.~~ The deadline set forth in subsection (a)(3) will can be extended by the Department, in accordance with the IAPA, if the CARES Act is amended and authorizes a subsequent deadline or the U.S. Department of the Treasury guidance is amended at a later date.

- c) The uses of program funds set forth in subsection (a) will be modified by the Department, in accordance with the IAPA, if the CARES Act or the U.S. Department of the Treasury guidance is amended to authorize different categories of eligible uses that affect the administration of the Local CURE Program.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 11824, effective July 2, 2020, for a maximum of 150 days; amended by emergency amendment to emergency rule at 44 Ill. Reg. 13761, effective August 10, 2020 for the remainder of the 150 days.)

**Section 700.60 Eligible and Ineligible Costs for Incurred Expenses****EMERGENCY**

- a) Funding Allotments Under Section 700.80(a), (b) and (c)
- 1a) Eligible incurred expenses for funding allotments received under Section 700.80(a), (b) and (c) include the following five categories of costs and meet ~~the criteria established in Section 700.50, which establishes the~~ restrictions on use of Local CURE Program funds (see Section 700.50):
- A1) Medical expenses, including, but not limited to, expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, costs of providing COVID-19 testing, and emergency medical response expenses;
- B2) Public health expenses, including, but not limited to, expenses for communication and enforcement by local governments of public health orders related to COVID-19;
- C3) Payroll expenses for public safety, public health, health care, human services, and similar employees whose services were substantially dedicated to mitigating or responding to COVID-19;
- D4) Expenses for actions taken to facilitate compliance with COVID-

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19 related public health measures, including purchases by local governments to implement public health recommendations at local businesses; and

- E5) Any other COVID-19 related expenses reasonably necessary to the function of government that satisfy the Local CURE Program eligibility criteria (see Section 700.40). Local governments must document how expenses are related to COVID-19.
  
- 2b) Ineligible costs for incurred expenses by local governments for funding allotments received under Section 700.80(a), (b) and (c) include the following ~~and do not meet the criteria established in Section 700.50~~:
  - A1) Governmental revenue shortfall replacement;
  - B2) Damages covered by insurance;
  - C3) Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency;
  - D4) Expenses associated with the provision of economic support in connection with COVID-19; and
  - E5) Reimbursement to donors for donated items or services;
  - F6) Workforce bonuses other than hazard pay or overtime;
  - G7) Severance pay;
  - H8) Legal settlements;
  - I9) Indirect costs or administrative costs; and
  - J10) Incurred expenses that have been or will be reimbursed through another State or federal funding opportunity.
  
- b) Economic Support Payments Grants under Sections 700.80(e) and 700.120

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- 1) The following business types are excluded from receiving funding from Economic Support Payments Grants:
  - A) a private club or business that limits membership for reasons other than capacity;
  - B) a government-owned business entity (except for businesses owned or controlled by a Native American tribe);
  - C) a business that derives at least 33% of its gross annual revenue from legal gambling activities, unless, subject to the Department's approval, the business is a restaurant with gaming terminals;
  - D) a business engaged in pyramid sales, in which a participant's primary incentive is based on the sales made by an ever-increasing number of participants; or
  - E) payday lenders.
- 2) A business shall be ineligible to receive funding through an economic support payments grant if it:
  - A) is delinquent on payment of any State of Illinois tax obligation;
  - B) is engaged in a business that is unlawful under Illinois or federal law;
  - C) has already received assistance, or notice of award of assistance, under the BIG Program;
  - D) is on the federal System for Award Management excluded parties list; or
  - E) does not meet any other eligibility criteria established in a financial assistance application.
- 3) Eligible incurred expenses for the Economic Support Payments Grants must meet the restrictions on the use of Local CURE Program funds (see Section 700.50) and reimburse the cost of business interruption.

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- 4) Ineligible expenditures under the Economic Support Payments Grants include:
- A) expenses that have been or will be reimbursed under any State, local, or federal program, such as expenses or losses that were reimbursed by a loan forgiven under the CARES Act's Payroll Protection Program;
  - B) damages covered by insurance;
  - C) expenditures prohibited by section 5001(b) of the CARES Act;
  - D) reimbursement to donors for donated items or services;
  - E) workforce bonuses other than hazard pay or overtime;
  - F) severance pay;
  - G) legal settlements;
  - H) indirect costs or administrative costs of the local government; and
  - D) any other expense not reasonably incurred due to the COVID-19 emergency.
- c) The categories of eligible and ineligible expenditures set forth in this Section will be modified by the Department, in accordance with the IAPA, if the CARES Act or the U.S. Department of the Treasury guidance is amended to authorize different eligible expenditures that affect the administration of the Local CURE Program.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 11824, effective July 2, 2020, for a maximum of 150 days; amended by emergency amendment to emergency rule at 44 Ill. Reg. 13761, effective August 10, 2020 for the remainder of the 150 days.)

**Section 700.70 Third Party Administrator  
EMERGENCY**

The Department may enter into agreements with one or more third party administrators to

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provide operational assistance with the administration of the Local CURE Program, including, but not limited to:

- a) reviewing documentation submitted and recommending approval of financial support payments to local governments; and
- b) providing technical assistance to local governments.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 11824, effective July 2, 2020, for a maximum of 150 days; amended by emergency amendment to emergency rule at 44 Ill. Reg. 13761, effective August 10, 2020 for the remainder of the 150 days.)

**Section 700.80 Allocations to Units of Local Government**  
**EMERGENCY**

- a) A portion of the funds (80%) appropriated for the Local CURE Program will be allotted to municipalities and counties based on proportionate population. In consultation with the Illinois Department of Revenue, the method of distribution for this allotment will be utilizing the LGDF formula.
- b) A portion of the funds (5%) appropriated for the Local CURE Program will be allotted to Certified Local Public Health Departments based on the Illinois Department of Public Health's State Fiscal Year 2020 Local Health Protection Grant program formula that is based on proportionate population and poverty rates within the jurisdiction.
- c) A portion of the funds (8%) appropriated for the Local CURE Program will be allotted for units of local government eligible to receive financial support under this Part, that do not qualify for an allotment under subsection (a) or (b). These units of local government can apply for reimbursement for eligible Local CURE Program expenses up to an amount of county allotment set by the Department, based on funding availability. The Department will allot funds on a per capita basis by county. Applications may, ~~applications will~~ be submitted for a pro rata share with preference going to units of local government located or serving a disproportionately impacted area. Units of local government that qualify for an allotment under subsection (a) or (b) cannot receive an additional allotment under this subsection (c).
- d) Funding allotments assigned to, or requested by ~~units of~~ local governments in

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~~need of funds~~ ~~government~~ under subsections (a), (b) and (c), but for which reimbursement has not been sought in accordance with the deadlines set forth in Sections 700.90 and 700.100 by November 1, 2020, may be forfeited, and additional funding distributed to other local governments in need of funds under subsections (a), (b), (c) and ~~subsection~~ (e). The Department will reallocate funds that are forfeited only within the same category or subcategory of funding from which the allotment originated under subsection (a), (b) or (c), respectively, if there are local governments that are in need of additional eligible funds in the originating allotment category or subcategory. For allotments issued to municipalities and counties pursuant to subsection (a), the first \$15M of funds forfeited from the municipalities and counties will be reallocated to other counties, to the extent there are local governments that are in need of additional eligible funds within the respective municipality or county subcategory, as applicable. In the event that there are more funds forfeited within an allotment category or subcategory (see subsection (a), (b) or (c)) than additional eligible funding requested from local governments within that allotment category or subcategory, forfeited funds may be reallocated to another allotment category or subcategory for which there are local governments in need of eligible funding. This deadline for reimbursement requests can be extended by the Department if the CARES Act is amended and authorizes a subsequent deadline or the U.S. Department of Treasury guidance is amended later. The Local CURE Program allotments described in this Section 700.80 are contingent upon and subject to the availability of sufficient appropriated funds. ~~On or after November 1, 2020, the Department is provided discretion to adjust allotments and distributions to units of local government based on the best interests of the State.~~

- e) ~~Any funds forfeited by units of local government pursuant to subsection (d), plus a portion of the funds (7%) appropriated for the Local CURE Program,~~ will be ~~allocated~~ reserved by the Department ~~as follows~~ for:
- 1) 6% will be allocated for economic support payments grants on a reimbursement basis to eligible municipalities and counties (see Section 700.40(b)) for distribution to qualifying businesses within their jurisdiction to cover necessary expenditures incurred due to the public health emergency of COVID-19 (see Section 700.120) distribution among units of local government based on the demonstrated needs of the units of local government; and
  - 2) 1% will be allocated for the costs of the Department associated with the

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administration of the Local CURE Program, including the third party administrator contract fee. ~~Local CURE Program funds that have not been claimed by a unit of local government, other than as set forth in subsection (a), (b), or (c), will be reallocated based on the needs of the State and the Department will notify units of local government of any redistribution.~~

(Source: Added by emergency rulemaking at 44 Ill. Reg. 11824, effective July 2, 2020, for a maximum of 150 days; amended by emergency amendment to emergency rule at 44 Ill. Reg. 13761, effective August 10, 2020 for the remainder of the 150 days.)

**Section 700.90 Certification Process for Allocations Based on Proportionate Population  
EMERGENCY**

- a) Eligible ~~units of local governments-government~~, as defined in ~~Section 700.40~~this Part, will be notified by the Department or third party administrator regarding their maximum allotment based on proportionate population, as described in Section 700.80(a) and (b). ~~If the Department decides, based on the best interest of the State, to distribute funds described in Section 700.80(e) using a proportionate population formula, the Department and local governments shall follow the process set forth in this Section 700.90 to submit a certification and request funds.~~ A local government does not need to register or be pre-qualified with the GATA Grantee Portal.
- b) Notification of Allotment
  - 1) The notification of allotment will contain a certification form for the ~~unit of local government~~ to complete. ~~The local government which will be required require the entity~~ to certify, among other things, that, as a recipient of financial support under the Local CURE Program, the ~~unit of local government~~ will shall:
    - A) use the funds in accordance with the requirements of the Local CURE Program;
    - B) provide access to financial records in accordance with the prescribed audit (see Section 700.30(b)(3)) and record retention (see Section 700.110) requirements;

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- C) only request reimbursement for expenses related to the COVID-19 public health emergency;
  - D) repay to the Department any funds received but not used for the purposes of the Local CURE Program;
  - E) not seek reimbursement for incurred expenses (~~see as more fully described in~~ Section 700.50), that have been or will be reimbursed through another State or federal funding opportunity;
  - F) comply with all applicable federal and State laws and rules;
  - G) include Local CURE funding in the applicable financial statement and/or audit of the unit of local government;
  - H) not seek reimbursement for costs paid to an entity on the federal or State and state-debarred and suspended list; and
  - I) state whether it intends to spend the full allotment.
- 2) Units of local government may also be required to complete additional documents required by the State to disburse funds.
- c) Completed certification materials must be signed by the ~~unit of~~ local government's authorized representative and received by the Department, or the Department's authorized third party administrator, by October 1, 2020~~the certification submission deadline to be set by the Department~~.
- d) Funds will be paid on a reimbursement basis for eligible costs incurred by units of local government. After the ~~unit of~~ local government submits its completed certification to the Department or the third party administrator, the ~~unit of~~ local government may request funds up to the amount of the stated allotment provided in the notification. To request funds, the ~~unit of~~ local government must submit to the Department or third party~~third party~~ administrator:
- 1) a report certifying the costs, as required by 2 CFR 200.415, and providing the categories set forth in the U.S. Department of the Treasury Office of Inspector General reporting requirements Section 700.60(a) for which reimbursement is sought and the amounts within each category. Local

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governments shall organize their expenditures by month and expenditure type as follows;

- A) Payroll for public health and safety employees;
  - B) Budgeted personnel and services diverted to a substantially different use;
  - C) Improvement of telework capabilities of public employees;
  - D) Medical expenses;
  - E) Public health expenses;
  - F) Facilitation of distance learning; and
  - G) Expenditures organized by subcategories for eligible costs (see Section 700.60(a)(1)) not listed in this subsection (d)(1);
- 2) information regarding whether the local government intends to use its full allotment of funds and whether the local government anticipates additional Local CURE Program eligible costs, incurred by December 30, 2020, that exceed the local government's allotment;
  - ~~32~~) support documents for the incurred expenses to demonstrate that the costs meet the eligible expense requirements;
  - ~~43~~) proof of payment of the expenses; and
  - ~~54~~) documentation regarding how expenses are necessary and related to COVID-19.
- e) The Department or third party administrator will review the documents submitted to ensure the costs are allowed by the Local CURE Program and within the assigned allocation. If the costs submitted are approved, the Department will then process the reimbursement request and disburse funds to the ~~unit of~~ local government pursuant to the payment State procedures of the Illinois State Comptroller and State Treasurer.

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- f) On or around November 1, 2020, the Department, or its third party administrator, will send a notice to each local government participating in the Local CURE Program indicating that the local government must report by December 1, 2020, in detail, how the remainder of the allotment, not to exceed the amount within the certification, will be utilized for necessary and eligible expenditures through December 30, 2020. The local government also must detail in its report any anticipated eligible expenses through December 30, 2020 in excess of the local government's initial allotment. The Department or its third party administrator will provide follow-up and technical support to the local government to communicate the steps of this report and its results. By November 1, 2020, all units of local government must submit all reimbursement requests not to exceed the formula amount within the certification. The deadline can be extended by the Department if the CARES Act is amended and authorizes a subsequent deadline or the U.S. Department of the Treasury guidance is amended later.
- g) If, by December 1, 2020, a local government does not submit the report required by subsection (f) to the Department, or the detailed report submitted reveals that some or all of the allotment will not be utilized by the local government, the Department will redirect, in accordance with Section 700.80(d), the projected unspent balance to other eligible local governments, within the same allotment category or subcategory, that have reported to the Department a need for additional funds reimbursement. The Department will not redirect an allotment for which a local government has submitted definitive plans to use its allotted funds through December 30, 2020. All Local CURE Program funds which were allotted but unclaimed after November 1, 2020, may be reallocated to other units of local government based on need. The deadline can be extended by the Department if the CARES Act is amended and authorizes a subsequent deadline or the U.S. Department of the Treasury guidance is amended later.
- h) January 31, 2021 is the deadline for local governments that receive allotments of funds prior to February 1, 2021 to submit requests for reimbursement for costs incurred to the Department's third party administrator for review. All unclaimed allotments as of February 1, 2021 will be redirected, in accordance with Section 700.80(d), to local governments that have expressed remaining needs. The local governments that receive additional allotments on or after February 1, 2021 must submit all reimbursement requests to the Department's third party administrator no later than February 28, 2021. All requests for allotment will be processed, and vouchers issued by the Department and/or the third party administrator on or before December 30, 2020. The deadline can be extended by the Department if

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~~the CARES Act is amended and authorizes a subsequent deadline or the U.S. Department of the Treasury guidance is amended later.~~

- i) ~~All requests for reimbursement will be processed, and vouchers issued by the Department and/or the third party administrator on or before March 31, 2021. The Department is provided the discretion to modify the process described herein as needed to implement the Local CURE Program.~~
- j) ~~The deadlines set forth in this Section 700.90 will be extended by the Department, in accordance with the IAPA, if the CARES Act or the U.S. Department of the Treasury guidance is amended to authorize a subsequent deadline and the extension is consistent with the applicable State laws.~~
- k) ~~Local governments are expected to engage with the Department and/or the third party administrator on an ongoing basis, with updates and reports on their future needs for the unspent balances of their allotment, as well as additional anticipated Local CURE Program eligible expenditures in excess of the allotment received.~~

(Source: Added by emergency rulemaking at 44 Ill. Reg. 11824, effective July 2, 2020, for a maximum of 150 days; amended by emergency amendment to emergency rule at 44 Ill. Reg. 13761, effective August 10, 2020 for the remainder of the 150 days.)

**Section 700.100 Process for Reimbursement Requests Under Section 700.80(c)****EMERGENCY**

- a) For ~~units of local governments~~government that are applying for Local CURE Program funds pursuant to Section 700.80(c), the Department will announce funding availability and ~~request~~application procedures on its website as funding becomes available. ~~A request~~An application must be completed, signed by the ~~unit of~~local government's authorized representative, and received by the Department or its third party administrator by the ~~required~~deadline to be set by the Department.
- b) ~~Local governments~~Units of local government chosen to receive funds shall, ~~in the certification form provided by the Department, sign a certification which will contain a certification which will require the entity to~~ certify, among other things, that, as a recipient of financial support under the Local CURE Program, the ~~unit of~~local government ~~will~~shall:

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- 1) use the funds in accordance with the requirements of the Local CURE Program;
  - 2) only request reimbursement for expenses related to the COVID-19 public health emergency;
  - 3) repay to the Department any funds received but not used for the purposes of the Local CURE Program;
  - 4) not seek reimbursement for incurred expenses (~~see as more fully described in~~ Section 700.50); that have been or will be reimbursed through another State or federal funding opportunity;
  - 5) provide access to financial records in accordance with audit and record retention requirements;
  - 6) include Local CURE funding in the applicable financial statement and/or audit of the ~~unit of~~ local government;
  - 7) not seek reimbursement for costs paid to an entity on the federal ~~or State and state~~ debarred and suspended list; and
  - 8) comply with all applicable federal and State laws and rules.
- c) In addition to the certification, the ~~unit of~~ local government must submit to the Department or ~~third party~~ ~~third party~~ administrator:
- 1) a report certifying ~~its~~ ~~the~~ costs, as required by 2 CFR 200.415, detailing the categories set forth in the U.S. Department of the Treasury Office of Inspector General reporting requirements Section 700.60(a) for which reimbursement is sought; and the amounts within each category. Local governments will organize their expenditures by month and expenditure type as follows;
    - A) Payroll for public health and safety employees;
    - B) Budgeted personnel and services diverted to a substantially different use;

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- C) Improvement of telework capabilities of public employees;
  - D) Medical expenses;
  - E) Public health expenses;
  - F) Facilitation of distance learning; and
  - G) Expenditures organized by subcategories for eligible costs (see Section 700.60(a)(1)) not listed in this subsection (c)(1);
- 2) information regarding whether the local government intends to use its full allotment of funds and whether the local government anticipates additional Local CURE Program eligible costs, incurred by December 30, 2020, that exceed the local government's allotment;
- 3) support documents, for the expenses incurred ~~expenses, and~~ in compliance with Section 700.60, that~~which~~ will demonstrate ~~that~~ the costs meet the eligible expense requirements;
- ~~43)~~ proof of payment of the expenses for which reimbursement is sought; and
- ~~54)~~ documentation regarding how expenses are necessary and related to COVID-19.
- d) The Department or third party administrator will review the reimbursement request and documents submitted to ensure the costs are allowed by the Local CURE Program and are within the assigned allocation~~maximum allowable amount~~. If the costs submitted are approved, the~~The~~ Department will then process the reimbursement request of costs submitted that are eligible under Section 700.60(a) and disburse funds to the unit of local government pursuant to the payment~~State~~ procedures of the Illinois Comptroller and State Treasurer.
- e) Local governments receiving allotments pursuant to Section 700.80(c) shall follow the procedures and deadlines set forth in Section 700.90(f) through (j). All applications for reimbursement will be processed, and vouchers issued by the Department and/or the third party administrator on or before December 30, 2020 in accordance with Section 700.80(c). The deadline can be extended by the

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~~Department if the CARES Act is amended and authorizes a subsequent deadline or the U.S. Department of the Treasury guidance is amended later.~~

- f) ~~Local CURE reimbursements are contingent upon, and subject to, the availability of sufficient appropriated funds. If the Department decides, based on the best interest of the State, to distribute funds described in Section 700.80(e) using a process similar to the requirements of Section 700.80(e), the Department and units of local government shall follow the process set forth in this Section 700.100 to apply for and request funds.~~
- g) ~~Local governments are expected to engage with the Department and/or the third party administrator on an ongoing basis, with updates and reports on their future needs for the unspent balances of their allotment, as well as additional anticipated Local CURE Program eligible expenditures in excess of the allotment received. The Department has the discretion to modify the process described herein as needed to implement the Local CURE Program. The Local CURE Program applications described are contingent upon and subject to the availability of sufficient appropriated funds.~~

(Source: Added by emergency rulemaking at 44 Ill. Reg. 11824, effective July 2, 2020, for a maximum of 150 days; amended by emergency amendment to emergency rule at 44 Ill. Reg. 13761, effective August 10, 2020 for the remainder of the 150 days.)

**Section 700.110 Monitoring and Records Retention****EMERGENCY**

- a) The Department or a third party administrator will conduct monitoring of the Local CURE Program to ensure funds were spent in accordance with the Local CURE Program statute and this Part.
- b) Local governments shall provide, upon the Department's request, documents and information relevant to any applications, requests, and funds received pursuant to the Local CURE Program. The Department and/or its agents may make site visits as warranted.
- c) The Department reserves the right to seek a refund from the local government if it finds the local government made a false or fraudulent claim for funds or the funds were spent on ineligible expenses. The Department also may seek a refund from a local government if the federal government, ~~or~~ the Department, or other State

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agency finds that the local government did not properly spend the funds, was reimbursed for ineligible costs under Sections 700.50 and 700.60, or received reimbursement under the Local CURE Program of costs that were reimbursed through another federal or State program.

- d) Units of local government that request or receive funds under the Local CURE program shall maintain, for five years from the date of submission of the final request for reimbursement, adequate books, all financial records and supporting documents, statistical records, and all other records pertinent to the Local CURE Program. If any litigation, claim or audit is started before the expiration of the retention period, the records must be retained until all litigation, claims or audit exceptions involving the records have been resolved and final action taken. Business participants in the Economic Support Payments Grants Program shall maintain all records related to the Local CURE Program until at least March 31, 2026, unless a longer retention period is set forth in any financial assistance agreement or certification, or until after the conclusion of all litigation, claims or audit exceptions involving the records have been resolved and final action taken, whichever is latest.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 11824, effective July 2, 2020, for a maximum of 150 days; amended by emergency amendment to emergency rule at 44 Ill. Reg. 13761, effective August 10, 2020 for the remainder of the 150 days.)

**Section 700.120 Economic Support Payments Grants Program**  
**EMERGENCY**

The Department will administer an Economic Support Payments Grants Program available to eligible local governments (see Section 700.40(b)) with the Local CURE Program funding allocated for this purpose (see Section 700.80(e)(1)). The purpose of the grant program is to provide financial support to businesses that have experienced interruption of business attributable to the COVID-19 public health emergency. The funds issued to local governments for the Economic Support Payments Grants shall be provided on a reimbursement basis only and shall follow all processes required by GATA and 2 CFR 200. Local governments that receive grants may be reimbursed for costs incurred by the qualifying businesses for the period March 1, 2020 through December 30, 2020.

- a) Form of Financial Assistance  
Financial assistance provided from local governments to qualifying businesses may be in the form of a grant, subsidy or expense reimbursement only. Regardless

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of the form of assistance, a business participant shall be obligated to comply with the requirements set forth in this Part and in any agreement or certification executed as part of applying for or receiving financial assistance.

b) Source of Advance Payments

Funds provided to business participants by local governments for the costs of business interruption shall be advanced by the local governments from a source other than direct federal funds or federal pass-through funds, including, but not limited to, any portion of the allotments received through Section 700.80(a). The Department will then reimburse the local governments for expenditures incurred through an Economic Support Payments Grant.

c) Application Process

1) The Department will post one or more Notices of Funding Opportunity (NOFO) on the GATA Grantee Portal seeking applications from eligible local governments (see Section 700.40(b)). Applicants shall submit their application materials by the deadlines set by the Department.

2) As part of the application, local governments will be required to provide a narrative about the program, which includes, but is not limited to, a description of the following:

A) The types of businesses or industries that will be served by the program;

B) The method of selecting business participants;

C) A summary of how the proposed grant program adheres to the U.S. Department of the Treasury's CRF guidance;

D) How the program meets the following criteria for reimbursable expenses:

i) The expense is connected to the COVID-19 public health emergency;

ii) The expense is "necessary" as defined by the U.S. Department of the Treasury guidance;

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- iii) The expense is not filling a shortfall in government revenues;
  - iv) The expense is not funded through another budget line item, allotment or allocation of the local government, as of March 27, 2020;
  - v) The expense is not being reimbursed through a different emergency response program;
  - vi) The expense would not exist without the COVID-19 public health emergency or would be for a substantially different use; and
  - vii) The expense was incurred between March 1, 2020 and December 30, 2020;
- E) The form of financial assistance being provided to businesses (e.g., grants, subsidies, expense reimbursement); and
- F) The due diligence procedures and controls the local government will implement to ensure funds are expended within the parameters of this Part, the CARES Act, and the U.S. Department of the Treasury guidance.
- 3) Local governments are not permitted to receive reimbursement for indirect or administrative costs for administering these grants.
- 4) Grant applications will be reviewed using the GATA merit-based review process to ensure applicants meet the eligibility requirements of this Part.
- d) Grant Award Issuance
- 1) Grants will be awarded to local governments following a merit review of the local government's economic support payments program, including their due diligence procedures and adherence to subsection (c). If a local government applicant meets the eligibility criteria in subsection (c), the

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local government shall receive a grant of up to the maximum amount of eligible grant funds.

- 2) The maximum amount of eligible grant funds for each local government shall be based on a pro rata share of funds available on a per capita basis by county.
- 3) Grants will be issued through the Uniform Intergovernmental Grant Agreement, which must be executed by both the Department and the local government.
- 4) The local government grantees will be responsible for the repayment to the Department of any costs for funding issued to businesses that are found, by the federal government, the Department, or any other State agency:
  - A) to be ineligible under the Economic Support Payments Grants Program; or
  - B) to have misspent funds.

e) Grant Award Administration

- 1) Grantees and business participants shall comply with all GATA and Department requirements for grant administration and reporting, including the monitoring and records retention requirements in Section 700.110.
- 2) Grantees shall:
  - A) require that all business participants that receive financial support through the grant award shall sign a certification that attests to eligibility for this program; and
  - B) condition funding on compliance with programmatic requirements, including, but not limited to, the Local CURE Program, the CARES Act, and the U.S. Department of the Treasury guidance.

(Source: Added by emergency amendment to emergency rule at 44 Ill. Reg. 13761, effective August 10, 2020 for the remainder of the 150 days.)

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- 1) Heading of the Part: Child Care
- 2) Code Citation: 89 Ill. Adm. Code 50
- 3) 

<u>Section Numbers:</u>	<u>Emergency Actions:</u>
50.230	Amendment
50.320	Amendment
- 4) Statutory Authority: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13].
- 5) Effective Date of Rules: August 7, 2020
- 6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which they are 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: August 7, 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: The amendments are proposed as emergency because it impacts the public interest, including the safety and welfare of children. This rulemaking is necessary to comply with the provisions of 305 ILCS 5/9A-11, which require the Department to index income eligibility guidelines to the most current federal poverty level guidelines. As a result of the revised guidelines, low income families will remain eligible to receive child care assistance longer and more families will be able to receive child care benefits.
- 10) A Complete Description of the Subjects and Issues Involved: This rulemaking indexes the child care income eligibility guidelines so that the threshold for child care benefits is no less than 200% of the most current federal poverty level for each family size. This rulemaking also adjusts the amount of the parent co-payment fee to no more than 7% of a family's gross income for the Child Care Assistance Program.
- 11) Are there any other rulemakings pending on this Part? No

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- 12) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 13) Information and questions regarding these emergency rules shall be directed 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

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

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

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TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 50  
CHILD CARE

SUBPART A: GENERAL PROVISIONS

- Section
- 50.101 Incorporation by Reference
  - 50.105 Definitions
  - 50.110 Participant Rights and Responsibilities
  - 50.120 Notification of Available Services
  - 50.130 Child Care Overpayments and Recoveries

SUBPART B: APPLICABILITY

- Section
- 50.210 Child Care
- EMERGENCY
- 50.220 Method of Providing Child Care
  - 50.230 Child Care Eligibility
- EMERGENCY
- 50.235 Income Eligibility Criteria
- EMERGENCY
- 50.240 Qualified Provider (Repealed)
  - 50.250 Additional Service to Secure or Maintain Child Care
  - 50.260 Job Search (Repealed)

SUBPART C: PAYMENT FEES

- Section
- 50.310 Fees for Child Care Services
- EMERGENCY
- 50.320 Maximum Monthly Income and Parent Fee by Family Size, Income Level and Number of Children Receiving Full-time Care
- EMERGENCY

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SUBPART D: PROVIDER REQUIREMENTS

Section

- 50.400 Purpose
- 50.410 Qualified Provider
- 50.420 Provider Registration and Certification Requirements
- 50.430 Provider Background Checks
- 50.440 Payment for Child Care Services

SUBPART E: GREAT START PROGRAM

Section

- 50.510 Great START Program
- 50.520 Method of Providing the Wage Supplement
- 50.530 Eligibility
- 50.540 Employer Responsibility
- 50.550 Notification of Eligibility
- 50.560 Phase-in of Wage Supplement Scale
- 50.570 Wage Supplement Scale
- 50.580 Evaluation

SUBPART F: CHILD CARE COLLABORATION PROGRAM

Section

- 50.610 Child Care Collaboration Program
- 50.620 Approvable Models of Collaboration
- 50.630 Requirements for Approval in the Child Care Collaboration Program
- 50.640 Notification of Eligibility
- 50.650 Rules and Reporting for the Child Care Collaboration Program

SUBPART G: GATEWAYS TO OPPORTUNITY CREDENTIALS

Section

- 50.710 Gateways to Opportunity, the Illinois Professional Development System
- 50.720 Gateways to Opportunity Credentials
- 50.730 Application for Credentials
- 50.740 Framework for Gateways to Opportunity Credentials
- 50.750 Professional Knowledge
- 50.760 Gateways to Opportunity Registry

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## SUBPART H: STAFF QUALIFICATIONS AND TRAINING STANDARDS

Section	
50.800	Purpose
50.810	Applicability
50.820	Staff Qualifications for License Exempt School-Age Providers
50.830	Training Standards for License Exempt School-Age Providers

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

**SOURCE:** Emergency rules adopted at 21 Ill. Reg. 9502, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 14961, effective November 10, 1997; emergency amendment at 22 Ill. Reg. 12816, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 21037, effective November 27, 1998; emergency amendment at 23 Ill. Reg. 10875, effective August 20, 1999, for maximum of 150 days; amended at 24 Ill. Reg. 1058, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 6604, effective April 5, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 13987, effective September 1, 2000; amended at 24 Ill. Reg. 15423, effective October 10, 2000; emergency amendment at 25 Ill. Reg. 2735, effective February 5, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 8176, effective June 23, 2001; emergency amendment at 25 Ill. Reg. 8443, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14854, effective October 31, 2001; emergency amendment at 25 Ill. Reg. 16116, effective December 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 7113, effective April 25, 2002; amended at 27 Ill. Reg. 12090, effective July 14, 2003; amended at 27 Ill. Reg. 18411, effective November 24, 2003; amended at 28 Ill. Reg. 6895, effective April 23, 2004; emergency amendment at 28 Ill. Reg. 10121, effective July 1, 2004, for a maximum of 150 days; emergency expired November 27, 2004; amended at 29 Ill. Reg. 2687, effective February 4, 2005; emergency amendment at 29 Ill. Reg. 13253, effective August 11, 2005, for a maximum of 150 days; emergency expired January 7, 2006; amended at 30 Ill. Reg. 11190, effective June 6, 2006; amended at 31 Ill. Reg. 12584, effective August 20, 2007; emergency amendment at 31 Ill. Reg. 13350, effective September 10, 2007, for a maximum of 150 days; emergency expired February 6, 2008; amended at 32 Ill. Reg. 6048, effective March 31, 2008; emergency amendment at 32 Ill. Reg. 6652, effective April 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 9604, effective June 20, 2008; amended at 32 Ill. Reg. 14742, effective August 28, 2008; amended at 33 Ill. Reg. 8195, effective June 8, 2009; emergency amendment at 33 Ill. Reg. 15889, effective November 1, 2009, for a maximum of 150 days; emergency amendment at 33 Ill. Reg. 16517, effective November 1, 2009, for a maximum of 150 days; emergency expired March 30, 2010; amended at 34 Ill. Reg. 5275, effective March 29,

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2010; emergency amendment at 34 Ill. Reg. 8619, effective June 16, 2010, for a maximum of 150 days; emergency expired on November 12, 2010; amended at 34 Ill. Reg. 10512, effective July 8, 2010; amended at 34 Ill. Reg. 19539, effective December 6, 2010; amendment at 35 Ill. Reg. 1397, effective January 6, 2011; amended at 35 Ill. Reg. 3993, effective February 25, 2011; emergency amendment at 35 Ill. Reg. 6583, effective April 1, 2011, for a maximum of 150 days; emergency expired August 28, 2011; amended at 35 Ill. Reg. 8878, effective May 25, 2011; amended at 36 Ill. Reg. 1564, effective January 17, 2012; amended at 36 Ill. Reg. 12104, effective July 10, 2012; amended at 36 Ill. Reg. 14513, effective September 12, 2012; amended at 36 Ill. Reg. 16085, effective October 29, 2012; amended at 38 Ill. Reg. 18490, effective August 22, 2014; amended at 38 Ill. Reg. 19513, effective September 17, 2014; emergency amendment at 39 Ill. Reg. 10072, effective July 1, 2015, for a maximum of 150 days; emergency rule modified in response to JCAR objection at 39 Ill. Reg. 15158, effective November 9, 2015, for the remainder of the 150 days; amended at 39 Ill. Reg. 15540, effective November 23, 2015; emergency amendment at 41 Ill. Reg. 12890, effective October 1, 2017, for a maximum of 150 days; amended at 42 Ill. Reg. 3745, effective February 7, 2018; amended at 42 Ill. Reg. 8491, effective May 8, 2018; emergency amendment at 42 Ill. Reg. 13898, effective July 1, 2018, for a maximum of 150 days; amended at 42 Ill. Reg. 22555, effective November 27, 2018; emergency amendment at 43 Ill. Reg. 7632, effective July 1, 2019, for a maximum of 150 days; amended at 43 Ill. Reg. 11338, effective October 1, 2019; emergency amendment at 43 Ill. Reg. 14416, effective November 26, 2019, for a maximum of 150 days; amended at 44 Ill. Reg. 6951, effective April 16, 2020; emergency amendment at 44 Ill. Reg. 6442, effective April 13, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 11187, effective June 18, 2020, for the remainder of the 150 days; emergency amendment at 44 Ill. Reg. 13789, effective August 7, 2020, for a maximum of 150 days.

## SUBPART B: APPLICABILITY

**Section 50.230 Child Care Eligibility****EMERGENCY**

- a) To the extent resources permit, it is the intent of the Department to provide child care services to all applicants that meet the eligibility requirements set forth in this Section. If it is necessary to limit participation to stay within the amounts appropriated or resources available to the Department for child care services, participation will be limited to the priority service groups specified in subsection (c)(6) and that limitation in participation shall remain until such time as sufficient resources are available to serve all eligible applicants.

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- b) To be eligible for child care services, a child shall at the time of eligibility determination or redetermination:
  - 1) be under 13 years of age (if a child turns 13 years old during the eligibility period, that child shall remain eligible for CCAP for the remainder of the eligibility period); or
  - 2) be under age 19 and under court supervision or have physical, developmental, or intellectual disabilities as documented by a statement from a local health provider or other health professional.
- c) Parents and other relatives eligible to receive child care services include:
  - 1) Clients who receive Temporary Assistance for Needy Families (TANF) under Article IV of the Public Aid Code participating in work and/or training-related activities as specified in their Responsibility and Service Plan (RSP) (see 89 Ill. Adm. Code 112.74) as approved by the Department's TANF case worker.
  - 2) Working families, including teen parents enrolled full-time in elementary or high school or high school equivalency classes to obtain a high school diploma or its equivalent, whose monthly incomes do not exceed the following amounts by family size at the time of initial program application:

Family Size	Gross Monthly Base Income
2	<del>\$2,874</del> <u>\$2,819</u>
3	<del>\$3,620</del> <u>\$3,553</u>
4	<del>\$4,367</del> <u>\$4,292</u>
5	<del>\$5,114</del> <u>\$5,029</u>
6	<del>\$5,860</del> <u>\$5,765</u>
7	<del>\$6,607</del> <u>\$6,502</u>
8	<del>\$7,354</del> <u>\$7,239</u>
9	<del>\$8,100</del> <u>\$7,975</u>
10	<del>\$8,847</del> <u>\$8,712</u>

The above income guidelines will be indexed annually so that the

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thresholds are no less than 185% of the most current Federal Poverty Level (FPL) for each family size.

- 3) At the end of each eligibility period, families must fall into the following income guidelines to remain eligible for another 12-month eligibility period:

Family Size	Gross Monthly Base Income
2	<del>\$3,233</del> \$3,171
3	<del>\$4,073</del> \$4,000
4	<del>\$4,913</del> \$4,829
5	<del>\$5,753</del> \$5,657
6	<del>\$6,593</del> \$6,486
7	<del>\$7,433</del> \$7,315
8	<del>\$8,273</del> \$8,144
9	<del>\$9,113</del> \$8,929

These income guidelines will be indexed annually so that the thresholds are no less than 185% of the most current FPL for each family size.

- 4) Any time a family's countable income exceeds 85% of the State Median Income (SMI), the case will be canceled 10 calendar days after the date the termination notice was sent to the family and providers.

Family Size	Gross Monthly Base Income
2	<del>\$4,489</del> \$4,307
3	<del>\$5,546</del> \$5,320
4	<del>\$6,602</del> \$6,333
5	<del>\$7,658</del> \$7,346
6	<del>\$8,714</del> \$8,359
7	<del>\$8,912</del> \$8,549
8	<del>\$9,110</del> \$8,739

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These income guidelines will be indexed annually so that the thresholds are no less and no more than 85% of the most current SMI level for each family size.

- 5) If the countable income for a family is between 225% FPL and 85% SMI at the end of an eligibility period, and all other eligibility factors are met, the family will be eligible for a 90-day graduated phase-out period that begins the first day of the new eligibility period. If the family requests child care assistance at any time after the graduated phase-out period, the request must be treated as a new application and the family must have family income below 200% of FPL to qualify.
- 6) Through June 30, 2020, based on the COVID-19 Gubernatorial Disaster Proclamations, and to the extent that resources permit, Priority Essential workers will have income guidelines (see subsection (c)) waived. Eligibility periods may be extended for all approved families without proof that eligibility criteria are still met.
- 7) Families who do not receive TANF and need child care services in order to attend school or training (up to and including the acquisition of the first Bachelor's Degree) whose monthly income does not exceed the monthly income ceilings in subsection (c)(2). Clients can be approved for education/training activities that will lead to multiple certificates within a designated career path (e.g., from Certified Nursing Assistant to Licensed Practical Nurse) or Associate Degrees, but only the first Bachelor's Degree. Clients may also be approved for additional vocational certificate programs if they are beginning a new career path in a new field or if classes are required to remain certified in their current employment. Child care services approved under this Part must be reasonably related to the education or training activity, including class hours and research, study, laboratory, library and transportation time, and unpaid educationally required work activities such as student teaching, an internship, a clinical, a practicum or an apprenticeship. Teen parents enrolled full-time in elementary or high school or high school equivalency classes will be eligible for full-time, full-year child care, including summers, when using a licensed child care provider, up to and including a three-month period after graduation, in order to secure employment or to prepare for higher education. If a parent is claimed as a dependent by another person for federal income tax purposes, that parent is only eligible if his or her

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income, when added to the income of the other person, does not exceed the monthly income ceiling in subsection (c)(2) for that family size. All education programs under this Part must be administered by an educational institution accredited under requirements of State law, including, but not limited to, the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 [225 ILCS 410], the Real Estate Act of 2000 [225 ILCS 454], the Public Community College Act [110 ILCS 805], the University of Illinois Act [110 ILCS 305], the Chicago State University Law [110 ILCS 660], the Eastern Illinois University Law [110 ILCS 665], the Governors State University Law [110 ILCS 670], the Illinois State University Law [110 ILCS 675], the Northeastern Illinois University Law [110 ILCS 680], the Northern Illinois University Law [110 ILCS 685], the Western Illinois University Law [110 ILCS 690], or the Department of Financial and Professional Regulation. Social service agencies that provide recognized English as a Second Language (ESL) and other adult education courses and programs are not required to hold or maintain any separate type of accreditation, as long as the program they offer is supported by an accredited institution.

A) Below Post-Secondary Education Eligibility and Participation Requirements

This category of education includes literacy and other adult basic education, English as a Second Language, and high school equivalency examination preparation programs. Clients/applicants who have already earned a vocational certificate are still eligible for below post-secondary education activities if they have not already earned a high school diploma or high school equivalency certificate.

- i) There is no work requirement for the first 24 non-consecutive months the client participates. Families eligible to receive child care services while they attend an education or training program under this Section must not already possess a Bachelor's, Master's or Doctorate Degree.
- ii) From the 25<sup>th</sup> month on, the client must work at least 20 hours per week. Child care provided to a teen parent to obtain a high school diploma or its equivalent does not count against this 24-month limit. Individuals enrolled in

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below post-secondary education must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The client will be allowed one eligibility period below a "C" average to bring the grades up to a "C" average. When grades are not used, progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term. The determination of satisfactory progress must be reported upon completion of each eligibility period.

- B) Vocational Education Eligibility and Participation Requirements  
Programs in this category of education may be offered by a public community college, public or private university, or private business/technical school.
- i) The program usually results in the receipt of a Certificate of Achievement or Completion and/or prepares the client for a specific job or to obtain a license required by some occupations. Families eligible to receive child care services while they attend an education or training program under this Section must not already possess a Bachelor's, Master's or Doctorate Degree. Clients/applicants may be approved for multiple vocational certificate programs if they are within a designated career path (e.g., from Certified Nursing Assistant to Licensed Practical Nurse) or are beginning a new career path in a new field, or if classes are required to remain certified in their current employment.
- ii) There is no work requirement for the first 24 non-consecutive months the client participates. From the 25<sup>th</sup> month on, the client must work at least 20 hours per week. Individuals enrolled in vocational education must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The client will be allowed one eligibility period below a "C" average to bring the grades up to a "C" average. When grades are not used, progress will be determined by the written policy of the

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institution to establish a comparable grade level upon completion of the academic term. The determination of satisfactory progress must be reported upon completion of each eligibility period.

## C) Post-Secondary Education

- i) This category of education includes all undergraduate college level courses that could result in an Associate or the client's first Bachelor's Degree. Families eligible to receive child care services while they attend an education or training program under this Section must:
  - be enrolled in a program accredited under requirements of State law as stated in subsection (c)(3).
  - not already have a Bachelor's, Master's or Doctorate Degree, if requesting child care to earn an Associate Degree. Child care will not be approved for attainment of a second Associate Degree.
  - not be in an, or have completed an, advanced degree program (beyond a Bachelor's Degree). Child care will not be approved for education beyond the attainment of a Bachelor's Degree.
- ii) There is no work requirement for the first 48 non-consecutive months the client participates. From the 49<sup>th</sup> month on, the client must work at least 20 hours per week. Clients who do not work and who need child care to attend college must maintain a 2.5 grade point average (GPA) (on a 4.0 scale) if this measurement is used by the institution to determine satisfactory progress. Clients who work 20 hours or more per week in paid employment while they attend college must maintain a 2.0 GPA (on a 4.0 scale). In the absence of a GPA, satisfactory progress will be determined by the written policy of the institution. The determination of satisfactory progress, including test/retest

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results or GPA, must be reported upon completion of each eligibility period. If the client's GPA falls below 2.5 or 2.0 for those students who work or at any time the client does not maintain satisfactory progress, the client may continue to go to school for another eligibility period. If the GPA is below 2.5 or 2.0 two eligibility periods in a row, the client will be ineligible for child care until his or her GPA is at or above 2.5 or 2.0.

- D) For child care services received under education/training, a parent enrolled in web-based courses or correspondence learning from an accredited university or college is only eligible for child care assistance if both of the following are met:
- i) The class is offered only at a regularly scheduled time (i.e., 11:00 a.m. every Monday and Wednesday) or the parent must leave the home to have access to a computer.
  - ii) The child or children for whom care is requested must be under the age of six, except during the summer or school breaks. Care shall not be authorized during the hours the child is in school or is home schooled, or if the child is in a two-parent family when the other parent is available to care for the child.
- E) **Study Time**  
Child care services may be granted for up to one hour of study time per week for each classroom hour or course credit. When possible, study periods should be arranged around regularly scheduled classes in order to provide a consistent and uninterrupted routine for children in care. Study time granted to add an extra day of care must be approved first by the Department's Bureau of Child Care and Development Policy Unit.
- 8) Relatives (other than parents) who receive child-only TANF benefits as a Representative Payee for children in need of care while they work.
- 9) Families with active CCAP cases in which all parents in the household are called into active military duty and the relative caregivers are employed or

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in an approved education/training activity.

- 10) In the event the Department must limit participation due to insufficient appropriations or available resources, applicants included in the priority service groups are:
  - A) Recipients of Temporary Assistance for Needy Families as described in subsection (c)(1);
  - B) Teen parents enrolled full-time in elementary school, high school or high school equivalency classes to obtain a high school degree or its equivalent;
  - C) Families engaged in an eligible employment and/or educational activity with a special needs child and family income that does not exceed 185% of FPL for their family size;
  - D) Working families whose monthly incomes do not exceed 185% of the most current FPL for their family size;
  - E) Families that are not recipients of TANF whose monthly incomes do not exceed 185% of the most current FPL for their family size that need child care assistance to participate in education and training.
  - F) Families of priority essential workers working outside the home. This subsection (c)(10)(F) will apply through June 30, 2020.
- d) All families must reside in Illinois.
- e) Payment for child care services to eligible parents may begin:
  - 1) if care was provided at the time and all eligibility factors are met, on either:
    - A) the date of the parent's signature on the Child Care Assistance Program (CCAP) application (Form 444-3455); or
    - B) one week (seven calendar days) prior to the stamped date of receipt

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of the CCAP application (Form 444-3455) by the Department or its agents, whichever is later; or

- 2) on the date the child care provider actually begins providing child care services, if the application is received in advance of services being provided and all eligibility factors are met.
  
- f) Approval of payments will cease no less than 10 calendar days after the date of the termination notice sent to the parent by the Department or its agents following a determination of ineligibility. Care will be terminated immediately if it is determined the child is no longer enrolled with the approved provider or the family requests that its case be terminated.

(Source: Amended by emergency rulemaking creating subsections (c)(6) and (10)(F) at 44 Ill. Reg. 6442, effective April 13, 2020 through September 9, 2020; amended by emergency rulemaking at 44 Ill. Reg. 13789, effective August 7, 2020, for a maximum of 150 days)

SUBPART C: PAYMENT FEES

**Section 50.320 Maximum Monthly Income and Parent Fee by Family Size and Income Level**

**EMERGENCY**

Family Size 2		Family Size 3	
Monthly Income	Monthly Co-Pay	Monthly Income	Monthly Co-Pay
\$ 0 - <del>575</del> 564	\$ 2.00	\$ 0 - <del>724</del> 711	\$ 2.00
<del>576-719</del> 565-705	3.00	<del>725-905</del> 712-889	3.00
<del>720-862</del> 706-846	<del>12.00</del> 11.00	<del>906-1,086</del> 890-1,067	<del>15.00</del> 14.00
<del>863-1,006</del> 847-987	<del>18.00</del> 18.00	<del>1,087-1,267</del> 1,068-1,245	23.00
<del>1,007-1,150</del> 988-1,128	<del>29.00</del> 28.00	<del>1,268-1,448</del> 1,246-1,422	36.00
<del>1,151-1,293</del> 1,129-1,269	<del>41.00</del> 40.00	<del>1,449-1,629</del> 1,423-1,600	<del>52.00</del> 51.00
<del>1,294-1,437</del> 1,270-1,410	<del>55.00</del> 55.00	<del>1,630-1,810</del> 1,601-1,778	<del>70.00</del> 69.00
<del>1,438-1,581</del> 1,411-1,551	<del>72.00</del> 71.00	<del>1,811-1,991</del> 1,779-1,956	<del>90.00</del> 89.00
<del>1,582-1,724</del> 1,552-1,691	<del>90.00</del> 89.00	<del>1,992-2,172</del> 1,957-2,133	<del>114.00</del> 112.00
<del>1,725-1,868</del> 1,692-1,832	<del>111.00</del> 109.00	<del>2,173-2,353</del> 2,134-2,311	<del>139.00</del> 137.00
<del>1,869-2,012</del> 1,833-1,973	<del>133.00</del> 131.00	<del>2,354-2,534</del> 2,312-2,489	<del>168.00</del> 165.00

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<del>2,013-2,155</del> <del>1,974-2,114</del>	<del>146.00</del> <del>155.00</del>	<del>2,535-2,715</del> <del>2,490-2,667</del>	<del>184.00</del> <del>195.00</del>
<del>2,156-2,299</del> <del>2,115-2,255</del>	<del>156.00</del> <del>181.00</del>	<del>2,716-2,896</del> <del>2,668-2,844</del>	<del>196.00</del> <del>228.00</del>
<del>2,300-2,443</del> <del>2,256-2,396</del>	<del>166.00</del> <del>209.00</del>	<del>2,897-3,077</del> <del>2,845-3,022</del>	<del>209.00</del> <del>264.00</del>
<del>2,444-2,586</del> <del>2,397-2,537</del>	<del>176.00</del> <del>222.00</del>	<del>3,078-3,258</del> <del>3,023-3,200</del>	<del>222.00</del> <del>280.00</del>
<del>2,587-2,730</del> <del>2,538-2,678</del>	<del>186.00</del> <del>235.00</del>	<del>3,259-3,439</del> <del>3,201-3,378</del>	<del>234.00</del> <del>296.00</del>
<del>2,731-2,874</del> <del>2,679-2,819</del>	<del>196.00</del> <del>247.00</del>	<del>3,440-3,620</del> <del>3,379-3,555</del>	<del>247.00</del> <del>312.00</del>
<del>2,875-3,017</del> <del>2,820-2,960</del>	<del>206.00</del> <del>260.00</del>	<del>3,621-3,801</del> <del>3,556-3,733</del>	<del>260.00</del> <del>328.00</del>
<del>3,018-3,161</del> <del>2,961-3,101</del>	<del>216.00</del> <del>273.00</del>	<del>3,802-3,982</del> <del>3,734-3,911</del>	<del>272.00</del> <del>344.00</del>
<del>3,162-3,233</del> <del>3,102-3,171</del>	<del>224.00</del> <del>282.00</del>	<del>3,983-4,073</del> <del>3,912-4,000</del>	<del>282.00</del> <del>356.00</del>
<del>3,172-4,307</del>	<del>282.00</del>	<del>4,001-5,320</del>	<del>356.00</del>

Family Size 4	
Monthly Income	Monthly Co-Pay
\$ 0 - <del>874</del> <del>859</del>	\$ 2.00
<del>875-1,092</del> <del>860-1,073</del>	3.00
<del>1,093-1,310</del> <del>1,074-1,288</del>	<del>18.00</del> <del>17.00</del>
<del>1,311-1,529</del> <del>1,289-1,503</del>	<del>28.00</del> <del>27.00</del>
<del>1,530-1,747</del> <del>1,504-1,717</del>	<del>44.00</del> <del>43.00</del>
<del>1,748-1,965</del> <del>1,718-1,932</del>	<del>62.00</del> <del>62.00</del>
<del>1,966-2,184</del> <del>1,933-2,146</del>	<del>84.00</del> <del>83.00</del>
<del>2,185-2,402</del> <del>2,147-2,361</del>	<del>109.00</del> <del>108.00</del>
<del>2,403-2,620</del> <del>2,362-2,575</del>	<del>137.00</del> <del>135.00</del>
<del>2,621-2,839</del> <del>2,576-2,790</del>	<del>168.00</del> <del>166.00</del>
<del>2,840-3,057</del> <del>2,791-3,005</del>	<del>202.00</del> <del>199.00</del>
<del>3,058-3,275</del> <del>3,006-3,219</del>	<del>222.00</del> <del>236.00</del>
<del>3,276-3,494</del> <del>3,220-3,434</del>	<del>237.00</del> <del>276.00</del>
<del>3,495-3,712</del> <del>3,435-3,648</del>	<del>252.00</del> <del>318.00</del>
<del>3,713-3,930</del> <del>3,649-3,863</del>	<del>268.00</del> <del>338.00</del>
<del>3,931-4,149</del> <del>3,864-4,078</del>	<del>283.00</del> <del>357.00</del>
<del>4,150-4,367</del> <del>4,079-4,292</del>	<del>298.00</del> <del>377.00</del>
<del>4,368-4,585</del> <del>4,293-4,507</del>	<del>313.00</del> <del>396.00</del>
<del>4,586-4,804</del> <del>4,508-4,721</del>	<del>329.00</del> <del>415.00</del>
<del>4,805-4,913</del> <del>4,722-4,829</del>	<del>340.00</del> <del>430.00</del>
<del>4,830-6,333</del>	<del>430.00</del>

Family Size 5	
Monthly Income	Monthly Co-Pay
\$ 0 - <del>1,023</del> <del>1,006</del>	\$ 2.00
<del>1,024-1,279</del> <del>1,007-1,258</del>	3.00
<del>1,280-1,534</del> <del>1,259-1,509</del>	<del>21.00</del> <del>20.00</del>
<del>1,535-1,790</del> <del>1,510-1,760</del>	<del>33.00</del> <del>32.00</del>
<del>1,791-2,046</del> <del>1,761-2,012</del>	<del>51.00</del> <del>50.00</del>
<del>2,047-2,301</del> <del>2,013-2,263</del>	<del>73.00</del> <del>72.00</del>
<del>2,302-2,557</del> <del>2,264-2,515</del>	<del>99.00</del> <del>97.00</del>
<del>2,558-2,813</del> <del>2,516-2,766</del>	<del>128.00</del> <del>126.00</del>
<del>2,814-3,068</del> <del>2,767-3,017</del>	<del>161.00</del> <del>158.00</del>
<del>3,069-3,324</del> <del>3,018-3,269</del>	<del>197.00</del> <del>194.00</del>
<del>3,325-3,580</del> <del>3,270-3,520</del>	<del>237.00</del> <del>234.00</del>
<del>3,581-3,835</del> <del>3,521-3,772</del>	<del>260.00</del> <del>277.00</del>
<del>3,836-4,091</del> <del>3,773-4,023</del>	<del>277.00</del> <del>323.00</del>
<del>4,092-4,347</del> <del>4,024-4,275</del>	<del>295.00</del> <del>373.00</del>
<del>4,348-4,602</del> <del>4,276-4,526</del>	<del>313.00</del> <del>396.00</del>
<del>4,603-4,858</del> <del>4,527-4,777</del>	<del>331.00</del> <del>419.00</del>
<del>4,859-5,114</del> <del>4,778-5,029</del>	<del>349.00</del> <del>441.00</del>
<del>5,115-5,369</del> <del>5,030-5,280</del>	<del>367.00</del> <del>464.00</del>
<del>5,370-5,625</del> <del>5,281-5,532</del>	<del>385.00</del> <del>487.00</del>
<del>5,626-5,753</del> <del>5,533-5,657</del>	<del>398.00</del> <del>504.00</del>
<del>5,658-7,346</del>	<del>504.00</del>

Family Size 6

Family Size 7

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Monthly Income	Monthly Co-Pay
\$ 0- <del>1,172-1,153</del>	\$ 2.00
<del>1,173-1,465</del> <u>1,154-1,442</u>	3.00
<del>1,466-1,758</del> <u>1,443-1,730</u>	<del>24.00</del> <u>23.00</u>
<del>1,759-2,051</del> <u>1,731-2,018</u>	37.00
<del>2,052-2,344</del> <u>2,019-2,306</u>	58.00
<del>2,345-2,637</del> <u>2,307-2,595</u>	<del>84.00</del> <u>83.00</u>
<del>2,638-2,930</del> <u>2,596-2,883</u>	<del>113.00</del> <u>112.00</u>
<del>2,931-3,223</del> <u>2,884-3,171</u>	<del>146.00</del> <u>145.00</u>
<del>3,224-3,516</del> <u>3,172-3,459</u>	<del>184.00</del> <u>182.00</u>
<del>3,517-3,809</del> <u>3,460-3,748</u>	<del>226.00</del> <u>223.00</u>
<del>3,810-4,102</del> <u>3,749-4,036</u>	<del>271.00</del> <u>268.00</u>
<del>4,103-4,395</del> <u>4,037-4,324</u>	<del>297.00</del> <u>317.00</u>
<del>4,396-4,688</del> <u>4,325-4,612</u>	<del>318.00</del> <u>371.00</u>
<del>4,689-4,981</del> <u>4,613-4,901</u>	<del>338.00</del> <u>428.00</u>
<del>4,982-5,274</del> <u>4,902-5,189</u>	<del>359.00</del> <u>454.00</u>
<del>5,275-5,567</del> <u>5,190-5,477</u>	<del>379.00</del> <u>480.00</u>
<del>5,568-5,860</del> <u>5,478-5,765</u>	<del>400.00</del> <u>506.00</u>
<del>5,861-6,153</del> <u>5,766-6,054</u>	<del>420.00</del> <u>532.00</u>
<del>6,154-6,446</del> <u>6,055-6,342</u>	<del>441.00</del> <u>558.00</u>
<del>6,447-6,593</del> <u>6,343-6,486</u>	<del>456.00</del> <u>577.00</u>
<del>6,487-8,359</del>	<del>577.00</del>

Monthly Income	Monthly Co-Pay
\$ 0- <del>1,322-1,301</del>	\$ 2.00
<del>1,323-1,652</del> <u>1,302-1,626</u>	3.00
<del>1,653-1,982</del> <u>1,627-1,951</u>	<del>27.00</del> <u>26.00</u>
<del>1,983-2,313</del> <u>1,952-2,276</u>	42.00
<del>2,314-2,643</del> <u>2,277-2,601</u>	<del>66.00</del> <u>65.00</u>
<del>2,644-2,973</del> <u>2,602-2,926</u>	<del>94.00</del> <u>93.00</u>
<del>2,974-3,304</del> <u>2,927-3,251</u>	<del>127.00</del> <u>126.00</u>
<del>3,305-3,634</del> <u>3,252-3,576</u>	<del>165.00</del> <u>163.00</u>
<del>3,635-3,964</del> <u>3,577-3,901</u>	<del>207.00</del> <u>205.00</u>
<del>3,965-4,295</del> <u>3,902-4,227</u>	<del>254.00</del> <u>251.00</u>
<del>4,296-4,625</del> <u>4,228-4,552</u>	<del>306.00</del> <u>302.00</u>
<del>4,626-4,955</del> <u>4,553-4,877</u>	<del>335.00</del> <u>358.00</u>
<del>4,956-5,286</del> <u>4,878-5,202</u>	<del>358.00</del> <u>418.00</u>
<del>5,287-5,616</del> <u>5,203-5,527</u>	<del>382.00</del> <u>483.00</u>
<del>5,617-5,946</del> <u>5,528-5,852</u>	<del>405.00</del> <u>512.00</u>
<del>5,947-6,277</del> <u>5,853-6,177</u>	<del>428.00</del> <u>541.00</u>
<del>6,278-6,607</del> <u>6,178-6,502</u>	<del>451.00</del> <u>571.00</u>
<del>6,608-6,937</del> <u>6,503-6,827</u>	<del>474.00</del> <u>600.00</u>
<del>6,938-7,268</del> <u>6,828-7,152</u>	<del>497.00</del> <u>629.00</u>
<del>7,269-7,433</del> <u>7,153-7,315</u>	<del>515.00</del> <u>651.00</u>
<del>7,316-8,549</del>	<del>651.00</del>

Family Size 8	
Monthly Income	Monthly Co-Pay
\$ 0- <del>1,471-1,448</del>	\$ 2.00
<del>1,472-1,839</del> <u>1,449-1,810</u>	3.00
<del>1,840-2,206</del> <u>1,811-2,172</u>	<del>30.00</del> <u>29.00</u>
<del>2,207-2,574</del> <u>2,173-2,534</u>	<del>47.00</del> <u>46.00</u>
<del>2,575-2,942</del> <u>2,535-2,896</u>	73.00
<del>2,943-3,309</del> <u>2,897-3,258</u>	<del>105.00</del> <u>104.00</u>
<del>3,310-3,677</del> <u>3,259-3,620</u>	<del>142.00</del> <u>140.00</u>
<del>3,678-4,045</del> <u>3,621-3,982</u>	<del>184.00</del> <u>182.00</u>
<del>4,046-4,412</del> <u>3,983-4,343</u>	<del>231.00</del> <u>228.00</u>
<del>4,413-4,780</del> <u>4,344-4,705</u>	<del>283.00</del> <u>280.00</u>

Family Size 9	
Monthly Income	Monthly Co-Pay
\$ 0- <del>1,620-1,595</del>	\$ 2.00
<del>1,621-2,025</del> <u>1,596-1,994</u>	3.00
<del>2,026-2,430</del> <u>1,995-2,393</u>	<del>33.00</del> <u>32.00</u>
<del>2,431-2,835</del> <u>2,394-2,792</u>	<del>52.00</del> <u>51.00</u>
<del>2,836-3,240</del> <u>2,793-3,190</u>	<del>81.00</del> <u>80.00</u>
<del>3,241-3,645</del> <u>3,191-3,589</u>	<del>116.00</del> <u>114.00</u>
<del>3,646-4,050</del> <u>3,590-3,988</u>	<del>156.00</del> <u>155.00</u>
<del>4,051-4,455</del> <u>3,989-4,387</u>	<del>202.00</del> <u>200.00</u>
<del>4,456-4,860</del> <u>4,388-4,785</u>	<del>254.00</del> <u>252.00</u>
<del>4,861-5,265</del> <u>4,786-5,184</u>	<del>312.00</del> <u>308.00</u>

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

<del>4,781-5,148</del> <del>4,706-5,067</del>	<del>341.00</del> <del>337.00</del>	<del>5,266-5,670</del> <del>5,185-5,583</del>	<del>375.00</del> <del>371.00</del>
<del>5,149-5,515</del> <del>5,068-5,429</del>	<del>373.00</del> <del>398.00</del>	<del>5,671-6,075</del> <del>5,584-5,982</del>	<del>411.00</del> <del>439.00</del>
<del>5,516-5,883</del> <del>5,430-5,791</del>	<del>399.00</del> <del>465.00</del>	<del>6,076-6,480</del> <del>5,983-6,380</del>	<del>439.00</del> <del>513.00</del>
<del>5,884-6,251</del> <del>5,792-6,153</del>	<del>425.00</del> <del>537.00</del>	<del>6,481-6,885</del> <del>6,381-6,779</del>	<del>468.00</del> <del>592.00</del>
<del>6,252-6,618</del> <del>6,154-6,515</del>	<del>450.00</del> <del>570.00</del>	<del>6,886-7,290</del> <del>6,780-7,178</del>	<del>496.00</del> <del>628.00</del>
<del>6,619-6,986</del> <del>6,516-6,877</del>	<del>476.00</del> <del>603.00</del>	<del>7,291-7,695</del> <del>7,179-7,577</del>	<del>525.00</del> <del>664.00</del>
<del>6,987-7,354</del> <del>6,878-7,239</del>	<del>502.00</del> <del>635.00</del>	<del>7,696-8,100</del> <del>7,578-7,975</del>	<del>553.00</del> <del>700.00</del>
<del>7,355-7,721</del> <del>7,240-7,601</del>	<del>528.00</del> <del>668.00</del>	<del>8,101-8,505</del> <del>7,976-8,374</del>	<del>581.00</del> <del>736.00</del>
<del>7,722-8,089</del> <del>7,602-7,963</del>	<del>553.00</del> <del>700.00</del>	<del>8,506-8,910</del> <del>8,375-8,773</del>	<del>610.00</del> <del>772.00</del>
<del>8,090-8,273</del> <del>7,964-8,144</del>	<del>573.00</del> <del>725.00</del>	<del>8,911-9,113</del> <del>8,774-8,929</del>	<del>631.00</del> <del>797.00</del>
<del>8,145-8,739</del>	<del>725.00</del>		

Family Size 10	
Monthly Income	Monthly Co-Pay
\$ <del>0-1,770</del> <del>1,743</del>	\$ 2.00
<del>1,771-2,212</del> <del>1,744-2,178</del>	3.00
<del>2,213-2,654</del> <del>2,179-2,614</del>	<del>36.00</del> <del>35.00</del>
<del>2,655-3,097</del> <del>2,615-3,050</del>	56.00
<del>3,098-3,539</del> <del>3,051-3,485</del>	<del>88.00</del> <del>87.00</del>
<del>3,540-3,981</del> <del>3,486-3,921</del>	<del>126.00</del> <del>125.00</del>
<del>3,982-4,424</del> <del>3,922-4,356</del>	<del>171.00</del> <del>169.00</del>
<del>4,425-4,866</del> <del>4,357-4,792</del>	<del>221.00</del> <del>219.00</del>
<del>4,867-5,308</del> <del>4,793-5,227</del>	<del>278.00</del> <del>275.00</del>
<del>5,309-5,751</del> <del>5,228-5,663</del>	<del>341.00</del> <del>337.00</del>
<del>5,752-6,193</del> <del>5,664-6,099</del>	<del>410.00</del> <del>405.00</del>
<del>6,194-6,635</del> <del>6,100-6,534</del>	<del>449.00</del> <del>480.00</del>
<del>6,636-7,078</del> <del>6,535-6,970</del>	<del>480.00</del> <del>560.00</del>
<del>7,079-7,520</del> <del>6,971-7,405</del>	<del>511.00</del> <del>647.00</del>
<del>7,521-7,962</del> <del>7,406-7,841</del>	<del>542.00</del> <del>686.00</del>
<del>7,963-8,405</del> <del>7,842-8,277</del>	<del>573.00</del> <del>725.00</del>
<del>8,406-8,847</del> <del>8,278-8,712</del>	<del>604.00</del> <del>765.00</del>
<del>8,848-9,289</del> <del>8,713-9,119</del>	<del>635.00</del> <del>802.00</del>
<del>9,290-9,732</del>	<del>666.00</del>
<del>9,733-9,953</del>	<del>689.00</del>

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 13789, effective August 7, 2020, for a maximum of 150 days)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Control of Communicable Diseases Code
- 2) Code Citation: 77 Ill. Adm. Code 690
- 3) Section Number: 690.50                      Emergency Action:  
New Section
- 4) Statutory Authority: Implementing the Communicable Disease Report Act [745 ILCS 45] and implementing and authorized by the Department of Public Health Act [20 ILCS 2305].
- 5) Effective Date of Rule: August 7, 2020
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which they are to expire: The Department will review this rulemaking and may modify it before the end of the 150-day period in conjunction with the stages of the Governor's Restore Illinois Plan and the latest public health guidance and metrics.
- 7) Date Filed with the Index Department: August 7, 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 the COVID-19 epidemic.

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: The Department has jurisdiction to address dangerously contagious or infectious disease outbreaks to protect the health and lives of the people of the State, and is using that authority to establish restrictions to slow the transmission of COVID-19. This amendment requires people over age two who are able to medically tolerate a face covering (a mask or cloth face covering to cover their nose and mouth) to use a face covering when in a public place and they are unable to maintain at least a six-foot social distance. This requirement applies whether in an indoor space, such as a store, or in an outdoor space. Any business, service, facility or

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

organization open to the public or employees shall require employees, customers, and other individuals on the premises to cover their nose and mouth with a face covering when on premises. This requirement also applies to all schools and day care facilities.

This emergency rule also prohibits gatherings of more than 50 people (or gatherings of 50% or more of a building's maximum occupancy if 50% of a building maximum occupancy is less than 50 people).

- 11) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
690.100	Amendment	44 Ill. Reg. 13298; August 14, 2020
690.110	Amendment	44 Ill. Reg. 13298; August 14, 2020
690.361	New Section	44 Ill. Reg. 13298; August 14, 2020
690.625	Repealed	44 Ill. Reg. 13298; August 14, 2020

- 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: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONSPART 690  
CONTROL OF COMMUNICABLE DISEASES CODE

## SUBPART A: GENERAL PROVISIONS

Section	
690.10	Definitions
690.20	Incorporated and Referenced Materials
690.30	General Procedures for the Control of Communicable Diseases
<a href="#">690.50</a>	<a href="#">Pandemic or Epidemic Respiratory Disease – Emergency Provisions</a>
<a href="#">EMERGENCY</a>	

## SUBPART B: REPORTABLE DISEASES AND CONDITIONS

Section	
690.100	Diseases and Conditions
690.110	Diseases Repealed from This Part

## SUBPART C: REPORTING

Section	
690.200	Reporting

SUBPART D: DETAILED PROCEDURES FOR THE CONTROL  
OF COMMUNICABLE DISEASES

Section	
690.290	Acquired Immunodeficiency Syndrome (AIDS) (Repealed)
690.295	Any Unusual Case of a Disease or Condition Caused by an Infectious Agent Not Listed in this Part that is of Urgent Public Health Significance (Reportable by telephone immediately (within three hours))
690.300	Amebiasis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days) (Repealed)
690.310	Animal Bites (Reportable by mail or telephone as soon as possible, within 7 days) (Repealed)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

- 690.320 Anthrax (Reportable by telephone immediately, within three hours, upon initial clinical suspicion of the disease)
- 690.322 Arboviral Infections (Including, but Not Limited to, Chikungunya Fever, California Encephalitis, St. Louis Encephalitis, Dengue Fever and West Nile Virus) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.325 Blastomycosis (Reportable by telephone as soon as possible, within 7 days) (Repealed)
- 690.327 Botulism, Foodborne, Intestinal Botulism (Formerly Infant), Wound, or Other (Reportable by telephone immediately, within three hours upon initial clinical suspicion of the disease for foodborne botulism or within 24 hours by telephone or facsimile for other types)
- 690.330 Brucellosis (Reportable by telephone as soon as possible (within 24 hours), unless suspect bioterrorist event or part of an outbreak, then reportable immediately (within three hours) by telephone)
- 690.335 Campylobacteriosis (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.340 Chancroid (Repealed)
- 690.350 Chickenpox (Varicella) (Reportable by telephone, facsimile or electronically, within 24 hours)
- 690.360 Cholera (Toxigenic *Vibrio cholerae* O1 or O139) (Reportable by telephone or facsimile as soon as possible, within 24 hours)
- 690.362 Creutzfeldt-Jakob Disease (CJD) (All Laboratory Confirmed Cases) (Reportable by mail, telephone, facsimile or electronically within Seven days after confirmation of the disease) (Repealed)
- 690.365 Cryptosporidiosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.368 Cyclosporiasis (Reportable by mail, telephone, facsimile or electronically, within seven days)
- 690.370 Diarrhea of the Newborn (Reportable by telephone as soon as possible, within 24 hours) (Repealed)
- 690.380 Diphtheria (Reportable by telephone immediately, within three hours, upon initial clinical suspicion or laboratory test order)
- 690.385 Ehrlichiosis, Human Granulocytotropic anaplasmosis (HGA) (See Tickborne Disease)
- 690.386 Ehrlichiosis, Human Monocytotropic (HME) (See Tickborne Disease)
- 690.390 Encephalitis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days) (Repealed)
- 690.400 *Escherichia coli* Infections (*E. coli* O157:H7 and Other Shiga Toxin Producing *E.*

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

- 690.410 coli) (Reportable by telephone or facsimile as soon as possible, within 24 hours)  
Foodborne or Waterborne Illness (Reportable by telephone or facsimile as soon as possible, within 24 hours) (Repealed)
- 690.420 Giardiasis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days) (Repealed)
- 690.430 Gonorrhea (Repealed)
- 690.440 Granuloma Inguinale (Repealed)
- 690.441 Haemophilus Influenzae, Meningitis and Other Invasive Disease (Reportable by telephone or facsimile, within 24 hours)
- 690.442 Hantavirus Pulmonary Syndrome (Reportable by telephone as soon as possible, within 24 hours)
- 690.444 Hemolytic Uremic Syndrome, Post-diarrheal (Reportable by telephone or facsimile, within 24 hours)
- 690.450 Hepatitis A (Reportable by telephone or facsimile as soon as possible, within 24 hours)
- 690.451 Hepatitis B and Hepatitis D (Reportable by mail, telephone, facsimile or electronically, within seven days)
- 690.452 Hepatitis C, Acute Infection and Non-acute Confirmed Infection (Reportable by mail, telephone, facsimile or electronically, within seven days)
- 690.453 Hepatitis, Viral, Other (Reportable by mail, telephone, facsimile or electronically, within 7 days) (Repealed)
- 690.460 Histoplasmosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.465 Influenza, Death (in persons less than 18 years of age) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.468 Influenza (Laboratory Confirmed (Including Rapid Diagnostic Testing)) Intensive Care Unit Admissions (Reportable by telephone or facsimile or electronically as soon as possible, within 24 hours)
- 690.469 Influenza A, Variant Virus (Reportable by telephone immediately, within three hours upon initial clinical suspicion or laboratory test order)
- 690.470 Intestinal Worms (Reportable by mail or telephone as soon as possible, within 7 days) (Repealed)
- 690.475 Legionellosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.480 Leprosy (Hansen's Disease) (Infectious and Non-infectious Cases are Reportable) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days) (Repealed)
- 690.490 Leptospirosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

- 690.495 Listeriosis (When Both Mother and Newborn are Positive, Report Mother Only) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.500 Lymphogranuloma Venereum (Lymphogranuloma Inguinale Lymphopathia Venereum) (Repealed)
- 690.505 Lyme Disease (See Tickborne Disease)
- 690.510 Malaria (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.520 Measles (Reportable by telephone as soon as possible, within 24 hours)
- 690.530 Meningitis, Aseptic (Including Arboviral Infections) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days) (Repealed)
- 690.540 Meningococemia (Reportable by telephone as soon as possible) (Repealed)
- 690.550 Mumps (Reportable by telephone, facsimile or electronically as soon as possible, within 24 hours)
- 690.555 Neisseria meningitidis, Meningitis and Invasive Disease (Reportable by telephone or facsimile as soon as possible, within 24 hours)
- 690.560 Ophthalmia Neonatorum (Gonococcal) (Reportable by mail or telephone as soon as possible, within 7 days) (Repealed)
- 690.565 Outbreaks of Public Health Significance (Including, but Not Limited to, Foodborne or Waterborne Outbreaks) (Reportable by telephone or electronically as soon as possible, within 24 hours)
- 690.570 Plague (Reportable by telephone immediately, within three hours upon initial clinical suspicion of the disease)
- 690.580 Poliomyelitis (Reportable by telephone immediately, within three hours) upon initial clinical suspicion of the disease)
- 690.590 Psittacosis (Ornithosis) Due to Chlamydia psittaci (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.595 Q-fever Due to Coxiella burnetii (Reportable by telephone as soon as possible, within 24 Hours, unless suspect bioterrorist event or part of an outbreak, then reportable immediately (within three hours) by telephone)
- 690.600 Rabies, Human (Reportable by telephone or facsimile as soon as possible, within 24 hours)
- 690.601 Rabies, Potential Human Exposure and Animal Rabies (Reportable by telephone or facsimile, within 24 hours)
- 690.610 Rocky Mountain Spotted Fever (See Tickborne Disease)
- 690.620 Rubella (German Measles) (Including Congenital Rubella Syndrome) (Reportable by telephone, facsimile or electronically as soon as possible, within 24 hours)
- 690.630 Salmonellosis (Other than Typhoid Fever) (Reportable by mail, telephone,

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

- 690.635 facsimile or electronically as soon as possible, within seven days)  
Severe Acute Respiratory Syndrome (SARS) (Reportable by telephone immediately (within 3 hours) upon initial clinical suspicion of the disease)
- 690.640 Shigellosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.650 Smallpox (Reportable by telephone immediately, within three hours upon initial clinical suspicion of the disease)
- 690.655 Smallpox vaccination, complications of (Reportable by telephone or electronically as soon as possible, within 24 hours)
- 690.658 Staphylococcus aureus, Methicillin Resistant (MRSA) Infection, Clusters of Two or More Laboratory Confirmed Cases Occurring in Community Settings (Including, but Not Limited to, Schools, Correctional Facilities, Day Care and Sports Teams) (Reportable by telephone or facsimile as soon as possible, within 24 hours) (Repealed)
- 690.660 Staphylococcus aureus, Methicillin Resistant (MRSA), Any Occurrence in an Infant Less Than 61 Days of Age (Reportable by telephone or facsimile or electronically as soon as possible, within 24 hours) (Repealed)
- 690.661 Staphylococcus aureus Infections with Intermediate (Minimum inhibitory concentration (MIC) between 4 and 8) (VISA) or High Level Resistance to Vancomycin (MIC greater than or equal to 16) (VRSA) (Reportable by telephone or facsimile, within 24 hours)
- 690.670 Streptococcal Infections, Group A, Invasive Disease (Including Streptococcal Toxic Shock Syndrome and Necrotizing fasciitis) (Reportable by telephone or facsimile, within 24 hours)
- 690.675 Streptococcal Infections, Group B, Invasive Disease, of the Newborn (birth to 3 months) (Reportable by mail, telephone, facsimile or electronically, within 7 days) (Repealed)
- 690.678 Streptococcus pneumoniae, Invasive Disease in Children Less than 5 Years (Including Antibiotic Susceptibility Test Results) (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.680 Syphilis (Repealed)
- 690.690 Tetanus (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.695 Toxic Shock Syndrome due to Staphylococcus aureus Infection (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.698 Tickborne Disease (Includes Babesiosis, Ehrlichiosis, Anaplasmosis, Lyme Disease and Spotted Fever Rickettsiosis) (Reportable by mail, telephone, facsimile or electronically, within seven days)
- 690.700 Trachoma (Repealed)
- 690.710 Trichinosis (Trichinellosis) (Reportable by mail, telephone, facsimile or

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

- electronically as soon as possible, within seven days)
- 690.720 Tuberculosis (Repealed)
- 690.725 Tularemia (Reportable by telephone as soon as possible, within 24 hours, unless suspect bioterrorist event or part of an outbreak, then reportable immediately (within three hours))
- 690.730 Typhoid Fever (Reportable by telephone or facsimile as soon as possible, within 24 hours)
- 690.740 Typhus (Reportable by telephone or facsimile as soon as possible, within 24 hours)
- 690.745 Vibriosis (Other than Toxigenic *Vibrio cholera* O1 or O139) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.750 Pertussis (Whooping Cough) (Reportable by telephone as soon as possible, within 24 hours)
- 690.752 Yersiniosis (Reportable by mail, telephone, facsimile or electronically, within seven days) (Repealed)
- 690.800 Any Suspected Bioterrorist Threat or Event (Reportable by telephone immediately, within 3 hours upon initial clinical suspicion of the disease)

## SUBPART E: DEFINITIONS

- Section  
690.900 Definition of Terms (Renumbered)

## SUBPART F: GENERAL PROCEDURES

- Section  
690.1000 General Procedures for the Control of Communicable Diseases (Renumbered)  
690.1010 Incorporated and Referenced Materials (Renumbered)

## SUBPART G: SEXUALLY TRANSMITTED DISEASES

- Section  
690.1100 The Control of Sexually Transmitted Diseases (Repealed)

SUBPART H: PROCEDURES FOR WHEN DEATH OCCURS FROM  
COMMUNICABLE DISEASES

- Section  
690.1200 Death of a Person Who Had a Known or Suspected Communicable Disease

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

690.1210 Funerals (Repealed)

## SUBPART I: ISOLATION, QUARANTINE, AND CLOSURE

## Section

690.1300 General Purpose  
690.1305 Department of Public Health Authority  
690.1310 Local Health Authority  
690.1315 Responsibilities and Duties of the Certified Local Health Department  
690.1320 Responsibilities and Duties of Health Care Providers  
690.1325 Conditions and Principles for Isolation and Quarantine  
690.1330 Order and Procedure for Isolation, Quarantine and Closure  
690.1335 Isolation or Quarantine Premises  
690.1340 Enforcement  
690.1345 Relief from Isolation, Quarantine, or Closure  
690.1350 Consolidation  
690.1355 Access to Medical or Health Information  
690.1360 Right to Counsel  
690.1365 Service of Isolation, Quarantine, or Closure Order  
690.1370 Documentation  
690.1375 Voluntary Isolation, Quarantine, or Closure  
690.1380 Physical Examination, Testing and Collection of Laboratory Specimens  
690.1385 Vaccinations, Medications, or Other Treatments  
690.1390 Observation and Monitoring  
690.1400 Transportation of Persons Subject to Public Health or Court Order  
690.1405 Information Sharing  
690.1410 Amendment and Termination of Orders  
690.1415 Penalties

## SUBPART J: REGISTRIES

## Section

690.1500 Extensively Drug-Resistant Organism Registry  
690.1510 Entities Required to Submit Information  
690.1520 Information Required to be Reported  
690.1530 Methods of Reporting XDRO Registry Information  
690.1540 Availability of Information

690.EXHIBIT A Typhoid Fever Agreement (Repealed)

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**AUTHORITY:** Implementing the Communicable Disease Report Act [745 ILCS 45] and implementing and authorized by the Department of Public Health Act [20 ILCS 2305].

**SOURCE:** Amended July 1, 1977; emergency amendment at 3 Ill. Reg. 14, p. 7, effective March 21, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 52, p. 131, effective December 7, 1979; emergency amendment at 4 Ill. Reg. 21, p. 97, effective May 14, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 38, p. 183, effective September 9, 1980; amended at 7 Ill. Reg. 16183, effective November 23, 1983; codified at 8 Ill. Reg. 14273; amended at 8 Ill. Reg. 24135, effective November 29, 1984; emergency amendment at 9 Ill. Reg. 6331, effective April 18, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9124, effective June 3, 1985; amended at 9 Ill. Reg. 11643, effective July 19, 1985; amended at 10 Ill. Reg. 10730, effective June 3, 1986; amended at 11 Ill. Reg. 7677, effective July 1, 1987; amended at 12 Ill. Reg. 10045, effective May 27, 1988; amended at 15 Ill. Reg. 11679, effective August 15, 1991; amended at 18 Ill. Reg. 10158, effective July 15, 1994; amended at 23 Ill. Reg. 10849, effective August 20, 1999; amended at 25 Ill. Reg. 3937, effective April 1, 2001; amended at 26 Ill. Reg. 10701, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 592, effective January 2, 2003, for a maximum of 150 days; emergency expired May 31, 2003; amended at 27 Ill. Reg. 10294, effective June 30, 2003; amended at 30 Ill. Reg. 14565, effective August 23, 2006; amended at 32 Ill. Reg. 3777, effective March 3, 2008; amended at 37 Ill. Reg. 12063, effective July 15, 2013; recodified at 38 Ill. Reg. 5408; amended at 38 Ill. Reg. 5533, effective February 11, 2014; emergency amendment at 38 Ill. Reg. 21954, effective November 5, 2014, for a maximum of 150 days; amended at 39 Ill. Reg. 4116, effective March 9, 2015; amended at 39 Ill. Reg. 11063, effective July 24, 2015; amended at 39 Ill. Reg. 12586, effective August 26, 2015; amended at 40 Ill. Reg. 7146, effective April 21, 2016; amended at 43 Ill. Reg. 2386, effective February 8, 2019; emergency amendment at 44 Ill. Reg. 9282, effective May 15, 2020, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 44 Ill. Reg. 10000, effective May 20, 2020; emergency amendment at 44 Ill. Reg. 13473, effective August 3, 2020, for a maximum of 150 days; emergency amendment at 44 Ill. Reg. 13807, effective August 7, 2020, for a maximum of 150 days.

## SUBPART A: GENERAL PROVISIONS

**Section 690.50 Pandemic or Epidemic Respiratory Disease – Emergency Provisions**  
**EMERGENCY**

- a) *The State Department of Public Health has general supervision of the interests of the health and lives of the people of the State. As part of that general supervision, the Department has jurisdiction to address dangerously contagious or infectious*

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disease outbreaks to protect the health and lives of the people of the State. The Department shall take means it considers necessary to restrict and suppress dangerously contagious or infectious diseases, especially when existing in epidemic form. (Section 2(a) of the Act).

- b) The Department shall have the general authority to delegate to certified local health departments the duties and powers under those Acts it is authorized to enforce for the purpose of local administration and enforcement. 20 ILCS 2310/15.
- c) In order to restrict and suppress the novel coronavirus SARS-CoV-2 that causes the coronavirus disease 2019 (COVID-19), a dangerously contagious and infectious respiratory disease in the form of a pandemic or epidemic, which is spread person to person in respiratory droplets released by a person infected with the disease, the Department implements the following restrictions and requirements:
- 1) Any individual who is over age two and able to medically tolerate a face covering (a mask or cloth face covering) shall be required to cover their nose and mouth with a face covering when in a public place and unable to maintain at least a six-foot social distance. This requirement applies whether in an indoor space, such as a store, or in an outdoor space.
  - 2) Any business, service, facility or organization open to the public or employees shall require employees, customers, and other individuals on the premises who are over age two and able to medically tolerate a face covering to cover their nose and mouth with a face covering when on premises and unable to maintain at least a six-foot social distance. Businesses, services, facilities or organizations that offer food or beverages for in-person consumption may permit employees, customers, and other individuals to remove their face coverings while eating or drinking, but must require face coverings at all other times. Businesses, services, facilities or organizations that take reasonable efforts to require patrons and employees to wear a face covering shall be in compliance with this subsection. For retail businesses, reasonable efforts to comply with regard to customers shall be determined based on the totality of the circumstances and include, but are not limited to: posting signage requiring face coverings to be worn on the premises; providing face coverings to customers; giving verbal warnings to customers to wear a

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face covering when on the premises; and requesting that customers leave the premises if not wearing a face covering.

- 3) Schools, including preschools, public and nonpublic schools that serve students in grades pre-kindergarten through grade 12, institutions of higher education, and vocational programs, and day cares, including day care centers, day care homes, and group day care homes licensed by the Department of Children & Family Services (DCFS) and day care centers that are exempt from licensure, shall require students, employees, and other individuals who are over age two and able to medically tolerate a face covering to cover their nose and mouth with a face covering when on premises. Schools and day cares may permit face coverings to be removed while eating or drinking, when individuals are outdoors and social distance is maintained, while playing a musical instrument if necessary, and, for staff, while using a face shield when necessary to allow for facial visualization during instruction and communication.
  - 4) Gatherings of more than 50 people (or gatherings of 50% or more of a building's maximum occupancy as determined by the authority having jurisdiction, if 50% of a building maximum occupancy is less than 50 people) are prohibited unless exempted by law or Executive Order. Public and nonpublic schools serving pre-kindergarten through 12th grade students must limit the number of people in one space to fifty or fewer.
- d) Pursuant to 20 ILCS 2305/2(a), all local boards of health, health authorities and officers, police officers, sheriffs, and all other officers and employees of the State or any locality, including the Department and certified local health departments under 20 ILCS 2310/15, ("enforcing entities"), shall enforce the rules and regulations so adopted and orders issued by the Department. Enforcing entities shall enforce this rule as follows:
- 1) Enforcement against a business, service, facility or organization open to the public. Businesses, services, facilities or organizations shall be responsible for compliance with this rule. No individual shall be held responsible for compliance with this rule on behalf of a business, service, facility or organization even if the individual is an owner, officer, principal or employee of that business, service, facility or organization. This rule shall be enforced for businesses, services, facilities or

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organizations open to the public by enforcing entities in the following manner:

- A) First, businesses, services, facilities or organizations open to the public shall be given a written notice of non-compliance by an enforcing entity and a reasonable opportunity to take prompt actions to comply with subsection (c). The reasonableness of the time period to take prompt action will be determined by the enforcing entity depending on the facts and circumstances, including but not limited to the nature of the activity taking place, whether the activity is being conducted indoors or outdoors, the public health risk, the number of individuals at risk of exposure to COVID-19, and the size of the building and crowd occupying the building. Examples of actions that might be taken include but are not limited to promptly distributing face coverings to patrons and/or employees, or in instances where a business, service, non-profit or other entity open to the public is too crowded, reducing the number of persons on-site by placing an employee at the entrance to limit the number of people entering until the occupancy is in compliance with subsection (c)(4). Enforcing entities may observe until voluntary compliance is achieved or return at a later time to ensure that compliance was achieved depending on the time period provided to allow for compliance.
- B) Second, if the enforcing entity concludes that the business, service, facility, or organization open to the public has not voluntarily complied in a reasonable period of time after receiving a written notice pursuant to subsection (d)(1)(A), the enforcing entity may issue a written order to the business, service, facility or organization open to the public to have all or some of the persons on premises disperse (order to disperse) in order to restrict and suppress COVID-19, until such time as the business or establishment is in compliance with subsection (c).
- C) Third, if the business, service, facility or organization open to the public refuses to comply with a written order to disperse pursuant to subsection (d)(1)(B), that business, service, facility or organization open to the public shall be subject to the penalties set forth in Section 8.1 of the Act. As provided in subsection (d)(2)

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below, no individual may be subject to the penalties set forth in Section 8.1 of the Act for violation of this rule, including an individual owner, officer, principal or employee of a business, service, facility or organization.

- D) A business, service, facility or organization open to the public may also be subject to the penalties set forth in Section 8.1 of the Act in the following circumstances:
- i) the business, service, facility or organization open to the public engages in repeated or continued violations after receiving two or more written notices of noncompliance pursuant to subsection (d)(1)(A); or
  - ii) the business, service, facility or organization open to the public engages in repeated or continued violations after receiving one or more written orders to disperse pursuant to subsection (d)(1)(B). As provided in subsection (d)(2) below, no individual may be subject to the penalties set forth in Section 8.1 of the Act for violation of this rule, including an individual owner, officer, principal or employee of a business, service, facility or organization. When determining whether a business, service, facility or organization should be subject to the penalties set forth in Section 8.1 of the Act based on repeated violations, enforcing entities shall take into consideration the time period between violations.
- E) When determining whether a business, service, facility or organization has failed to comply with subsection (c)(2), enforcing entities shall take into consideration reasonable efforts taken by the business, service, facility or organization to ensure all individuals, including but not limited to patrons and employees, wear a face covering while they are on premises and unable to maintain a social distance of at least six-feet. For retail businesses, reasonable efforts to comply with regard to customers shall be determined based on the totality of the circumstances and include, but are not limited to: posting signage requiring face coverings to be worn on the premises; providing face coverings to customers; giving verbal

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warnings to customers to wear a face covering when on the premises; and requesting that customers leave the premises if not wearing a face covering.

- 2) Enforcement against an individual. Enforcing entities shall not enforce this rule against an individual for non-compliance with subsection (c), including but not limited to the penalties set forth in Section 8.1 of the Act. No individual shall be held responsible for compliance with this rule on behalf of a business, service, facility or organization even if the individual is an owner, officer, principal or employee of that business, service, facility or organization. Nothing in this order alters or supersedes an enforcing entity's authority to seek such penalties related to violation of an isolation or quarantine order pursuant to Section 690.1415(b).
  
- 3) Enforcement against a school or day care. Enforcing entities may give a written notice of non-compliance and a reasonable opportunity to cure to a school or day care that fails to comply with subsection (c)(3) or (c)(4). Under this subsection, a reasonable opportunity should be no less than the next business day. The enforcing entity shall notify the following entities after issuing a written notice of non-compliance to the school or daycare: the certified local health department, the local board of health or health authorities (if enforcing entity is other than the local board of health or health authorities), for public schools, the local school district, or for nonpublic schools, the parent institution with which the school is affiliated, as applicable, and the Illinois State Board of Education, Illinois Board of Higher Education, the Illinois Community College Board, or DCFS, as appropriate. Upon receipt of a notice of non-compliance, a school or day care must notify parents in writing that a notice of non-compliance was issued and disclose its plan to comply. The local board of health, local health authorities or certified local health department shall take action to ensure a school or day care complies with the rules and regulations issued by the Department pursuant to this Section. Pursuant to Section 2(a) of the Act, the Department of Public Health may take necessary measures to ensure compliance with subsection (c)(3) if the certified local health department, local board of health or local health authorities neglect or refuse to promptly do so.

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- 4) The Department shall post on its website and provide to all certified local health departments a sample written notice of non-compliance and a sample written order to disperse.
- e) Pursuant to Section 690.30(a), the Department and local health authorities may investigate the occurrence of cases, suspect cases or carriers of COVID-19 in a public or private place for the purposes of verifying the existence of the disease, locating and evaluating contacts of cases, identifying those at risk of disease, and determining necessary control measures. Such investigations may include entering a place of employment for purposes of conducting investigations of those conditions within the place of employment that are relevant, pertinent and necessary to the investigation. When two or more suspected cases of COVID-19 occur in any business, organization, institution, facility, school or daycare the business owner, or the person in charge of the establishment shall cooperate with public health authorities in the investigation of cases, suspect cases, outbreaks and suspect outbreaks.
- f) Pursuant to the procedures set forth in Section 690.1300 through 690.1415, the Department or a certified local health department may order the closure of a business, service, facility or organization, school or day care. For purposes of a school or day care, the occurrence of an outbreak of COVID-19 among students or staff may constitute an emergency consistent with Section 690.30(c), and closure should result in shifting to remote instruction as opposed to in-person instruction.
- g) Unless expressly indicated in this rule, a violation of the provisions of this Section shall not be subject to the penalties set forth in Section 8.1 of the Act.
- h) Nothing in this rule supersedes any provisions of an Executive Order or guidance issued pursuant to an Executive Order.
- i) Nothing in this rule supersedes any authority of an enforcing entity to enforce a local rule, ordinance or order.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 13807, effective August 7, 2020, for a maximum of 150 days)

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## NOTICE OF EMERGENCY AMENDMENT TO EMERGENCY RULE

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Number: 1030.160                      Emergency Action: Amendment
- 4) Statutory Authority: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5] and Section 2(b)(2) of the Illinois Identification Card Act [15 ILCS 335].
- 5) Effective Date of Emergency Rule: August 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: This emergency rule will expire at the end of 150 days or the date on which the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-038 issued on March 9, 2020, and as extended by subsequent proclamations, terminates, whichever occurs first.
- 7) Date Filed with the Index Department: August 7, 2020
- 8) A statement that 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 virus and the resulting closures of all Secretary of State Driver Service facilities, the expiration dates of drivers' licenses were extended. Senior citizens are at a heightened risk of contracting COVID 19 and if contracted, can experience severe effects and a greater risk of death. Additionally, driver's license transactions for drivers aged 75 and older take longer as a road test is required. This rulemaking will protect the health and safety of these drivers.
- 10) A complete Description of the Subjects and Issues Involved: This emergency amendment to emergency rule will clarify the period of extensions of drivers licenses for the senior citizens of Illinois. In addition, the SOS extends the expiration dates of driver's licenses, identification cards, and instruction permits which were expired as of the last day of the proclaimed disaster, and those which expire within the first 60 days following the last day of the proclaimed disaster an additional 100 days.

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- 11) Are there any other rulemakings to this Part pending? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
1030.160	New Section	44 Ill. Reg. 5730; April 3, 2020
1030.88	Amendment	44 Ill. Reg. 9923; June 5, 2020
1030.83	Amendment	44 Ill. Reg. 13005; August 7, 2020
1030.92	Amendment	44 Ill. Reg. 13005; August 7, 2020

- 12) Statement of Statewide Policy Objective: This rulemaking does not create or enlarge a mandate as described in Section 3(b) of the State Mandates Act.
- 13) Information and questions regarding this emergency rule shall be directed to:

Brenda Glahn  
Senior Legal Advisor  
298 Howlett Building  
Springfield IL 62756

bglahn@ilsos.gov

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

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TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATEPART 1030  
ISSUANCE OF LICENSES

Section	
1030.1	Definitions
1030.5	Procedure for Obtaining a Standard Driver's License or Identification Card
1030.6	Procedure for Obtaining a Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a)
1030.7	Procedure for Obtaining a Non-Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a-5)
1030.8	Procedure for Obtaining a Real ID Compliant Driver's License or Identification Card
1030.10	What Persons Shall Not Be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License (Renumbered)
1030.12	Identification Cards for the Homeless
1030.13	Denial of License or Permit
1030.14	Emergency Contact Database
1030.15	Cite for Re-testing
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References (Repealed)
1030.22	Medical Examiner's Certificate – CLP or CDL Holders
1030.25	Safe Driver License Renewals
1030.26	Identification Cards for IDOC/IDJJ Applicants
1030.27	Identification Cards for Youth in Care
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers (Repealed)
1030.65	Instruction Permits
1030.66	Adult Driver Education
1030.70	Driver's License Testing/Vision Screening

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- 1030.75 Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
- 1030.80 Driver's License Testing/Written Test
- 1030.81 Endorsements
- 1030.82 Charter Bus Driver Endorsement Requirements
- 1030.83 Hazardous Material Endorsement
- 1030.84 Vehicle Inspection
- 1030.85 Driver's License Testing/Road Test
- 1030.86 Multiple Attempts – Written and/or Road Tests
- 1030.88 Exemption of Facility Administered Road Test
- 1030.89 Temporary Driver's Licenses and Temporary Instruction Permits
- 1030.90 Requirement for Photograph and Signature of Licensee on Driver's License
- 1030.91 Person with a Disability Identification Card
- 1030.92 Restrictions
- 1030.93 Restricted Local Licenses
- 1030.94 Duplicate or Corrected Driver's License or Instruction Permit
- 1030.95 Consular Licenses (Repealed)
- 1030.96 Seasonal Restricted Commercial Driver's License
- 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
- 1030.98 School Bus Endorsement or Learner's Permit
- 1030.100 Anatomical Gift Donor (Repealed)
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License
- 1030.140 Use of Captured Images
- 1030.150 Veteran Designation on Driver's License or Identification Card
- 1030.160 Extension of Expiration Dates

EMERGENCY

- 1030.APPENDIX A Questions Asked of a Driver's License Applicant
- 1030.APPENDIX B Acceptable Identification Documents – Applicants for a Standard Identification Card, Driver's License, Instruction Permit, Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a) or Visa Status Temporary Visitor's Instruction Permit (Non-Real ID)
- 1030.APPENDIX C Acceptable Identification Documents – Applicants for a Non-Visa Status Temporary Visitor's Driver's License or Non-Visa Status Temporary Visitor's Instruction Permit Pursuant to IVC Section 6-

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105.1(a-5)  
1030.APPENDIX D Acceptable Identification Documents – Applicants for a Real ID  
Compliant Driver's License or Identification Card

**AUTHORITY:** Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5] and Section 2(b)(2) of the Illinois Identification Card Act [15 ILCS 335].

**SOURCE:** Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 15130, effective September 2, 1986; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a

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maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007; amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6544, effective April 4, 2008; amended at 33 Ill. Reg. 2391, effective January 21, 2009; amended at 33 Ill. Reg. 8489, effective June 5, 2009; amended at 33 Ill. Reg. 9794, effective June 29, 2009; amended at 33 Ill. Reg. 11620, effective July 22, 2009; amended at 33 Ill. Reg. 14185, effective September 28, 2009; amended at 34 Ill. Reg. 563, effective December 22, 2009; amended at 34 Ill. Reg. 9457, effective June 23, 2010; amended at

## OFFICE OF THE SECRETARY OF STATE

## NOTICE OF EMERGENCY AMENDMENT TO EMERGENCY RULE

34 Ill. Reg. 15418, effective September 22, 2010; amended at 34 Ill. Reg. 19071, effective November 22, 2010; amended at 35 Ill. Reg. 2197, effective January 21, 2011; amended at 35 Ill. Reg. 4692, effective March 3, 2011; amended at 35 Ill. Reg. 19664, effective November 23, 2011; amended at 36 Ill. Reg. 3924, effective February 27, 2012; amended at 36 Ill. Reg. 7255, effective April 26, 2012; amended at 36 Ill. Reg. 14755, effective September 18, 2012; amended at 37 Ill. Reg. 7776, effective May 22, 2013; amended at 37 Ill. Reg. 14176, effective September 1, 2013; amended at 37 Ill. Reg. 19342, effective November 28, 2013; amended at 38 Ill. Reg. 7946, effective March 28, 2014; emergency amendment at 38 Ill. Reg. 8429, effective April 4, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 12515, effective July 1, 2014; amended at 38 Ill. Reg. 16366, effective July 21, 2014; amended at 38 Ill. Reg. 20039, effective October 1, 2014; amended at 39 Ill. Reg. 1182, effective January 5, 2015; amended at 39 Ill. Reg. 5083, effective March 23, 2015; amended at 39 Ill. Reg. 8028, effective May 21, 2015; amended at 39 Ill. Reg. 11531, effective July 28, 2015; amended at 39 Ill. Reg. 14930, effective October 29, 2015; amended at 40 Ill. Reg. 1882, effective January 12, 2016; amended at 40 Ill. Reg. 7330, effective May 2, 2016; amended at 40 Ill. Reg. 13637, effective September 19, 2016; amended at 40 Ill. Reg. 15397, effective October 26, 2016; amended at 41 Ill. Reg. 438, December 29, 2016; amended at 41 Ill. Reg. 3009, effective February 24, 2017; amended at 41 Ill. Reg. 13665, effective October 30, 2017; amended at 42 Ill. Reg. 1886, effective January 3, 2018; amended at 42 Ill. Reg. 2891, effective January 29, 2018; amended at 42 Ill. Reg. 4969, effective March 5, 2018; amended at 42 Ill. Reg. 11499, effective June 8, 2018; amended at 42 Ill. Reg. 20548, effective October 30, 2018; amended at 43 Ill. Reg. 3724, effective March 4, 2019; amended at 43 Ill. Reg. 5322, effective April 24, 2019; amended at 44 Ill. Reg. 2041, effective December 31, 2019; emergency amendment at 44 Ill. Reg. 5477, effective March 16, 2020, for a maximum of 150 days; emergency amendment at 44 Ill. Reg. 5839, effective March 17, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 6650, effective April 9, 2020, for the remainder of the 150 days; emergency amendment at 44 Ill. Reg. 10011, effective May 21, 2020, for a maximum of 150 days; emergency amendment effective March 17, 2020, as amended April 9, 2020, repealed at 44 Ill. Reg. 11603, effective June 30, 2020; emergency amendment at 44 Ill. Reg. 11898, effective June 30, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 13823, effective August 7, 2020, for the remainder of the 150 days; amended at 44 Ill. Reg. 12607, effective July 7, 2020.

**Section 1030.160 Extension of Expiration Dates****EMERGENCY**

- a) Pursuant to the powers vested in him by Public Act 101-640, the Secretary of State hereby extends for the duration of the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-038 issued on March 9, 2020, as

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extended by subsequent disaster proclamations, and for a period of ~~100~~95 days thereafter, the expiration dates of any driver's licenses, instruction permits, permits and identification cards which were expired as of the last day of the proclaimed disaster, and those which expire within the first 60 days following the last day of the proclaimed disaster. This extension applies to, but is not limited to, those documents set forth in the following statutes:

625 ILCS 5/6-105  
625 ILCS 5/6-105.1  
625 ILCS 5/6-107.1  
625 ILCS 5/6-107.4  
625 ILCS 5/6-115  
625 ILCS 5/6-205  
625 ILCS 5/6-206.1  
625 ILCS 5/6-507.5  
625 ILCS 5/6-106.1  
625 ILCS 5/6-113(c)  
15 ILCS 335/4  
15 ILCS 335/8

- b) In recognition of the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-038 issued on March 9, 2020, as extended by subsequent disaster proclamations, and pursuant to the authority set forth in Sections 6-115(a) and 6-115(g) of the Illinois Vehicle Code, the Secretary of State hereby extends for a period of 12 months the expiration date of all driver's licenses issued to Illinois residents:
- 1) who:
    - A) were at least 75 years of age as of January 1, 2020; or
    - B) attain the age of 75 during the year 2020; and
  - 2) whose driver's license expires during calendar year 2020.
- c) The extension period created in this subsection (b) shall run from the expiration date on the driver's license currently held by the individual driver and for a period of 12 months thereafter.

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- d) To be eligible for the extensions created in this Section, the individual's driver's license, instruction permits, permits and identification cards must be valid as of the expiration date on the driver's license currently held by the individual driver.
- e) All conditions and restrictions under which the driver's licenses, instruction permits, permits and identification cards were issued shall remain in full force and effect during the period of these extensions~~this extension~~. ~~The~~This extension period may be rescinded by the Secretary of State through the adoption of an emergency rule.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 11898, effective June 30, 2020, for a maximum of 150 days; amended by emergency amendment to emergency rule at 44 Ill. Reg. 13823, effective August 7, 2020, for the remainder of the 150 days)

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## SECOND NOTICES RECEIVED

The following second notices were received during the period of August 4, 2020 through August 10, 2020. The DFPR rulemaking is scheduled for the August 11, 2020 meeting. The 2 EPA rulemakings are scheduled for the September 15, 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
9/20/20	<u>Department of Financial and Professional Regulation</u> , Cannabis Regulation and Tax Act (68 Ill. Adm. Code 1291)	6/19/20 44 Ill. Reg. 10343	8/11/20
9/20/20	<u>Environmental Protection Agency</u> , Public Water Supply Capacity (Repealer) (35 Ill. Adm. Code 652)	12/6/19 43 Ill. Reg. 13880	9/15/20
9/20/20	<u>Environmental Protection Agency</u> , Community Water Supplies (35 Ill. Adm. Code 652)	12/6/19 43 Ill. Reg. 13889	9/15/20

**ILLINOIS ADMINISTRATIVE CODE**  
**Issue Index - With Effective Dates**

Rules acted upon in Volume 44, Issue 34 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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