

THE FLINN REPORT

ILLINOIS GENERAL ASSEMBLY
JOINT COMMITTEE ON ADMINISTRATIVE RULES

Elaine Spencer, Editor

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The Flinn Report is a weekly summary of regulatory actions of State agencies published in the *Illinois Register* and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules (JCAR). The Flinn Report honors founding JCAR member Representative Monroe Flinn, and is designed to inform and involve the public in changes taking place in agency administration.

Adopted Rules

PRISON MAIL

The DEPARTMENT OF CORRECTIONS adopted amendments to Rights and Privileges (20 IAC 525; proposed at 49 Ill Reg 12567) effective 1/9/26 at 50 Ill Reg 1047, replacing emergency amendments effective 8/14/25. These amendments, which have undergone significant changes since 1st Notice, replace references to "offenders" with "individuals in custody" throughout the Part, and update DOC procedures for processing incoming mail and for reception of publications such as books, magazines, newspapers, pamphlets and newsletters. DOC states that these rules are intended to prevent smuggling of contraband, hazardous substances, and other prohibited substances or materials into correctional facilities.

Mail Digitization

The rulemaking authorizes DOC to process incoming non-privileged mail by electronically scanning the

contents (mail digitization) and making digital copies or photocopies of the enclosed material. These copies may then be provided to the individuals to whom they are addressed in print form (physical copy distribution) or electronically (digital copy distribution) via upload to a facility-issued device. The Director of DOC may allow mail to bypass this

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process if an item poses no material security risk; if an unforeseen circumstance (such as a power outage) prevents timely mail processing; if the item is sent by inter-office mail from within DOC or is part of a mass mailing; or if delivery of the original copy is required by State or federal law. A change since 1st Notice provides that photographs received through the mail for an individual in custody will be given directly to the individual when they are delivered

unopened directly from "a legitimate and verifiable business" that distributes photos by mail, are free of contraband, and include the original watermark. Original copies of mail that is digitized or photocopied shall be retained for at least 6 months, unless the mail becomes the subject of a grievance, in which case it must be retained until the grievance process ends.

Privileged Mail

Incoming privileged mail (not subject to inspection by facility staff) must be clearly marked with the name and address of the sender and be marked with "privileged", "confidential", "legal mail", "attorney correspondence" or another term indicating its privileged status. The rule adds DOC's Prison Rape Elimination Act (PREA) and Americans With Disabilities Act (ADA) Coordinators, foreign consular perso-

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ADOPTED RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Temporary rules adopted for no more than 150 days.
PROPOSED RULEMAKINGS: Rules proposed by agencies this week, commencing a First Notice public comment period of at least 45 days.
PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.
▪ - Designates rules of special interest to small businesses, small municipalities and/or non-profit organizations. Agencies must consider comments from these groups and attempt to minimize regulatory burdens on them.
QUESTIONS/COMMENTS: Submit mail, e-mail or phone calls to the agency personnel listed below each summary.
RULE TEXT: First Notice proposed text, emergency rule and peremptory rule text is available at the Secretary of State website (<https://www.ilsos.gov/departments/index/register/home.html>) or at the Illinois General Assembly website (<http://www.ilga.gov>) under "Illinois Register". Second Notice text for proposed rulemakings (original version with any changes made by the agency during First Notice included) is available at the JCAR website.

Adopted Rules

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nnel, and rape crisis centers that have a memorandum of understanding with the facility to the list of persons and organizations who may send privileged mail to individuals in custody. Legal mail will now include mail to or from the U.S. Department of Justice or from U.S. Attorneys. Security measures for incoming privileged mail must preserve the confidential nature of the communication, cannot include copying, scanning, imaging or reproducing such mail in any form, and must take place at the facility (not offsite). Beginning 7/1/26, DOC shall use a multi-factor authentication (MFA) system with a sender ID number and control number to confirm the identity of each privileged mail sender. Since 1st Notice, DOC has provided that senders of bulk legal mail (e.g., legal advocacy groups) may use a modified MFA procedure so that they do not have to individually authorize each item of mail.

Non-Privileged Mail

Affirmative security measures for non-privileged incoming mail can consist of mail digitization with digital and/or physical copy distribution, or photocopying such mail and providing only the copies to individuals in custody. (This is intended to prevent individuals in custody and staff from exposure to hazardous substances that could be applied to or enclosed with the mailed item.) Any contract with a third-party vendor to provide these services must comply with information security and data privacy policies established by the Department of Innovation and Technology. Since 1st Notice, DOC has clarified that neither it nor any vendor with whom it contracts, nor any subcontractors of the vendor, shall knowingly collect biometric identifiers

(e.g., fingerprints) in connection with processed mail, nor shall they sell, trade or lease any data or metadata collected in the scanning, storage or deletion process. DOC has also specified that printed copies of non-privileged mail shall be delivered to an individual in custody without charge when the individual requests it or when the individual cannot access this mail electronically due to disability, impairment, technological failure, restrictive housing placement, or other reasons. All copies shall be clear, complete and legible.

Publications

Publications may only enter a facility through the mailroom, except for publications intended for the facility library, approved adult education or vocational services programs, or religious programs. These publications may be implemented into a program provided they are free from contraband and do not violate standards for publication review. An individual in custody may retain publications already in their personal possession upon transfer to another DOC facility. Individuals in custody may receive, request or purchase publications directly from the publisher, but cannot receive altered or damaged publications. All used books shall be assessed for damage or alteration beyond normal wear and tear before being given to an individual. Since 1st Notice, DOC has decided to permit used books that are free of contraband instead of prohibiting all used books containing notes, pictures, and writings outside of their original state. Relatives or friends are no longer permitted to solicit or purchase publications on behalf of an individual in custody or to bring approved publications to a DOC facility (previously, they could bring up to 5 approved publications per visit provided they were not packaged, wrapped or contained in any way).

Publication Review

Each facility shall appoint two employees as publication review officers who will be responsible for reviewing publications received by individuals in custody. Publications may be disapproved, or approved conditionally, by the publication review officers if they contain sexually explicit material; are written in code or facilitate communication between individuals in custody; depict, describe or encourage "activities that may lead to the use of physical violence or group disruption", or "facility organizational activity" without the approval of the chief administrative officer (warden) of the facility; advocate, encourage, instruct, or facilitate criminal activity, violence, hatred or group disruption; or are otherwise detrimental to safety, security, good order, rehabilitation, discipline or mental health. Publications may not be disapproved solely because they contain religious, philosophical, political, social or sexual content or because the content is "unpopular or repugnant". DOC shall also appoint a Central Publication Review Committee that will maintain a Statewide Publications Determination List of approved publications. A change since 1st Notice requires the Committee to notify facility publication review officers, individuals in custody, the publisher, and if applicable, program staff, when a publication's status (approved, approved conditionally, or disapproved) has been established and the rationale for the decision. Any publication that is listed as "approved" on the statewide list shall be delivered promptly to an individual in custody, provided that it has not been altered from its original format. Publication review officers at a facility must review any publication that is listed as disapproved or approved conditionally, or that is not included

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Adopted Rules

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on the statewide list, before it may be delivered to an individual in custody. Since 1st Notice, DOC has clarified that when an individual in custody receives a publication that is disapproved or approved conditionally, the individual can either allow the publication or the unauthorized portion of the publication to be disposed of, or have it sent to the address of another person outside the facility, at the individual's expense.

Questions/requests for copies: Glen Austin, DOC, 1301 Concordia Court, P.O. Box 19277, Springfield IL 62794 9277, 217-786-6904, DOC.ProposedRulemaking@illinois.gov

DCFS YOUTH IN CARE

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted amendments to Permanency Planning (89 IAC 315; proposed at 49 Ill Reg 7391) and Administrative Case Reviews and Court Hearings (89 IAC 316; proposed at 49 Ill Reg 5999), both effective 1/7/26 at 50 Ill Reg 999 and 1021, implementing Public Act 103-850. These rulemakings require DCFS case plans to include hair care plans, add criteria for developing a hair care plan with the child, and require caseworkers to present a completed hair care plan during administrative case reviews. The Part 315 rulemaking requires hair care plans to take into account the child's preferences; the child's race, culture, gender, religion and identity; steps to be taken in case of health concerns (e.g., lice infestation, scalp rashes/infections, cancer treatments, hair loss); and any training or resources needed by the caregiver or child care facility to provide culturally competent haircare. For children who indicate that they can care for their hair with minimal or

no assistance, the foster parent, guardian or relative shall provide the child with any needed hair care products such as shampoo, brushes, combs, clips, etc. Hair care plans shall be reviewed during regular monthly caseworker contacts. The Part 315 rulemaking also updates the definitions of best interest, fictive kin, relative, and sibling contact; remove unused definitions of godparent and permanent connection; and change references to "service termination planning" to "aftercare planning". The Part 316 amendments additionally clarify when a parent may be terminated or expelled from an administrative case review hearing (due to disruptive or threatening behavior) and the steps that the reviewer must take before terminating the parent; incorporate current DCFS policy regarding normalcy parenting and the "reasonable and prudent parent standard" for foster parents and other caregivers regarding a child's participation in sports and other activities; and codify the practice of reviewing the Illinois Foster Child and Youth Bill of Rights at each review with the youth in care and their parents or legal guardian.

Questions/requests for copies of the 2 DCFS rulemakings: Jeff Osowski, DCFS, 406 E. Monroe St., Station #65-D, Springfield IL 62701, 217-524-1983, DCFS.Policy@illinois.gov

• SALES TAX

The DEPARTMENT OF REVENUE adopted amendments to Retailers' Occupation Tax (86 IAC 130; proposed at 49 Ill Reg 6661) effective 1/8/26 at 50 Ill Reg 1119, implementing Article 75 of Public Act 103-592, which imposes Retailers' Occupation Tax on leases of tangible personal property beginning 1/1/25. The rulemaking clarifies that this change does not apply to leases of motor vehicles,

watercraft, aircraft, and semitrailers that are required to be registered with an agency of this State. This rulemaking also implements PA 98-628, which provides that the taxable "selling price" of first division and certain second division motor vehicles sold incident to the contemporaneous long-term lease of those motor vehicles is equal to the amount due under the lease contract, rather than the amount the lessor pays the seller for the motor vehicle. Since 1st Notice, DOR has added text further explaining which transactions are and are not subject to tax. Businesses that sell or lease motor vehicles, watercraft, aircraft, and semitrailers are affected.

Questions/requests for copies: Alexis K. Overstreet, DOR, 101 West Jefferson St., Springfield IL 62702, 217-782-7055, REV.GCO@illinois.gov

• HOUSING ASSISTANCE

The DEPARTMENT OF HUMAN SERVICES adopted amendments to the Part titled Administration of Social Service Programs (89 IAC 130; proposed at 49 Ill Reg 10711) effective 1/12/26 at 50 Ill Reg 1113, removing a requirement that service providers for DHS-funded Emergency, Transitional and Supportive Housing programs for homeless persons match their State funds with cash or in-kind contributions (e.g., volunteer services) equal to 25% of the cost of the funded program. Non-profit organizations that receive DHS funds for these programs are affected.

Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand Ave. East, Harris Bldg., 3rd Floor, Springfield IL 62762, 217-785-9772, DHS.AdministrativeRules@illinois.gov

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Adopted Rules

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• HOUSING DEVELOPMENTS

The ILLINOIS HOUSING DEVELOPMENT AUTHORITY adopted amendments to the Part titled State Housing Appeals Board (47 IAC 395; proposed at 49 Ill Reg 6024) effective 1/8/26 at 50 Ill Reg 1085, reflecting changes to the Affordable Housing and Planning Appeals Act. The Act and this rulemaking expand the pool of individuals eligible to serve as chairman of the State Housing Appeals Board (SHAB), which was previously limited to retired circuit or appellate judges that are SHAB members, to include SHAB members who are current or retired administrative law judges or active or retired attorneys with experience in land use law or a related field. The Act and this rulemaking also include interested

housing organizations and persons eligible to apply for residency in a proposed housing development (in addition to the proposed developer) among the persons or entities that may appeal to SHAB when a local government body denies or places conditions on an application for an affordable housing development. Other provisions require SHAB meetings to be scheduled when there are appeals or other business pending (formerly, meetings had to be scheduled at least once per calendar year but could be canceled if there was no business to be conducted). Those affected by this rulemaking include local governments and non-profit fair housing organizations.

Questions/requests for copies: Christina McClernon, IHDA, 111 E. Wacker Dr., Suite 1000, Chicago IL 60601, 872-271-8481, cmccclernon@ihda.org

HOSPITAL ASSISTANCE

The OFFICE OF THE ATTORNEY GENERAL adopted amendments to the Part titled Hospital Financial Assistance Under the Fair Patient Billing Act (77 IAC 4500; proposed at 49 Ill Reg 11198) effective 1/9/26 at 50 Ill Reg 988, that allow patients at least 90 (previously 60) days after discharge to submit a request for financial assistance and also update the Attorney General's office address to which hospitals must send required reports.

Questions/requests for copies: Lee Ann Schoeffel, OAG, 500 S. Second St., Springfield IL 62701, 217-782-9070, lee.schoeffel@ilaq.gov, or Judith Parker, OAG, 115 S. LaSalle St., 25th Floor, Chicago IL 60603, 3120814-3717, judith.parker@ilaq.gov

Proposed Rulemakings

• OSFM GRANTS

The OFFICE OF THE STATE FIRE MARSHAL proposed amendments to the Parts titled Small Equipment Grant Program (41 IAC 291; 50 Ill Reg 951) and Fire Station Rehabilitation and Construction Grant Program (41 IAC 296; 50 Ill Reg 968) that clarify and update application, review, and award procedures for the respective grant programs. The Part 291 rulemaking increases from \$26,000 to \$50,000 the maximum amount an eligible fire department or ambulance service may

receive in small equipment grants per fiscal year. Both rulemakings reflect the upcoming change from the National Fire Incident Reporting System (NFIRS) to the National Emergency Response Information System (NERIS); require compliance with provisions of the Grant Accountability and Transparency Act (GATA) and the GATA administrative rules (44 Ill. Adm. Code 7000); clarify procedures for appealing grant denials and closing out grants; and clarify how OSFM will prioritize grant applications from previous grant recipients versus

applicants that have not received grants previously. Those affected by this rulemaking include municipal fire departments, fire protection districts, and volunteer and private ambulance services.

Questions/requests for copies/comments on the 2 OSFM rulemakings through 3/9/26: Blake Fawns, OSFM, 1035 Stevenson Drive, Springfield IL 62703, 217-720-2964, SFM.291rulemaking@fdmail.sfm.illinois.gov

Second Notice

The following rulemaking was moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. This rulemaking will be considered at the February 17, 2026, meeting in Springfield. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning this rulemaking should be addressed to JCAR at jcar@ilga.gov.

IL STATE BOARD OF EDUCATION

Enrollment of and Payment for Nonresident Students at the Philip J. Rock Center and School
(23 IAC 600; 49 Ill Reg 12594) proposed 10/10/25

Next JCAR Meeting: Tuesday, Feb. 17, 10:30 a.m.

Room C-1, Stratton Bldg., 401 S. Spring St., Springfield

Meeting will be live streamed on the JCAR website

Joint Committee on Administrative Rules

Senator Bill Cunningham, Co-Chair

Senator Cristina Castro

Senator Donald DeWitte

Senator Dale Fowler

Senator Napoleon Harris, III

Senator Sally Turner

Representative Ryan Spain, Co-Chair

Representative Eva-Dina Delgado

Representative Jackie Haas

Representative Steven Reick

Representative Curtis Tarver, II

Representative Dave Vella

Kim Schultz, Executive Director ■ Kevin Kulavic, Deputy Director

700 Stratton Office Building, Springfield IL 62706

217-785-2254 ■ jcar@ilga.gov