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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 2012

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 27, 2011	January 6, 2012
2	January 3, 2012	January 13, 2012
3	January 9, 2012	January 20, 2012
4	January 17, 2012	January 27, 2012
5	January 23, 2012	February 3, 2012
6	January 30, 2012	February 10, 2012
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14	March 26, 2012	April 6, 2012
15	April 2, 2012	April 13, 2012
16	April 9, 2012	April 20, 2012
17	April 16, 2012	April 27, 2012
18	April 23, 2012	May 4, 2012
19	April 30, 2012	May 11, 2012

20	May 7, 2012	May 18, 2012
21	May 14, 2012	May 25, 2012
22	May 21, 2012	June 1, 2012
23	May 29, 2012	June 8, 2012
24	June 4, 2012	June 15, 2012
25	June 11, 2012	June 22, 2012
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32	July 30, 2012	August 10, 2012
33	August 6, 2012	August 17, 2012
34	August 13, 2012	August 24, 2012
35	August 20, 2012	August 31, 2012
36	August 27, 2012	September 7, 2012
37	September 4, 2012	September 14, 2012
38	September 10, 2012	September 21, 2012
39	September 17, 2012	September 28, 2012
40	September 24, 2012	October 5, 2012
41	October 1, 2012	October 12, 2012
42	October 9, 2012	October 19, 2012
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47	November 13, 2012	November 26, 2012
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50	December 3, 2012	December 14, 2012
51	December 10, 2012	December 21, 2012
52	December 17, 2012	December 28, 2012

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Registration and Operator Requirements for Radiation Installations
- 2) Code Citation: 32 Ill. Adm. Code 320
- 3) 

<u>Section Number:</u>	<u>Proposed Action:</u>
320.10	Amendment
320.20	Amendment
320.60	Amendment
320.70	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 24.7, 25 and 25.1 of the Radiation Protection Act of 1990 [420 ILCS 40]
- 5) A Complete Description of the Subjects and Issues Involved: The Agency is proposing this rulemaking to: change all references of "Department" or the "Illinois Department of Nuclear Safety" to "Agency" or "Illinois Emergency Management Agency" pursuant to Executive Order #12 (2003); make revisions to x-ray installation classifications; increase the registration fees of all classes to cover the cost of the x-ray registration and inspection program; and include additional quality assurance requirements for Class D facilities that use digital imaging systems.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking, in accordance with 1 Ill. Adm. Code 100.355: No studies or reports were used in drafting this amendment to 32 Ill. Adm. Code 320.
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objective: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Traci Burton  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield, Illinois 62704

217/785-9860 (voice)  
217/782-6133 (TDD)

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not for profit corporations affected: The Agency believes this rulemaking will have a direct impact on all three categories if they possess x-ray machines. The fee increase will cause in an increase in cost.
  - B) Reporting, bookkeeping or other procedures required for compliance: Maintaining records of digital imaging quality control.
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2012

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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY  
SUBCHAPTER b: RADIATION PROTECTION

## PART 320

REGISTRATION AND OPERATOR REQUIREMENTS  
FOR RADIATION INSTALLATIONS

## Section

320.10	Registration
320.15	Incorporations by Reference (Repealed)
320.20	Amendments and Changes in Status
320.30	Discontinued Use (Repealed)
320.40	Exemptions
320.50	Noncompliance (Repealed)
320.60	Requirements for All Operators of Radiation Installations
320.70	Additional Requirements for Operators of Class D Radiation Installations

**AUTHORITY:** Implementing and authorized by Sections 24.7, 25 and 25.1 of the Radiation Protection Act of 1990 [420 ILCS 40/24.7, 25 and 25.1].

**SOURCE:** Filed April 20, 1974 by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; codified at 7 Ill. Reg. 11278; amended at 10 Ill. Reg. 17529, effective September 25, 1986; amended at 14 Ill. Reg. 13644, effective August 13, 1990; amended at 18 Ill. Reg. 3363, effective February 22, 1994; amended at 20 Ill. Reg. 6912, effective May 1, 1996; amended at 23 Ill. Reg. 14488, effective January 1, 2000; amended at 27 Ill. Reg. 3465, effective February 17, 2003; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 320.10 Registration**

- a) For purposes of registration pursuant to this Part, the phrase "radiation installation" shall mean any location or facility where radiation machines are located.
- b) Installation Registration
  - 1) Any operator of a radiation installation shall register ~~that~~ radiation

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installation with the Illinois Emergency Management Agency (~~Agency~~)~~Department of Nuclear Safety (Department)~~. The operator shall register the installation, before the installation is placed in operation, on a form prescribed by the Agency that~~Department which~~ shall include:

- A) The operator's name;
  - B) The location and confines of the radiation installation; and
  - C) The type, manufacturer, model, serial number and room location of radiation machines possessed.
- 2) Radiation machines that are located in a single building or in a group of buildings that are contiguous to one another, and used by the same operator, shall be treated as a single radiation installation unless requested otherwise in writing by the operator and approved by the Agency~~Department~~.
- c) Installation Classifications  
Radiation installations shall be divided into the following 4 classes:
- 1) Class A – Class A shall include dental offices and veterinary offices with radiation machines used solely for diagnosis, all installations using commercially manufactured cabinet radiographic/fluoroscopic radiation machines and radiation machines used as gauges. ~~Class A – Class A shall include dental offices and veterinary offices with radiation machines used solely for diagnosis and all installations using commercially manufactured cabinet radiographic/fluoroscopic radiation machines. [420 ILCS 40/25(f)] Class A installations shall be inspected at intervals not exceeding 5 years.~~
  - 2) Class B – Class B shall include offices or clinics of persons licensed under the Medical Practice Act of 1987 [225 ILCS 60] or the Podiatric Medical Practice Act of 1987 [225 ILCS 100] with radiation machines used solely for diagnosis and all installations using spectroscopy radiation machines, noncommercially manufactured cabinet radiographic/fluoroscopic radiation machines, portable radiographic/fluoroscopic units, diffraction radiation machines, non-cabinet baggage/package fluoroscopic radiation machines, and electronic beam welders. Test booths, bays or rooms used

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by manufacturing, assembly or repair facilities for testing radiation machines shall be categorized as Class B radiation installations. ~~Class B— Class B shall include offices or clinics of persons licensed under the Medical Practice Act of 1987 or the Podiatric Medical Practice Act of 1987 with radiation machines used solely for diagnosis and all installations using spectroscopy radiation machines, noncommercially manufactured cabinet radiographic/fluoroscopic radiation machines, portable radiographic/fluoroscopic units, non-cabinet baggage/package fluoroscopic radiation machines and electronic beam welders. [420 ILCS 40/25(f)] Class B installations shall be inspected at intervals not exceeding 2 years.~~

3) Class C – Class C shall include installations using open radiography radiation machines and closed radiographic/fluoroscopic radiation machines. ~~Class C— Class C shall include installations using diffraction radiation machines, open radiography radiation machines, closed radiographic/fluoroscopic radiation machines and radiation machines used as gauges. Test booths, bays, or rooms used by manufacturing, assembly or repair facilities for testing radiation machines shall be categorized as Class C radiation installations. [420 ILCS 40/25(f)] Class C installations shall be inspected at intervals not exceeding 1 year.~~

4) Class D – Class D shall include all hospitals and other facilities using mammography, computed tomography (CT), or therapeutic radiation machines. ~~Class D— Class D shall include all hospitals and other facilities using mammography, computed tomography (CT), or therapeutic radiation machines. [420 ILCS 40/25(f)] Class D installations shall be inspected at intervals not exceeding 1 year.~~

5) Radiation installations for which more than one class is applicable shall be assigned a classification based on the radiation machines' use and associated radiation hazard.

## d) Machine Registration

- 1) Every operator of a radiation installation shall register radiation machines annually on a form prescribed by the Agency~~Department~~.
- 2) An annual registration fee for each machine possessed on January 1 of

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

each year shall be submitted with the registration form. This fee, based on the type of facility and radiation machines possessed, is listed in this subsection (d)(2) as follows:

Facility Type	Fee Per Radiation Machine
Class A – Dental and veterinary offices.	<del>\$5035</del>
Class A – <del>X-ray gauges and installations</del> <u>Installations</u> only using commercially manufactured cabinet radiation machines.	<del>\$7550</del>
Class B – Offices or clinics of persons licensed under the Medical Practice Act, and all installations using portable radiographic/fluoroscopic units.	<del>\$17540</del>
Class B – Podiatric offices.	<del>\$10070</del>
Class B – All installations using spectroscopy, non-commercially manufactured cabinet units, non-cabinet baggage/package units, <u>diffraction radiation machines</u> and/or electron beam welders. <u>Also, installations with test booths, bays or rooms used by manufacturing, assembly or repair facilities for testing radiation machines.</u>	<del>\$17540</del>
Class C – Installations using <del>diffraction</del> , open or closed radiography machines, <del>x-ray gauges, and installations with test</del>	<del>\$250470</del>

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~~booths, bays or rooms used by manufacturing, assembly or repair facilities for testing radiation machines.~~

Class D – All hospitals and other facilities using mammography, computed tomography (CT), or therapeutic radiation machines.

~~\$10070~~

- ~~3) Radiation installations for which more than one class is applicable shall be assigned the classification requiring the most frequent inspection [420 ILCS 40/25(f-1)] and resultant fee.~~
- ~~4) Radiation installation not specified as Class A, B, C or D shall be assigned an inspection interval, classification and resultant fee by the Department, based on the radiation machines' use and associated radiation hazard.~~
- ~~35) The Agency~~Department~~ shall bill the operator for the registration fee as soon as practical after January 1. The registration fee shall be due and payable within 60 days after the date of billing. If after 60 days the registration fee is not paid, the Agency~~Department~~ may issue an order directing the operator of the installation to cease use of all radiation machines or take other appropriate enforcement action as provided in Section 36 of the Act. Fees collected under this Section are not refundable. [420 ILCS 40/24.7]~~

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 320.20 Amendments and Changes in Status**

- a) Operators of radiation installations ~~that~~which have been registered pursuant to Section 320.10 ~~of this Part~~ shall notify the Agency~~Department~~ within 30 days after the installation of any new, used or relocated radiation machines, or the reactivation of any radiation machines.
- b) If any operator discontinues using radiation machines, the operator shall notify the Agency~~Department~~ within 30 days after ~~the~~such discontinuance. The notification shall include the date of discontinuance and the disposition of the radiation

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

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machines.

- c) Within 30 days after changing the operator of a radiation installation, the new operator shall notify the [AgencyDepartment](#).

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 320.60 Requirements for All Operators of Radiation Installations**

Operators of radiation installations shall:

- a) Assure that all radiation machines are maintained and operated in accordance with standards established by the [AgencyDepartment](#) to protect the public health and safety as set forth in this Part and in 32 Ill. Adm. Code 310, 340, 350, 360, 370, 380, 390, 400, 401, 405 and 410.
- b) Assure that all persons who use a radiation machine to administer ionizing radiation to human beings are licensed in accordance with the requirements of 32 Ill. Adm. Code 360.10, accredited by the [AgencyDepartment](#) or exempt from [thosesueh](#) requirements in accordance with 32 Ill. Adm. Code 401.30.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 320.70 Additional Requirements for Operators of Class D Radiation Installations**

- a) Each operator of a Class D radiation installation shall utilize the services of an individual, registered with the [AgencyDepartment](#) pursuant to 32 Ill. Adm. Code 410, to implement and maintain a comprehensive radiation protection program. Activities related to diagnostic radiation producing machines shall be performed by a registered diagnostic imaging specialist. Activities related to therapeutic radiation machines shall be performed by a registered therapeutic radiological physicist. Each operator shall ensure that registered individuals:
- 1) Conduct an annual performance evaluation of all radiation machines.
  - 2) Determine and document in a report to the facility that the radiation machines evaluated are being maintained and operated in accordance with standards established by the [AgencyDepartment](#) to protect the public health as set forth in 32 Ill. Adm. Code: Chapter II, Subchapters b and d.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

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Noncompliance items shall be readily identified in the report.

- 3) Establish and oversee the equipment-related quality assurance practices. Specifically, these quality assurance practices shall include as a minimum:
  - A) For therapeutic radiation machines, compliance with the quality assurance requirements specified in 32 Ill. Adm. Code 360.110(d) or 360.120(e).
  - B) For computed tomography machines, compliance with the quality assurance requirements specified in 32 Ill. Adm. Code 360.75.
  - C) For mammography machines, compliance with the quality assurance requirements specified in 32 Ill. Adm. Code 370.100.
- 4) Establish and oversee a quality assurance program for the film processors. The program shall include specifications for processor cleaning and maintenance and procedures to ensure the processor is optimized and properly maintained.

AGENCY NOTE: The ~~Agency~~Department recommends daily sensitometry and densitometry evaluation for processors used in facilities with heavy workloads. However, the diagnostic imaging specialist or therapeutic radiological physicist is the individual best qualified to determine the appropriate quality assurance program for each processor, based on its workload and conditions of use.

- 5) Users of digital imaging acquisition systems shall follow a quality assurance/quality control protocol for image processing established by the manufacturer and:
  - A) The registrant shall include the protocol in its operating and safety procedures.
  - B) The registrant shall document the frequency at which the quality assurance/quality control protocol is performed. Documentation shall include the date and initials of the individual completing the document and shall be maintained at the site where performed for inspection by the Agency.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

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C) The protocol shall include but not be limited to the following:

i) Cleaning and erasure of all imaging plates;

ii) Quality control phantom analysis;

iii) Evaluation of repeat/retake x-ray examinations;

iv) Review of dose index values;

v) Evaluation of clinical image quality.

b) Each operator of a Class D radiation installation shall maintain and have available for review by the Agency~~Department~~:

- 1) Accurate and thorough radiation machine evaluation reports.
- 2) Records of quality assurance testing performed.
- 3) Records of calibrations, maintenance or repair.
- 4) Records of corrective action taken for items of non-compliance.
- 5) Records of film processor cleaning and maintenance.

6) Records of digital imaging quality control.

c) The records and reports required by this Section shall be maintained for a period of at least one~~+~~ inspection cycle.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENT

Springfield, Illinois 62704

217/785-9860 (voice)

217/782-6133 (TDD)

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities or not for profit corporations affected: The Agency believes that this rulemaking will have no direct impact on small businesses, small municipalities or not-for-profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: January 2012

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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENT

## TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY  
SUBCHAPTER b: RADIATION PROTECTION

## PART 331

## FEES FOR RADIOACTIVE MATERIAL LICENSEES

## Section

331.10	Purpose
331.20	Scope
331.30	Definitions
331.110	Exemptions
331.115	Radioactive Material Recovery and Remediation Fee
331.120	Payment of Fees
331.125	Implementation (Repealed)
331.130	Refunds of Full Cost Recovery Deposits
331.200	Full Cost Recovery
331.210	Schedule of Fees For Radioactive Material Licenses (Repealed)
331.310	Failure by Applicant or Licensee to Pay Prescribed Fee
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331.TABLE A	License Fees – Jan. 1, 1988-Dec. 31, 1988 (Repealed)
331.TABLE B	License Fees – Jan. 1, 1989-Dec. 31, 1989 (Repealed)
331.TABLE C	License Fees – Jan. 1, 1990-Dec. 31, 1990 (Repealed)
331.APPENDIX B	Fee Schedule For Radioactive Material Licenses (Repealed)
331.APPENDIX C	Fee Schedule For Sealed Source And Device Evaluations (Repealed)
331.APPENDIX D	Fee Schedule For Radioactive Material Licenses (Repealed)
331.APPENDIX E	Primary Material Use Categories for Radioactive Material Licensees
331.APPENDIX F	Fee Schedule for Radioactive Material Licensees

AUTHORITY: Implementing and authorized by Section 11 of the Radiation Protection Act of 1990 [420 ILCS 40/11].

SOURCE: Adopted at 10 Ill. Reg. 17239, effective September 25, 1986; amended at 11 Ill. Reg. 20570, effective January 1, 1988; amended at 15 Ill. Reg. 90, effective January 1, 1991; amended at 16 Ill. Reg. 11479, effective July 7, 1992; amended at 18 Ill. Reg. 12131, effective August 1, 1994; emergency amendment at 21 Ill. Reg. 4309, effective March 19, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 10968, effective July 28, 1997; amended at 22 Ill. Reg. 6951, effective April 1, 1998; amended at 23 Ill. Reg. 5585, effective April 23, 1999; amended at 25

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

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Ill. Reg. 8266, effective July 1, 2001; amended at 26 Ill. Reg. 14274, effective September 16, 2002; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 33 Ill. Reg. 4298, effective March 9, 2009; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 331.110 Exemptions**

No fees as described in Sections 331.115 and 331.120 shall be required for:

- a) Persons who possess radioactive material pursuant to 32 Ill. Adm. Code 330.210 or 330.220, except for primary material use categories 209A and B as described in Appendix E(a), (e), (d), (e) and (g).
- ~~b) Persons who possess radioactive material pursuant to 32 Ill. Adm. Code 330.220(b), except for generally licensed devices as defined in Section 331.30.~~
- ~~b)e~~) A license for possession and use of radioactive material issued to an agency of a state, county or municipal government or any political subdivision of these governments. This exemption does not apply to licenses for which the license fee is based on full cost recovery, licenses that authorize distribution of radioactive material or licenses authorizing testing for leakage or contamination as a service, or instrument calibration services to any person other than an agency or political subdivision of a state, county or municipal government.
- ~~c)d~~) A license for possession and use of radioactive material issued to an educational institution as defined in Section 331.30. This exemption does not apply to licenses for which the license fee is based on full cost recovery, licenses authorizing commercial distribution of radioactive material, licenses authorizing human use of radioactive material, licenses authorizing veterinary use of radioactive material, or licenses authorizing remunerated testing of sealed sources for leakage or contamination or remunerated instrument calibration services to any person.

AGENCY NOTE: Commercial distribution does not include transfer of material to other licensees for the purposes of collaborative research and development.

AGENCY NOTE: Remunerated services refer to persons not affiliated with the licensee. For example, this does not include contractual arrangements between different agencies within the same licensee.

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- | d)e) An application to amend a materials license for which the license fee is not based on full cost recovery, that would not change the primary material use category to a category with a higher fee, or add additional permanent jobsites.
- | e)f) A general license or specific license authorizing the use of source material as prefabricated shielding only for devices and containers, provided, however, that all other licensed material in the device or container shall be subject to the fees prescribed in Appendix F.
- | f)g) An application to change the status of a sealed source or device evaluation from "active" to "inactive". Upon request of the manufacturer or distributor, an evaluation is designated "inactive" by the Agency when those sources and devices are no longer manufactured or distributed, or when the evaluation is superseded by another evaluation.
- | g)h) An application to change the company name or address listed on a sealed source or device evaluation.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Quality Standards and Certification Requirements for Facilities Performing Mammography
- 2) Code Citation: 32 Ill. Adm. Code 370
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
370.50	Amendment
370.60	Amendment
370.80	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 24.5(b) of the Radiation Protection Act of 1990 [420 ILCS 40/24/5(b)]
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking increases the annual mammography certification fee to cover increased program costs, ensuring continued compatibility with the U.S. Food and Drug Administration's Mammography Quality Standards Act (21 CFR 900) and will allow the Agency to require that facilities only perform mammography with a radiographic unit accredited by an approved accrediting body.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking, in accordance with 1 Ill. Adm. Code 100.355: No studies or reports were used in drafting this amendment to 32 Ill. Adm. Code 370.
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objective: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their 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: Comments on this proposed rulemaking may be submitted in writing for a

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENT

period of 45 days following publication of this notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Traci Burton  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield, Illinois 62704

217/785-9860 (voice)  
217/782-6133 (TDD)

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not for profit corporations affected: The Agency believes this rulemaking will have a fiscal impact on small businesses or not for profit corporations since the fee for certification is increasing. Small municipalities should not be affected.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2012

The full text of the Proposed Amendments begin on the next page.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENT

## TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY  
SUBCHAPTER b: RADIATION PROTECTION

## PART 370

QUALITY STANDARDS AND CERTIFICATION REQUIREMENTS  
FOR FACILITIES PERFORMING MAMMOGRAPHY

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370.160	Suspension, Revocation or Denial of Certificates
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370.170	Mammography Units Used for Localization or Biopsy Procedures
370.APPENDIX A	Mammography Dose Measurement Protocol
370.APPENDIX B	Mammography Phantom Image Evaluation
370.TABLE A	Mammography Dose Evaluation Table

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

SOURCE: Old Part repealed at 15 Ill. Reg. 10846, effective July 15, 1991; new Part adopted by emergency rule at 22 Ill. Reg. 14972, effective August 3, 1998, for a maximum of 150 days;

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adopted at 22 Ill. Reg. 21915, effective December 3, 1998; amended at 24 Ill. Reg. 18258, effective December 1, 2000; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 29 Ill. Reg. 20963, effective December 16, 2005; amended at 33 Ill. Reg. 2224, effective January 23, 2009; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 370.50 Requirements for Certification**

- a) Except as otherwise provided in subsection (b)(1)(C) ~~of this Section~~ and Section 370.40 ~~of this Part~~, a certificate issued by the Agency is required for lawful operation of all mammography facilities subject to the provisions of this Part. Facilities performing mammography shall meet the requirements of Sections 370.70, 370.80, 370.90, 370.100, 370.110, 370.120 and 370.130 ~~of this Part~~ and be accredited by an FDA-approved accreditation body. Each mammography unit shall be accredited by or have an application pending for accreditation with an approved accrediting body.

AGENCY NOTE: Currently, the only FDA-approved accrediting body in Illinois is the American College of Radiology.

AGENCY NOTE: Except for provisional certificates and interim notices, the term of certificates issued under this Section shall be for 3 years.

- b) Application.
- 1) Certificates.
- A) In order to qualify for a certificate, a facility shall apply to an accreditation body.
- B) Following the Agency's receipt of the accreditation body's decision to accredit a facility, the Agency may issue a certificate to the facility, or renew an existing certificate, if the Agency determines that the facility has satisfied the requirements for certification or recertification.
- C) Interim Notice
- i) The Agency may issue an interim notice of mammography

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certification by facsimile to a facility if a delay is anticipated in providing a certificate to the facility under one or more of the following circumstances:

- i) The Agency has been notified by an accreditation body that the facility meets the requirements for a provisional or provisional reinstatement certificate and delivery of the certificate may take more than 24 hours;
- ii) The Agency has been notified by an accreditation body that the facility has completed accreditation or reaccreditation and delivery of the certificate to the facility may take more than 24 hours; or
- iii) The Agency has been notified by an accreditation body that the facility has timely submitted an application for accreditation or reaccreditation but the completion of the accreditation process may extend beyond the expiration date of a facility's existing certificate through no fault of the facility.

ii) An interim notice shall authorize the facility to perform mammography until the facility receives its certificate but in no case for more than 45 days. No more than one interim notice may be issued to a facility per application for certification.

- 2) Provisional certificates. A new facility is eligible to apply for a provisional certificate. The provisional certificate will enable the facility to perform mammography and to obtain the clinical images needed to complete the accreditation process.
  - A) To receive a provisional certificate, a facility shall apply and submit the required information to an FDA-approved accreditation body.
  - B) Following the Agency's receipt of the accreditation body's decision that a facility has submitted the required information, the Agency

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may issue a provisional certificate to a facility upon determination that the facility has satisfied the requirements for provisional certification. A provisional certificate shall be effective for up to 6 months from the date of issuance. A provisional certificate cannot be renewed, but a facility may apply for a 90 day extension of the provisional certificate.

- C) In the event the facility is denied accreditation by the accrediting body with time remaining on the provisional certificate, the provisional certificate expires immediately with the denial and the facility must stop performing mammography.
- 3) Extension of provisional certificate.
- A) To apply for a 90 day extension to a provisional certificate, a facility shall submit to its accreditation body a statement of what the facility is doing to obtain certification and evidence that there would be a significant adverse impact on access to mammography in the geographic area served if such facility did not obtain an extension.
  - B) Following the Agency's receipt of the accreditation body's decision that a facility has submitted the required information, the Agency may issue a 90 day extension of the provisional certificate to the facility upon determination that the facility has satisfied the requirements for the 90 day extension.
  - C) There can be no renewal of a provisional certificate beyond the 90-day extension.
- c) Reinstatement policy. A previously certified facility that has allowed its certificate to expire, that has been refused a renewal of its certificate by FDA or the Agency, or that has had its certificate suspended or revoked by FDA or the Agency, may apply for reinstatement. If reinstated, the facility will be eligible for a provisional certificate.
- 1) Unless prohibited from reinstatement under subsection (c)(4) ~~of this Section~~, a facility applying for reinstatement shall:

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- A) Contact an FDA-approved accreditation body to determine the requirements for reapplication for accreditation;
  - B) Fully document its history as a previously provisionally certified or certified mammography facility, including the following information:
    - i) Name and address of the facility under which it was previously provisionally certified or certified;
    - ii) Name of previous owner/lessor;
    - iii) Facility identification number assigned to the facility under its previous certification; and
    - iv) Expiration date of the most recent provisional certificate or certificate; and
  - C) Justify application for reinstatement of accreditation by submitting to the accreditation body a corrective action plan that details how the facility has corrected deficiencies that contributed to the lapse, denial of renewal or revocation of its certificate.
- 2) The Agency may issue a provisional certificate to a previously certified facility:
- A) Following the Agency's receipt of the accreditation body's decision that a facility has adequately corrected, or is in the process of correcting, pertinent deficiencies at the facility; and
  - B) The Agency determines that the facility has taken sufficient corrective action since the lapse, denial of renewal or revocation of its previous certificate.
- 3) After receiving the provisional certificate, the facility may lawfully resume performing mammography services while completing the requirements for certification.
- 4) If a facility's certificate was revoked on the basis of an act described in

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Section 370.160 ~~of this Part~~, no person who owned or operated that facility at the time the act occurred may own or operate a mammography facility within 2 years after the date of revocation.

- d) Appeals of adverse accreditation or reaccreditation decisions. The appeals procedures described in this subsection (d) are available only for adverse accreditation or reaccreditation decisions that preclude certification or recertification by the Agency.
- 1) Upon learning that a facility has failed to become accredited or reaccredited, the Agency will notify the facility that the Agency is unable to certify that facility without proof of accreditation.
  - 2) A facility that has been denied accreditation or reaccreditation is entitled to an appeals process from the accreditation body. A facility shall avail itself of the accreditation body's appeal process before appealing that decision to the FDA.
  - 3) In the event that a facility, after availing itself of the accreditation body's appeal process, receives an adverse accreditation or reaccreditation decision, the facility may appeal that decision to the FDA. In order to appeal, the facility shall send a request for reconsideration to the FDA

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 370.60 Fees**

- a) Except as provided in subsection (b) ~~of this Section~~, the Agency shall assess each certified mammography installation an annual certification fee of ~~\$1,300~~\$750 in each State fiscal year (July 1-June 30). The Agency shall bill the mammography installation for the annual fee after July 1. The annual fee shall be due and payable within 60 days after the date of billing. Failure to pay the required fee may result in revocation of the certificate.

AGENCY NOTE: The annual fee described in subsection (a) ~~of this Section~~ applies to both fully and provisionally certified mammography installations.

- b) A new mammography installation issued an initial provisional certificate after December 31 of any State fiscal year shall not be required to pay a certification

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fee for that State fiscal year.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 370.80 Equipment Requirements**

The equipment requirements of this Section are intended to ensure that mammography equipment is capable of producing quality mammograms over the full range of clinical conditions.

- a) Prohibited equipment. Radiographic equipment designed for general purpose shall not be used for mammography. Mammography shall only be performed with a special purpose radiation machine specifically designed for and used solely for mammography procedures.
- b) General. All radiographic equipment used for mammography shall be certified under the "Performance Standards for Diagnostic X-Ray Systems and their Major Components", published at 21 CFR 1020.30, effective as of April 1, 1997. Each radiographic unit used for mammography shall be accredited by an approved accrediting body or have an application for accreditation pending with an approved accrediting body.
- c) Motion of tube-image receptor assembly.
  - 1) The assembly shall be capable of being fixed in any position where it is designed to operate. Once fixed in any such position, it shall not undergo unintended motion.
  - 2) The mechanism ensuring compliance with subsection (c)(1)-of this Section shall not fail in the event of power interruption.
- d) Image receptor sizes.
  - 1) Systems using screen-film image receptors shall provide, at a minimum, for operation with image receptors of 18 x 24 centimeters (cm) and 24 x 30 cm.
  - 2) Systems using screen-film image receptors shall be equipped with moving grids matched to all image receptor sizes provided.

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- 3) Systems used for magnification procedures shall be capable of operation with the grid removed from between the source and image receptor.
- e) Beam limitation and light fields.
- 1) All systems shall have beam-limiting devices.
  - 2) For any mammography system with a light beam that passes through the x-ray beam-limiting device, the light shall provide an average illumination of not less than 160 lux (15 foot candles) at 100 cm or the maximum source-image receptor distance (SID), whichever is less.
- f) Magnification.
- 1) Systems used to perform noninterventional problem solving procedures shall have radiographic magnification capability available for use by the operator.
  - 2) Systems used for magnification procedures shall provide, at a minimum, at least one magnification value within the range of 1.4 to 2.0.
- g) Focal spot selection.
- 1) When more than one focal spot is provided, the system shall indicate, prior to exposure, which focal spot is selected.
  - 2) When more than one target material is provided, the system shall indicate, prior to exposure, the preselected target material.
  - 3) When the target material and/or focal spot is selected by a system algorithm that is based on the exposure or on a test exposure, the system shall display, after the exposure, the target material and/or focal spot actually used during the exposure.
- h) Compression. All mammography systems shall incorporate a compression device.
- 1) Application of compression. Each system shall provide:

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- A) An initial power-driven compression activated by hands-free controls operable from both sides of the patient; and
  - B) Fine adjustment compression controls operable from both sides of the patient.
- 2) Compression paddle.
- A) Systems shall be equipped with different sized compression paddles that match the sizes of all full-field image receptors provided for the system. Compression paddles for special purposes, including those smaller than the full size of the image receptor (for "spot compression") may be provided. ~~The Such~~ compression paddles for special purposes are not subject to the requirements of subsections (h)(2)(D) and (h)(2)(E) ~~of this Section~~.
  - B) Except as provided in subsection (h)(2)(C) ~~of this Section~~, the compression paddle shall be flat and parallel to the breast support table and shall not deflect from parallel by more than 1.0 cm at any point on the surface of the compression paddle when compression is applied.
  - C) Equipment intended by the manufacturer's design to not be flat and parallel to the breast support table during compression shall meet the manufacturer's design specifications and maintenance requirements.
  - D) The chest wall edge of the compression paddle shall be straight and parallel to the edge of the image receptor.
  - E) The chest wall edge may be bent upward to allow for patient comfort but shall not appear on the image.
- i) Technique factor selection and display.
- 1) Manual selection of milliamperere seconds (mAs) or at least one of its component parts (milliamperere (mA) and/or time) shall be available.

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- 2) The technique factors (peak tube potential in kilovolt (kV) and either tube current in mA and exposure time in seconds or the product of tube current and exposure time in mAs) to be used during an exposure shall be indicated before the exposure begins, except when automatic exposure controls (AEC) are used, in which case the technique factors that are set prior to the exposure shall be indicated.
  - 3) Following AEC mode use, the system shall indicate the actual kilovoltage peak (kVp) and mAs used during the exposure. The mAs may be displayed as mA and time.
- j) Automatic exposure control.
- 1) Each screen-film system shall provide an AEC mode that is operable in all combinations of equipment configuration provided, e.g., grid, nongrid, magnification, nonmagnification and various target-filter combinations.
  - 2) The positioning or selection of the detector shall permit flexibility in the placement of the detector under the target tissue.
    - A) The size and available positions of the detector shall be clearly indicated at the x-ray input surface of the breast compression paddle.
    - B) The selected position of the detector shall be clearly indicated.
  - 3) The system shall provide means for the operator to vary the selected optical density from the normal (zero) setting.
- k) X-ray film. The facility shall use x-ray film for mammography that has been designated by the film manufacturer as appropriate for mammography.
- l) Intensifying screens. The facility shall use intensifying screens for mammography that have been designated by the screen manufacturer as appropriate for mammography and shall use film that is matched to the screen's spectral output as specified by the manufacturer.
- m) Film processing solutions. For processing mammography films, the facility shall use chemical solutions that are capable of developing the films used by the

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facility in a manner equivalent to the minimum requirements specified by the film manufacturer.

- n) Lighting. The facility shall make special lights for film illumination, i.e., hot-lights, capable of producing light levels greater than that provided by the view box, available to the interpreting physicians.
- o) Film masking devices. Facilities shall ensure that film masking devices that can limit the illuminated area to a region equal to or smaller than the exposed portion of the film are available to all interpreting physicians interpreting for the facility.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Registration Requirements for Diagnostic Imaging Specialists and Therapeutic Radiological Physicists
- 2) Code Citation: 32 Ill. Adm. Code 410
- 3) Section Number: 410.20                      Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Section 25.1 of the Radiation Protection Act of 1990 [420 ILCS 40/25.1]
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking removes two criteria for an individual to become approved as a diagnostic imaging specialist. This change is being proposed due to the increasing complexity of medical imaging equipment thus requiring increased knowledge and experience of the individuals who perform complex evaluations of such equipment. All individuals currently approved as diagnostic imaging specialists will continue to be approved.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking, in accordance with 1 Ill. Adm. Code 100.355: No studies or reports were used in drafting this amendment to 32 Ill. Adm. Code 410.
- 7) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their 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: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Agency will consider fully all

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written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Traci Burton  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield, Illinois 62704

217/785-9860 (voice)  
217/782-6133 (TDD)

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not for profit corporations affected: The Agency believes that this rulemaking may have an impact on small businesses or not-for-profit corporations that employ diagnostic imaging specialists, as lower cost options for registration have been removed.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2012

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

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## TITLE 32: ENERGY

## CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY

## SUBCHAPTER b: RADIATION PROTECTION

## PART 410

REGISTRATION REQUIREMENTS FOR DIAGNOSTIC IMAGING SPECIALISTS  
AND THERAPEUTIC RADIOLOGICAL PHYSICISTS

## Section

410.10	Policy and Scope
410.20	Education/Experience Requirements for Diagnostic Imaging Specialists and Therapeutic Radiological Physicists
410.30	Approval of Application and Application/Registration Fees
410.35	Suspension and Revocation of Registration as an Approved Diagnostic Imaging Specialist or a Therapeutic Radiological Physicist
410.40	Radiation Installations and Classifications (Repealed)
410.50	Inspection Procedures (Repealed)
410.60	Choice of Type of Inspector and Inspection Schedule (Repealed)
410.65	Inspection Fees (Repealed)
410.70	Separate Installation (Repealed)
410.80	Change in Operator (Repealed)
410.ILLUSTRATION A	New Facility Filing Anniversary Date (Class C Facility Used As An Example) (Repealed)
410.ILLUSTRATION B	Existing Facility Filing Anniversary Date (Class B Facility Used As An Example) (Repealed)

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

SOURCE: Adopted at 8 Ill. Reg. 23209, effective November 19, 1984; amended at 9 Ill. Reg. 17821, effective November 5, 1985; amended at 10 Ill. Reg. 13265, effective July 29, 1986; amended at 13 Ill. Reg. 342, effective January 30, 1989; amended at 14 Ill. Reg. 13638, effective August 13, 1990; amended at 17 Ill. Reg. 17953, effective October 4, 1993; amended at 20 Ill. Reg. 9570, effective July 5, 1996; amended at 23 Ill. Reg. 332, effective December 18, 1998; amended at 23 Ill. Reg. 14501, effective January 1, 2000; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 33 Ill. Reg. 2245, effective January 23, 2009; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

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**Section 410.20 Education/Experience Requirements for Diagnostic Imaging Specialists and Therapeutic Radiological Physicists**

- a) Diagnostic imaging specialists and therapeutic radiological physicists responsible for implementing comprehensive radiation protection programs shall be approved by the Agency in accordance with Section 410.30 of this Part.
- b) Diagnostic Imaging Specialist. Individuals seeking approval as a diagnostic imaging specialist must possess the knowledge, training and experience to apply principles of radiological physics to diagnostic x-ray applications. Individuals seeking such approval shall meet any one of the criteria set forth in this subsection (b).

	<u>Education and/or Certification</u>		<u>Experience</u>
1)	Certification by the American Board of Radiology, American Board of Medical Physics or Canadian College of Medical Physics, in radiological physics or diagnostic radiological physics	and	experience included in certification.
2)	Certification by the American Board of Health Physics, by the College, or one of the Boards listed in subsection (b)(1) <del>of this Section</del> , in <del>therapeutic</del> Therapeutic radiological physics	and	6 months of experience in diagnostic x-ray, which shall include quality assurance and survey experience.
3)	Doctorate (Ph.D.) or Master's (MS/MA) degree in health physics, medical radiological physics or physics	and	1 year of applied x-ray radiation protection experience of which 6 months shall include quality assurance and survey experience in diagnostic x-ray.

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- 4) ~~Bachelor's (BS/BA) degree in health physics, medical radiological physics or physics~~ and ~~2 years of applied x-ray radiation protection experience of which 6 months shall include quality assurance and survey experience in diagnostic x-ray.~~
- 5) ~~Master's (MS/MA) or Bachelor's (BS/BA) degree in physical or life science, mathematics, or other equivalent degree as determined by the Department~~ and ~~3 years of applied x-ray radiation protection experience of which 1 year shall include quality assurance and survey experience in diagnostic x-ray.~~

AGENCY NOTE: A degree that is not readily identifiable as meeting the requirements of this Part may be referred to the State Board of Higher Education for a determination of the degree classification.

- c) Therapeutic Radiological Physicist. Individuals seeking approval as a therapeutic radiological physicist must possess the knowledge, training and experience to measure ionizing radiation, evaluate safety techniques, advise regarding radiation protection needs and apply the principles of radiological physics to clinical radiation therapy. To meet these criteria, a therapeutic radiological physicist shall meet either of the criteria set forth in this subsection (c).

Education and/or Certification

Experience

- 1) Certification by the American Board of Radiology, the American Board of Medical Physics or Canadian College of Medical Physics, in therapeutic radiological physics, roentgen ray and gamma ray physics, x-ray and radium physics, or radiological physics and experience included in certification.
- 2) Doctorate (Ph.D.) or Master's and 1 year of full-time

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(MS/MA) degree in physics,  
biophysics, radiological physics or  
health physics

training in radiological  
physics and also 1 year  
of full-time work  
experience under the  
supervision of a  
therapeutic radiological  
physicist at a medical  
institution.

- d) To meet the work experience requirements of subsection (c)(2) ~~of this Section~~, the individual shall have performed the tasks specified in 32 Ill. Adm. Code 360.120(c), (d) and (e) under the supervision of an individual meeting the requirements of subsection (c) ~~of this Section~~ during the year of work experience.
- e) An individual previously holding a designation as a diagnostic imaging specialist and/or a therapeutic radiological physicist, and previously approved by the ~~Agency former Illinois Department of Nuclear Safety as a qualified inspector~~, shall remain approved as a diagnostic imaging specialist and/or therapeutic radiological physicist, unless approval is removed for cause pursuant to this Part.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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406.9                      Amend                      35 Ill. Reg. 17491; November 4, 2011

- 15) Summary and Purpose of Amendment: In order to comply with federal regulations (16 CFR 1219 or 1220), the amendment requires that by December 28, 2012 all cribs in day care homes meet the federal safety standard.
- 16) Information and questions regarding this adopted amendment shall be directed to:

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

Telephone: 217/524-1983  
TDD: 217/524-3715  
E-Mail: [cfpolicy@idcfs.state.il.us](mailto:cfpolicy@idcfs.state.il.us)

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

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## TITLE 89: SOCIAL SERVICES

## CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

## PART 406

## LICENSING STANDARDS FOR DAY CARE HOMES

## Section

406.1	Purpose
406.2	Definitions
406.3	Effective Date of Standards (Repealed)
406.4	Application for License
406.5	Application for Renewal of License
406.6	Provisions Pertaining to the License
406.7	Provisions Pertaining to Permits
406.8	General Requirements for Day Care Homes
406.9	Characteristics and Qualifications of the Day Care Family
406.10	Qualifications for Assistants
406.11	Substitutes
406.12	Admission and Discharge Procedures
406.13	Number and Ages of Children Served
406.14	Health, Medical Care and Safety
406.15	Discipline of Children
406.16	Activity Requirements
406.17	Nutrition and Meals
406.18	Transportation of Children By Day Care Home
406.19	Swimming
406.20	Children with Special Needs
406.21	School Age Children
406.22	Children Under 30 Months of Age
406.23	Night Care
406.24	Records and Reports
406.25	Confidentiality of Records and Information
406.26	Cooperation with the Department
406.27	Severability of This Part
406.APPENDIX A	Meal Pattern Chart for Children 0 to 12 Months of Age
406.APPENDIX B	Meal Pattern Chart for Children Over One Year of Age
406.APPENDIX C	Background of Abuse, Neglect, or Criminal History Which May Prevent Licensure or Employment in a Day Care Home

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- 406.APPENDIX D Pre-Service and In-Service Training  
406.APPENDIX E List of Items for Fire Safety Inspection

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10], the Children's Product Safety Act [430 ILCS 125], Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5/3], Sections 1 and 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/1 and 2], and Section 5 of The Missing Children Records Act [325 ILCS 50/5].

SOURCE: Adopted and codified at 7 Ill. Reg. 7855, effective July 1, 1983; amended at 8 Ill. Reg. 24951, effective January 1, 1985; amended at 9 Ill. Reg. 2454, effective March 1, 1985; emergency amendment at 15 Ill. Reg. 15088, effective October 8, 1991, for a maximum of 150 days; modified at 16 Ill. Reg. 2269; amended at 16 Ill. Reg. 7602, effective April 30, 1992; amended at 18 Ill. Reg. 5531, effective April 1, 1994; amended at 19 Ill. Reg. 2765, effective February 23, 1995; amended at 21 Ill. Reg. 4524, effective April 1, 1997; emergency amendment at 24 Ill. Reg. 4207, effective March 1, 2000, for a maximum of 150 days; emergency expired July 28, 2000; amended at 24 Ill. Reg. 17047, effective November 1, 2000; amended at 25 Ill. Reg. 5714, effective April 1, 2001; emergency amendment at 26 Ill. Reg. 13694, effective August 30, 2002, for a maximum of 150 days; emergency expired on January 26, 2003; amended at 27 Ill. Reg. 19180, effective December 15, 2003; amended at 30 Ill. Reg. 18280, effective November 13, 2006; amended at 32 Ill. Reg. 9137, effective June 20, 2008; amended at 34 Ill. Reg. 18358, effective December 15, 2010; amended at 36 Ill. Reg. 4103, effective March 5, 2012; amended at 36 Ill. Reg. 13057, effective August 15, 2012; amended at 36 Ill. Reg. 13388, effective August 15, 2012.

**Section 406.8 General Requirements for Day Care Homes**

- a) The physical facilities of the home, both indoors and outdoors, shall meet the following requirements for safety to children.
  - 1) The home shall have a first aid kit consisting of adhesive bandages, scissors, thermometer, non-permeable gloves, Poison Control Center telephone number (1-800-222-1222 or 1-800-942-5969), sterile gauze pads, adhesive tape, tweezers and mild soap.
  - 2) The kitchen shall be equipped with a readily accessible and operable fire extinguisher rated for Class A, B, and C fires and a flashlight in working order.
  - 3) All electrical outlets that are in areas used by the day care children shall

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have protective coverings. There shall be no exposed or uninsulated wiring.

- 4) The home shall be equipped with a minimum of one approved smoke detector in operating condition on every floor level, including basements and occupied attics.
  - A) A smoke detector in operating condition shall be within each room where children nap or sleep. *The detector shall be installed on the ceiling and at least 6 inches from any wall, or on a wall located between 4 and 6 inches from the ceiling.* In addition, there shall be at least one detector at the beginning and end of each separate corridor or hallway 200 feet or more in length in any occupied story.
  - B) *In any facility constructed after December 31, 1987, or which undergoes substantial remodeling of its structure or wiring system after that date, the smoke detectors shall be permanently wired into the structure's AC power line, and, if more than one detector is required to be installed, the detectors shall be wired so that the activation of one detector will activate all the detectors in the facility unit.* For purposes of this subsection (a)(4), "substantial remodeling" represents more than 15% of the replacement cost of the day care home.
  - C) *Compliance with any applicable federal, State or local law, rule or building code which requires the installation and maintenance of smoke detectors in a manner different from this Section, but providing a level of safety for occupants which is equal to or greater than that provided by this Section, shall be deemed to be compliance with this Section.* (Section 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/2])
- 5) Carbon Monoxide Detector
  - A) A home that has an attached garage and/or relies on combustion of fossil fuel for heating, ventilation, or hot water shall be equipped with a minimum of one approved carbon monoxide detector in

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*operating condition within 15 feet of rooms where children nap or sleep.*

- B) *The carbon monoxide detector may be combined with smoke detector devices, provided that the combined unit complies with subsection (a)(4) and this subsection (a)(5). [430 ILCS 135/10]*
- 6) The home and indoor space shall be maintained in good repair and shall provide a safe, comfortable environment for the children.
- 7) A draft-free temperature of 65°F to 75°F shall be maintained during the winter months or heating season. For infants and toddlers, a temperature of 68°F to 82°F shall be maintained during the summer or air-conditioning months. When the temperature in the home exceeds 78°F, measures shall be taken to cool the children. Temperatures shall be measured at least 3 feet above the floor.
- 8) Fixed space heaters, fireplaces, radiators, and other heating sources in areas occupied by children shall be separated by partitions or a sturdy barrier to prevent contact. Portable space heaters may not be used in a day care home during the hours that child care is provided.
- 9) Facilities in which a wood-burning stove or fireplace has been installed and which is used during the hours that child care is provided shall provide a written plan of how the stove or fireplace will be used and what actions will be taken to ensure the children's safety when in use.
- 10) When the basement area may be used for child care, 2 exits shall be provided.
- A) At least one exit shall be a basement exit via a door directly to the outside (without traversing any other level of the home) or a protected exit from a basement via a door or stairway that allows unobstructed travel directly to the outside of the building at street or ground level. The stairway may not be more than 8 feet high.
- B) A second exit may be a window.
- i) The window shall be operable from the inside without the

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- use of tools and provide a clear opening not less than 20 inches in width, 24 inches in height, and 5.7 square feet in area.
- ii) If the window is used as a second exit, the bottom of the window opening shall be no more than 44 inches above the floor.
  - iii) When the bottom of the window opening used as a second exit is greater than 24 inches above the floor, there shall be a permanently affixed, sturdy ramp or stairs located below the window to allow speedy access in the event of an emergency.
- C) If the basement area does not meet these exiting requirements, the basement may be used for child care only with the prior written approval of OSFM.
- 11) All walls and surfaces shall be free from chipped or peeling paint, carpeting, fabric or plastic products. Flammable or combustible artwork attached to the walls shall not exceed 20% of the wall area.
  - 12) Walls of rooms that children use shall be maintained free of lead paint.
  - 13) Furniture and equipment shall be kept in safe repair.
  - 14) First aid supplies, medication, cleaning materials, poisons, sharp scissors, plastic bags, sharp knives, cigarettes, matches, lighters, flammable liquids, and other hazardous materials shall be stored in places inaccessible to children. Hazardous items for infants and toddlers also include items that can cause choking, including but not limited to: coins, balloons, safety pins, marbles, Styrofoam™ and similar products, and sponge, soft rubber or soft plastic toys that can be bitten or broken into small pieces.
  - 15) Tools and gardening equipment shall be stored in locked cabinets, if possible, or in places inaccessible to all children.
  - 16) *Handguns are prohibited on the premises of the day care home except in the possession of peace officers or other adults who must possess a*

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*handgun as a condition of employment and who reside in the day care home.*

- 17) *Any firearm, other than a handgun in the possession of a peace officer or other person as provided in subsection (a)(13), shall be kept in a disassembled state, without ammunition, in locked storage in a closet, cabinet, or other locked storage facility inaccessible to children.*
- A) *Ammunition for such firearms shall be kept in locked storage separate from that of the disassembled firearms, inaccessible to children.*
- B) *The operator of the home shall notify the parents or guardian of any child accepted for care that firearms and ammunition are stored on the premises. The operator shall also notify the parents or guardian that such firearms and ammunition are locked in storage inaccessible to children. (Section 7 of the Act) Such notification need not disclose the location where the firearms and ammunition are stored.*
- 18) There shall be written plans for fire and tornado emergencies. Caregivers and assistants in the home shall be familiar with these plans.
- A) The fire evacuation plan shall identify the exits from each area used for child care and shall specify the evacuation route.
- B) The fire evacuation plan shall identify a safe assembly area outside of the home. It shall also identify a near-by indoor location for post-evacuation holding if needed.
- C) The fire evacuation plan shall require that the home be evacuated before calling the local emergency number 911.
- D) The written tornado plan shall specify what actions will be taken in the event of tornado or other severe weather warning, including designation of those areas of the home to be used as the safe spots.
- 19) Monthly fire drills shall be conducted for the purpose of removing children from the home as quickly as possible.

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- 20) Tornado drills shall be conducted monthly for the purpose of getting children accustomed to moving to a position of safety in the event of a tornado.
- 21) Fire and tornado drills shall be recorded on forms prescribed by the Department and maintained on file for a period of 3 years.
- 22) Escape routes from the home shall be designed and maintained for swift and safe exiting in the event of an emergency.
  - A) All corridors and escape routes from the home shall be kept clear of obstructions.
  - B) Dead-end paths or corridors within the home shall be a maximum of 20 feet in length.
  - C) All escape routes from the home shall have operable lighting. The lighting shall be activated during any hours of operation when natural lighting is reduced to a level that prohibits visibility within the escape route.
  - D) Bathroom doors in areas accessible to day care children shall allow a caregiver to open the door from outside of the bathroom if necessary.
  - E) All closet doors accessible to children shall be able to be opened from inside of the closet without the use of a key.
  - F) There shall be no more than 2 releasing devices (door knobs, hand-operated deadbolts, thumb-turn locks, etc) on any exit door or exit window.
  - G) Exit doors and exit windows shall be operable without the use of a key, a tool or special knowledge to open for exit to the outside.
  - H) Exit doors and exit windows shall be kept clear of equipment and debris at all times.

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- 23) The licensee shall inspect the home daily, prior to arrival of children, ensuring that escape routes are clear and that exit doors and exit windows are operable. A log of these daily inspections shall be maintained for at least one year, and shall be available for review. The log shall reflect, at minimum, the date and time of each inspection and the full name of the person who conducted it.
- 24) The licensee shall hold monthly fire inspections of the day care home.
- 25) In the event of a fire, the day care home shall be evacuated immediately and the children's safety insured before calling the fire department or attempting to combat the fire.
- 26) There shall be an operable telephone available on the premises of the licensee. The number of the Poison Control Center (1-800-222-1222 or 1-800-942-5969) and other emergency numbers shall be posted in an area that is readily available in an emergency.
- 27) All in-ground swimming pools located in areas accessible to children shall be fenced. The fence shall be at least 5 feet in height and secured by a locked gate. Day care homes that have a license or a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.
- 28) All above-ground pools shall have non-climbable sidewalls that are at least 4 feet high or shall be enclosed with a 5 foot fence that is at least 36 inches away from the pool's side wall and secured with a locked gate. When the pool is not in use, steps shall be removed from the pool or otherwise protected to insure the pool cannot be accessed. Day care homes that have a license or a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.
- 29) Portable wading pools shall be emptied daily and disinfected before being air-dried.
- 30) All hot tubs shall have securely locked covers or otherwise be inaccessible to children.

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- 31) Free hanging cords on blinds, shades and drapes shall be tied or otherwise kept out of reach of children.
- b) The kitchen shall be clean, equipped for the preservation, storage, preparation and serving of food, and reasonably safe from hazards.
- c) Garbage and refuse containers used to discard diapering supplies, food products or disposable meal service supplies in areas for child care shall be disinfected daily unless plastic liners are used and disposed of daily.
- d) A safe and sanitary water supply shall be maintained. If a private water supply is used instead of an approved public water supply, the applicant shall supply written records of current test results indicating the water supply is safe for drinking. New test results must be provided prior to renewal of license. If nitrate content exceeds 10 parts per million, bottled water must be used for children under 15 months of age.
- e) Hot and cold running water shall be provided. When children under age 10 or who are developmentally disabled are cared for, the maximum hot water temperature from all faucets of sinks designated for children washing hands shall be no more than 115° Fahrenheit. Caregivers shall always test the hot water before allowing children less than 5 years of age to use the water.
- f) Insect and rodent control shall be maintained.
- 1) All outside doors except those with operable self-closing devices, operable windows, and other openings used for ventilation shall be screened.
- 2) Chemicals for insect and rodent control shall be applied in minimum amounts and shall not be used when children are present. Over-the-counter products may be used only according to package instructions. Commercial chemicals, if used, shall be applied by a licensed pest control operator and shall meet all standards of the Department of Public Health (Structural Pest Control Code, 77 Ill. Adm. Code 830). A record of any pesticides used shall be maintained.
- g) Healthy household pets that present no danger to children are permitted.
- 1) A licensed veterinarian shall certify that the animals are free of diseases

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that could endanger the children's health and that dogs and cats have been inoculated for rabies.

- 2) If certification is not available, animals shall be confined at all times in an area inaccessible to children.
  - 3) There shall be careful supervision of children who are permitted to handle and care for the animals.
  - 4) Immediate treatment shall be available to any child who is bitten or scratched by an animal.
  - 5) The presence of monkeys, ferrets, turtles, iguanas, psittacine birds (birds of the parrot family) or any wild or dangerous animal is prohibited in areas accessible to children during the hours the day care home is in operation. Wild and dangerous animals include, but are not limited to, venomous and constricting snakes, undomesticated cats and dogs, racoons, and other animals determined to be dangerous by local public health authorities.
- h) Indoor space shall consist of a clean, comfortable environment for children.
- 1) The day care home shall be well-ventilated, free from observable hazards, properly lighted and heated, and free of fire hazards.
  - 2) The dwelling shall be kept clean, sanitary, and in good repair.
  - 3) There shall be provision for isolating a child who becomes ill or who is suspected of having a contagious disease.
  - 4) When used for child care, floors shall have protective covering such as, but not limited to, tile, carpet, linoleum. Paint or sealer alone is not acceptable as a protective covering.
  - 5) When children under 30 months of age are in care, stairs leading to second levels, attics or basements shall be fitted with a sturdy gate, door or other barrier to prevent the children's access to stairs without adult supervision. Such a barrier shall be moveable enough so as not to impede evacuation, if necessary.

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- i) The licensee shall identify those areas in the home used for child care. The identified areas minus any special use areas shall be measured to calculate the square footage available for child care. When the licensed capacity of the home exceeds 8 children, there shall be:
- 1) A minimum of 35 square feet of floor space per each child in care, and
  - 2) An additional 20 square feet of floor space for each child under 30 months of age when the play area is the same as the sleep area. However, if portable bedding is used for napping, then removed, the licensing representative shall approve the use of only 35 square feet of space for each child if the applicant/licensee has adequate storage for the bedding materials and the bedding materials are removed before and after naptime.
- j) *No person ~~may~~shall smoke tobacco in any area of the day care home in which day care services are being provided to children, while those children are present on the premises. In addition, no person ~~may~~shall smoke tobacco while providing transportation, in either an open or enclosed motor vehicle, to children who are receiving child care services. Nothing in this subsection prohibits smoking in the home in the presence of a person's own children or in the presence of children to whom day care services are not then being provided. [225 ILCS 10/5.5]*
- k) There shall be safe outdoor space for active play.
- 1) Space shall be provided for play in yards, nearby parks or playgrounds under adult supervision.
  - 2) Space shall be protected by physical means (e.g., fence, tree line, chairs, ropes, etc.) against all water hazards, including, but not limited to, pools, ponds, standing water, ornamental bodies of water, and retention ponds, regardless of the depth of the water, and by adult caregiver supervision at times when children in care are present. Other hazards, such as, but not limited to, heavy traffic and construction, shall be inaccessible to children in care through a physical barrier and adult supervision.
  - 3) Play areas shall be well drained and safely maintained.
  - 4) All pieces of outdoor equipment used by children 5 years of age and younger on the day care home premises that is purchased or installed on or

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after April 1, 2001 shall meet the following standards to guard against entrapment or situations that may cause strangulation.

- A) Openings in exercise rings shall be smaller than 4½ inches or larger than 9 inches in diameter.
  - B) There shall be no openings in a play structure with a dimension between 3½ inches and 9 inches (except for exercise rings). Side railings, stairs and other locations that a child might slip or climb through shall be checked for appropriate dimensions.
  - C) Distances between vertical slats or poles, where used, must be 3½ inches or less (to prevent head entrapment).
  - D) No opening shall form an angle of less than 55 degrees unless one leg of the angle is horizontal or slopes downward.
  - E) No openings shall be between ¾ inch and one inch in size (to prevent finger entrapment).
- 5) The use of a trampoline by children in care is prohibited.
  - 6) Children shall be closely supervised by the caregiver when public parks or playgrounds are used for play, during play and while traveling to and from the area.
  - 7) Supervision shall be provided during outdoor play by caregivers who meet the requirements of Section 406.9.
- l) Operation of other business on the premises must not interfere with the care of children.
  - m) A day care home may not house bedridden or chronically ill persons except by permission of the supervising agency. The supervising agency shall grant such permission unless the person has a contagious or a reportable communicable disease or requires care that adversely affects the ability of the caregiver to supervise children.

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- n) By December 28, 2012, the day care home shall obtain certification that all cribs used by the home meet or exceed the federal safety standards in 16 CFR 1219 or 1220 (2011). This certification from the manufacturer shall be available for inspection by the licensing representative. In the absence of a manufacturer's certificate, proof that the crib was manufactured on or after June 28, 2011 will meet the required standard.

(Source: Amended at 36 Ill. Reg. 13388, effective August 15, 2012)



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406.35                      Amend                      35 Ill. Reg. 17491; November 4, 2011

- 15) Summary and Purpose of Amendment: In order to comply with federal regulations (16 CFR 1219 or 1220), the amendment requires that by December 28, 2012 all cribs in group day care homes meet the federal safety standard.
- 16) Information and questions regarding this adopted amendment shall be directed to:

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

Telephone: 217/524-1983  
TDD: 217/524-3715  
E-Mail: [cfpolicy@idcfs.state.il.us](mailto:cfpolicy@idcfs.state.il.us)

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

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## TITLE 89: SOCIAL SERVICES

## CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

## PART 408

## LICENSING STANDARDS FOR GROUP DAY CARE HOMES

## Section

408.1	Purpose
408.5	Definitions
408.7	Effective Date of Standards (Repealed)
408.10	Application For License
408.15	Application for Renewal of License
408.20	Provisions Pertaining to the License
408.25	Provisions Pertaining to Permits
408.30	General Requirements for Group Day Care Homes
408.35	General Requirements for Group Day Care Home Family
408.40	Background Checks
408.45	Caregivers
408.50	Child Care Assistants
408.55	Substitutes
408.60	Admission and Discharge Procedures
408.65	Number and Ages of Children Served
408.70	Health, Medical Care and Safety
408.75	Discipline of Children
408.80	Nutrition and Meals
408.85	Program
408.90	Transportation of Children
408.95	Swimming
408.100	Children with Special Needs
408.105	Children Under 30 Months of Age
408.110	School Age Children
408.115	Night Care
408.120	Records and Reports
408.125	Confidentiality of Records and Information
408.130	Cooperation with the Department
408.135	Severability of This Part
408.APPENDIX A	Meal Pattern Chart for Children 0 to 12 Months of Age

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408.APPENDIX B	Meal Pattern Chart for Children Over One Year of Age
408.APPENDIX C	Minimum Equipment and Supplies – Preschool Programs
408.APPENDIX D	Minimum Equipment and Supplies – Infant and Toddler Programs
408.APPENDIX E	Background of Abuse, Neglect, or Criminal History Which May Prevent Licensure or Employment in a Group Day Care Home
408.APPENDIX F	Early Childhood Teacher Credentialing Programs
408.APPENDIX G	Pre-Service and In-Service Training
408.APPENDIX H	Chart of Number and Ages of Children Served
408.APPENDIX I	List of Items for Fire Safety Inspection

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10], the Children's Product Safety Act [430 ILCS 125], Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5/3], Sections 1 and 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/1 and 2] and Section 5 of the Missing Children Records Act [325 ILCS 50/5].

SOURCE: Adopted at 13 Ill. Reg. 14828, effective October 1, 1989; emergency amendment at 15 Ill. Reg. 15104, effective October 8, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 8950, effective May 30, 1992; amended at 18 Ill. Reg. 5540, effective April 1, 1994; amended at 19 Ill. Reg. 2784, effective February 23, 1995; amended at 21 Ill. Reg. 4563, effective April 1, 1997; emergency amendment at 24 Ill. Reg. 4212, effective March 1, 2000, for a maximum of 150 days; emergency expired July 28, 2000; amended at 24 Ill. Reg. 17057, effective November 1, 2000; amended at 25 Ill. Reg. 5281, effective April 1, 2001; amended at 27 Ill. Reg. 19232, effective December 15, 2003; amended at 30 Ill. Reg. 18310, effective November 13, 2006; amended at 32 Ill. Reg. 9164, effective June 20, 2008; amended at 34 Ill. Reg. 18411, effective December 15, 2010; amended at 36 Ill. Reg. 4114, effective March 5, 2012; amended at 36 Ill. Reg. 13105, effective August 15, 2012; amended at 36 Ill. Reg. 13403, effective August 15, 2012.

**Section 408.30 General Requirements for Group Day Care Homes**

- a) The physical facilities of the home, both indoors and outdoors, shall meet the following requirements for safety to children.
  - 1) The home shall have a first aid kit consisting of adhesive bandages, scissors, non-permeable gloves, Poison Control Center telephone number (1-800-222-1222 or 1-800-942-5969), thermometer, sterile gauze pads, adhesive tape, tweezers, first aid cream and mild soap.
  - 2) The kitchen shall be equipped with a readily accessible and operable fire

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extinguisher rated for Class A, B, and C fires and a flashlight in working order.

- 3) All electrical outlets that are in areas used by the day care children shall have protective coverings. There shall be no exposed or uninsulated wiring.
- 4) The home shall be equipped with a minimum of one approved smoke detector in operating condition on every floor level, including basements and occupied attics.
  - A) A smoke detector in operating condition shall be within each room where day care children nap or sleep. *The detector shall be installed on the ceiling and at least 6 inches from any wall, or on a wall located between 4 and 6 inches from the ceiling.* In addition, there shall be at least one detector at the beginning and end of each separate corridor or hallway 200 feet or more in length in any occupied story.
  - B) *In any facility constructed after December 31, 1987, or which undergoes substantial remodeling of its structure or wiring system after that date, the smoke detectors shall be permanently wired into the structure's AC power line, and, if more than one detector is required to be installed, the detectors shall be wired so that the activation of one detector will activate all the detectors in the facility unit.* For purposes of this subsection (a)(4), "substantial remodeling" represents more than 15 percent of the replacement cost of the group day care home.
  - C) *Compliance with any applicable federal, State or local law, rule or building code which requires the installation and maintenance of smoke detectors in a manner different from this Section, but providing a level of safety for occupants which is equal to or greater than that provided by this Section, shall be deemed to be compliance with this Section.* (Section 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/2])
- 5) Carbon Monoxide Detector

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- A) A home that has an attached garage and/or relies *on combustion of fossil fuel for heating, ventilation, or hot water shall be equipped with a minimum of one approved carbon monoxide detector in operating condition within 15 feet of rooms where children nap or sleep.*
- B) *The carbon monoxide detector may be combined with smoke detector devices, provided that the combined unit complies with subsection (a)(4) and this subsection (a)(5). [430 ILCS 135/10]*
- 6) The home and indoor space shall be maintained in good repair and shall provide a safe, comfortable environment for the children.
- 7) A draft-free temperature of 65°F to 75°F shall be maintained during the winter months or heating season. For infants and toddlers, a temperature of 68°F to 82°F shall be maintained during the summer or air-conditioning months. When the temperature in the home exceeds 78°F, measures shall be taken to cool the children. Temperatures shall be measured at least 3 feet above the floor.
- 8) Fixed space heaters, fireplaces, radiators, and other heating sources in areas occupied by children shall be separated by partitions or a sturdy barrier to prevent contact. Portable space heaters may not be used in a group day care home during the hours that child care is provided.
- 9) A facility in which a wood-burning stove or fireplace has been installed and that is used during the hours that child care is provided, shall provide a written plan of how the stove or fireplace will be used and what actions will be taken to ensure the children's safety when in use.
- 10) In one and 2 family dwellings, children under 30 months of age shall be housed and cared for on the second floor or below. In other residential buildings, children under 30 months of age shall be housed and cared for only in areas in which OSFM states, in writing, that the combination of remote exits, fire detection, fire suppression, and/or automatic sprinkler systems render the residence safe for the care of infants and toddlers.
- 11) No area accessible only by a ladder or folding stairs or through a trap door shall be used for sleeping or napping.

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- 12) When the basement area may be used for child care, 2 exits shall be provided.
- A) At least one exit shall be a basement exit via a door directly to the outside (without traversing any other level of the home) or a protected exit from a basement via a door or stairway that allows unobstructed travel directly to the outside of the building at street or ground level. The stairway may not be more than 8 feet high.
  - B) A second exit may be a window.
    - i) The window shall be operable from the inside without the use of tools and provide a clear opening not less than 20 inches in width, 24 inches in height, and 5.7 square feet in area.
    - ii) If the window is used as a second exit, the bottom of the window opening shall be no more than 44 inches above the floor.
    - iii) When the bottom of the window opening used as a second exit is more than 24 inches from the floor, there shall be a permanently affixed, sturdy ramp or stairs located below the window to allow speedy access in the event of an emergency.
  - C) If the basement area does not meet these existing requirements, the basement may be used for child care only with the prior written approval of ~~the~~ OSFM.
- 13) All walls and surfaces shall be free from chipped or peeling paint.
- 14) Walls of rooms that children use shall be maintained free of lead paint, carpeting, fabric, or plastic products. Flammable or combustible artwork attached to the walls shall not exceed 20% of the wall area.
- 15) Furniture and equipment shall be kept in safe repair.

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- 16) First aid supplies, medication, cleaning materials, poisons, sharp scissors, plastic bags, sharp knives, cigarettes, matches, lighters, flammable liquids, and other hazardous materials shall be stored in places inaccessible to children. Hazardous items for infants and toddlers also include items that can cause choking, including but not limited to: coins, balloons, safety pins, marbles, Styrofoam (trademark) and similar products, and sponge, soft rubber or soft plastic toys that can be bitten or broken into small pieces.
  - 17) Tools and gardening equipment shall be stored in locked cabinets, if possible, or in places inaccessible to all children.
  - 18) There shall be an operable telephone available on the premises of the licensee. The number of the Poison Control Center (1-800-222-1222 or 1-800-942-5969) and other emergency numbers shall be posted in an area that is readily available in an emergency.
  - 19) Free hanging cords on blinds, shades and drapes shall be tied or otherwise kept out of reach of children.
- b) Escape routes from the group day care home shall be designed and maintained for swift and safe exiting in the event of an emergency.
- 1) All corridors and escape routes from the group day care home shall be kept clear of obstructions.
  - 2) Dead-end paths or corridors within the group day care home shall be a maximum of 20 feet in length.
  - 3) All escape routes from the group day care home shall have operable lighting. The lighting shall be activated during any hours of operation when natural lighting is reduced to a level that prohibits visibility within the escape route.
  - 4) Bathroom doors in areas accessible to day care children shall allow staff to open the door from the outside of the bathroom if necessary.
  - 5) All closet doors shall be able to be opened from inside of the closet without the use of a key.

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- 6) There shall be no more than 2 releasing devices (door knobs, hand-operated deadbolts, thumb-turn locks, etc.) on any exit door or exit window.
  - 7) Exit doors and exit windows shall be operable without the use of a key, a tool or special knowledge to open the door from the inside and exit to the outside.
  - 8) Exit doors and exit windows shall be kept clear of equipment and debris at all times.
  - 9) The licensee shall hold monthly fire safety inspections of the group day care home.
  - 10) The licensee or staff in the home shall inspect the group day care home daily, prior to arrival of children, ensuring that escape routes are clear and that exit doors and exit windows are operable.
  - 11) A log of these monthly and daily inspections shall be maintained for at least one year, and shall be available for review by the licensing representative. The log shall reflect, at minimum, the date and time of each inspection and the full name of the person who conducted it.
- c) The licensee shall identify those areas in the home used for child care. The identified areas minus any special use areas shall be measured to calculate the square footage available for child care. There shall be:
- 1) A minimum of 35 square feet of floor space for each child in care; and
  - 2) An additional 20 square feet of floor space for each child under 30 months of age when the play area is the same as the sleep area. However, if portable bedding is used for napping, then removed, the licensing representative shall approve the use of only 35 square feet of space for each child if the applicant/licensee has adequate storage space for the bedding materials and the bedding materials are removed before and after nap time.
- d) *No person may smoke tobacco in any area of the group day care home in which*

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*day care services are being provided to children, while those children are present on the premises. In addition, no person may smoke tobacco while providing transportation, in either an open or enclosed vehicle, to children who are receiving child care services. Nothing in this subsection prohibits smoking in the home in the presence of a person's own children or in the presence of children to whom day care services are not then being provided. [225 ILCS 10/5.5]*

- e) Indoor space shall consist of a clean, comfortable environment for children.
  - 1) The group day care home shall be well-ventilated, free from observable hazards, properly lighted and heated, and free of fire hazards.
  - 2) The dwelling shall be kept clean, sanitary, and in good repair.
  - 3) There shall be provision for isolating a child who becomes ill or who is suspected of having a communicable, infectious or contagious disease.
  - 4) When used for child care, floors shall have protective covering such as, but not limited to, tile, carpet, linoleum. Paint or sealer alone is not acceptable as a protective covering.
  - 5) When children under 30 months of age are in care, stairs leading to second levels, attics or basements shall be fitted with a sturdy gate, door or other barrier to prevent the children's access to the stairs without adult supervision. Such a barrier shall be moveable enough so as not to impede evacuation, if necessary.
- f) The kitchen shall be clean, equipped for the preservation, storage, preparation and serving of food, and reasonably safe from hazards.
- g) Garbage and refuse containers used to discard diapering supplies, food products or disposable meal service supplies in areas for child care shall be disinfected daily unless plastic liners are used and disposed of daily.
- h) A safe and sanitary water supply shall be maintained. If a private water supply is used instead of an approved public water supply, the applicant shall supply written records of current test results indicating the water supply is safe for drinking. New test results must be provided prior to renewal of license. If nitrate content exceeds 10 parts per million, bottled water must be used for children

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under 15 months of age.

- i) Hot and cold running water shall be provided. When children under age 10 or who are developmentally disabled are cared for, the maximum hot water temperature from all faucets of sinks designated for children washing hands shall be no more than 115° Fahrenheit. Caregivers shall always test the hot water before allowing children less than 5 years of age to use the water.
- j) The group day care home shall provide one toilet for each 10 persons or portion thereof who are present during the hours the group day care home is in operation. These 10 persons include caregivers, child care assistants, members of the household and children other than those under 30 months of age for whom a potty chair is provided.
- k) There shall be a minimum of 75 square feet of outdoor space per child for the total number of children using the area at any one time. At least 25% of the required space shall be on the premises of the group day care home. The remainder may be a public park, playground or other outdoor recreation area within walking distance (1000 feet) of the group day care home provided the caregiver or an adult assistant accompanies children to this outdoor area.
- l) There shall be safe outdoor space for active play.
  - 1) Space shall be provided for play in yards, nearby parks or playgrounds under adult supervision.
  - 2) Space shall be protected by physical means (e.g., fence, tree line, chairs, ropes, etc.) against all water hazards, including, but not limited to, pools, ponds, standing water, ornamental bodies of water, and retention ponds, regardless of the depth of the water, and by adult caregiver supervision at times when children in care are present. Other hazards, such as, but not limited to, heavy traffic and construction, shall be inaccessible to children in care through a physical barrier and adult supervision. Further, outdoor space shall be partitioned or supervised in such a manner that young children are not endangered by the activities of older children.
  - 3) Play areas shall be well drained and safely maintained.
  - 4) All pieces of outdoor equipment used by children 5 years of age and

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younger on the day care premises that is purchased or installed on or after April 1, 2001 shall meet the following standards to guard against entrapment or situations that may cause strangulation.

- A) Openings in exercise rings shall be smaller than 4½ inches or larger than 9 inches in diameter.
  - B) There shall be no openings in a play structure with a dimension between 3½ inches and 9 inches (except for exercise rings). Side railings, stairs and other locations that a child might slip or climb through shall be checked for appropriate dimensions.
  - C) Distances between vertical slats or poles, where used, must be 3½ inches or less (to prevent head entrapment).
  - D) No opening shall form an angle of less than 55 degrees unless one leg of the angle is horizontal or slopes downward.
  - E) No opening shall be between ¾ inch and one inch in size (to prevent finger entrapment).
- 5) The use of a trampoline by children in care is prohibited.
  - 6) In-ground swimming pools located in areas accessible to children shall be fenced. The fence shall be at least 5 feet in height and secured by a locked gate. Group day care homes that are licensed or have a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.
  - 7) All above-ground pools shall have non-climbable sidewalls that are at least 4 feet high or shall be enclosed with a 5 foot fence that is at least 36 inches away from the pool's side wall and secured with a locked gate. When the pool is not in use, steps shall be removed from the pool or otherwise protected to insure the pool cannot be accessed. Group day care homes that are licensed or have a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.
  - 8) Portable wading pools shall be emptied daily and disinfected before being

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air-dried.

- 9) All hot tubs shall have securely locked covers or otherwise be inaccessible to children.
  - 10) Children shall be closely supervised by the caregiver when public parks or playgrounds are used for play, during play and while traveling to and from the area.
  - 11) Supervision shall be provided during outdoor play by caregivers who meet the requirements of Section 408.45 of this Part.
- m) A caregiver who relies upon outdoor space shared with other residents in a multiple family dwelling shall have a written agreement with the other residents or the owners of the outdoor area authorizing the use of the space by the group day care home and the children cared for.
- n) Insect and rodent control shall be maintained.
- 1) All outside doors except those with operable self-closing devices, operable windows, and other openings used for ventilation shall be screened.
  - 2) Chemicals for insect and rodent control shall be applied in minimum amounts and shall not be used when children are present. Over-the-counter products may be used only according to package instructions. Commercial chemicals, if used, shall be applied by a licensed pest control operator and shall meet all standards of the Department of Public Health (Structural Pest Control Code, 77 Ill. Adm. Code 830). A record of any pesticides used shall be maintained.
- o) Healthy household pets that present no danger to children are permitted.
- 1) A licensed veterinarian shall certify that the animals are free of diseases that could endanger the children's health and that dogs and cats have been inoculated for rabies.
  - 2) If certification is not available, animals shall be confined at all times in an area inaccessible to children.

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- 3) There shall be careful supervision of children who are permitted to handle and care for the animals.
  - 4) Immediate treatment shall be available to any child who is bitten or scratched by an animal.
  - 5) The presence of monkeys, ferrets, turtles, iguanas, psittacine birds (birds of the parrot family) or any wild or dangerous animal is prohibited in areas accessible to children during the hours the group day care home is in operation. Wild and dangerous animals include, but are not limited to, venomous and constricting snakes, undomesticated cats and dogs, raccoons, and other animals determined to be dangerous by local public health authorities.
- p) The Department shall request that the Illinois Department of Public Health or a local health department authorized by it and/or the Office of the State Fire Marshal or the local fire department authorized by it inspect the group day care home and its premises whenever the Department has reason to believe that conditions in the home or its premises pose potential health or safety hazards to the children cared for in the home.
- q) There shall be written response plans for fire and tornado emergency. These plans shall be familiar to all caregivers and assistants in the group day care home.
- 1) The fire evacuation plan shall identify the exits from each area used for child care and shall specify the evacuation route.
  - 2) The fire evacuation plan shall identify a safe assembly area outside of the home. It shall also identify a near-by indoor location for post-evacuation holding if needed.
  - 3) The fire evacuation plan shall require that the home be evacuated before calling the local emergency number 911.
  - 4) Fire drills shall be conducted monthly for the purpose of removing children from the group day care home as quickly as possible during an emergency.
  - 5) Tornado drills shall be conducted monthly for the purpose of getting

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children accustomed to moving to a position of safety in event of a tornado. The alphabetic card file required by Section 408.120(a)(2) shall accompany the caregiver during the drills.

- 6) The written tornado plan shall specify what actions will be taken in the event of tornado or other severe weather warning, including designation of those areas of the group day care home to be used as safe spots.
  - 7) Fire and tornado drills shall be recorded on forms prescribed by the Department and maintained for a period of 3 years.
- r) In the event of a fire, the group day care home shall be evacuated immediately and the children's safety insured before calling the fire department or attempting to combat the fire.
  - s) *Handguns are prohibited on the premises of the group day care home except in the possession of peace officers or other adults who must possess a handgun as a condition of employment and who reside in the group day care home.*
  - t) *Any firearm, other than a handgun in the possession of a peace officer or other person as provided in subsection (s), shall be kept in a disassembled state, without ammunition, in locked storage in a closet, cabinet, or other locked storage facility inaccessible to children.*
    - 1) *Ammunition for such firearms shall be kept in locked storage separate from that of the disassembled firearms, inaccessible to children.*
    - 2) *The operator of the group home shall notify the parents or guardian of any child accepted for care that firearms and ammunition are stored on the premises. The operator shall also notify the parents or guardian that such firearms and ammunition are in locked storage inaccessible to children (Section 7 of the Act). Such notification need not disclose the location where the firearms and ammunition are stored.*
  - u) A group day care home operator relying upon a cooperative or lending arrangement to meet the equipment requirements of this Part shall provide a copy of a written agreement specifying which equipment required by this Part is covered by the agreement. Further, the operator shall demonstrate to the satisfaction of the Department that the equipment covered by the agreement is

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both available and utilized by the group day care home as required by this Part.

- v) Operation of other business on the premises must not interfere with the care of children.
- w) A group day care home may not house bedridden or chronically ill persons except by permission of the Department. The Department shall grant such permission unless the person has a reportable contagious or communicable disease or requires care that adversely affects the ability of the caregiver to supervise children.
- x) By December 28, 2012, the group day care home shall obtain certification that all cribs used by the group home meet or exceed the federal safety standards in 16 CFR 1219 or 1220 (2011). This certification from the manufacturer shall be available for inspection by the licensing representative. In the absence of a manufacturer's certificate, proof that the crib was manufactured on or after June 28, 2011 will meet the required standard.

(Source: Amended at 36 Ill. Reg. 13403, effective August 15, 2012)

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- 1) Heading of the Part: White-Tailed Deer Hunting By Use of Firearms
- 2) Code Citation: 17 Ill. Adm. Code 650
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
650.20	Amendment
650.60	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36]
- 5) Effective Date of Amendments: August 10, 2012
- 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 rulemaking, including all material incorporated by reference is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: March 23, 2012; 36 Ill. Reg. 4283
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Proposed amendments to this Part are being made to change the dates for the Random Daily Drawing, the First and Second Lottery Drawings and the application period; update the list of sites open for the 2012 hunting season; and add two new sites and make procedural changes at site-specific areas.

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

George Sisk, Legal Counsel  
Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271

217/782-1809

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

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## TITLE 17: CONSERVATION

## CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

## SUBCHAPTER b: FISH AND WILDLIFE

## PART 650

## WHITE-TAILED DEER HUNTING BY USE OF FIREARMS

## Section

650.10	Statewide Season and Permit Quotas
650.20	Statewide Deer Permit Requirements
650.21	Deer Permit Requirements – Landowner/Tenant Permits
650.22	Deer Permit Requirements – Special Hunts
650.23	Deer Permit Requirements – Group Hunt
650.30	Statewide Firearms Requirements
650.40	Statewide Deer Hunting Rules
650.45	Reporting Harvest
650.50	Rejection of Application/Revocation of Permits
650.60	Regulations at Various Department-Owned or -Managed Sites
650.65	Youth Hunt (Repealed)
650.66	Special Hunts for Young Hunters
650.67	Special Hunts for Disabled Hunters
650.70	Special Extended Season Firearm Deer Hunt (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].

SOURCE: Adopted at 5 Ill. Reg. 9771, effective September 17, 1981; codified at 5 Ill. Reg. 10640; amended at 6 Ill. Reg. 10730, effective August 20, 1982; amended at 7 Ill. Reg. 10798, effective August 24, 1983; amended at 8 Ill. Reg. 21602, effective October 23, 1984; amended at 9 Ill. Reg. 16213, effective October 10, 1985; emergency amendment at 9 Ill. Reg. 20922, effective December 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4223, effective February 25, 1986; amended at 10 Ill. Reg. 16665, effective September 22, 1986; amended at 11 Ill. Reg. 3044, effective February 3, 1987; amended at 11 Ill. Reg. 9564, effective May 5, 1987; amended at 12 Ill. Reg. 8003, effective April 25, 1988; amended at 12 Ill. Reg. 12055, effective July 11, 1988; amended at 13 Ill. Reg. 12853, effective July 21, 1989; amended at 14 Ill. Reg. 12430, effective July 20, 1990; amended at 14 Ill. Reg. 19869, effective December 3, 1990; amended at 15 Ill. Reg. 10038, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 15790, effective October 22, 1991, for a maximum of 150 days; emergency expired March 21, 1992; amended at 16 Ill. Reg. 11131, effective June 30, 1992; amended at 17 Ill. Reg. 13468,

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effective July 30, 1993; amended at 18 Ill. Reg. 5859, effective April 5, 1994; amended at 18 Ill. Reg. 13431, effective August 23, 1994; amended at 19 Ill. Reg. 6477, effective April 28, 1995; amended at 20 Ill. Reg. 7515, effective May 20, 1996; amended at 21 Ill. Reg. 5572, effective April 19, 1997; amended at 21 Ill. Reg. 9116, effective June 26, 1997; amended at 22 Ill. Reg. 8007, effective April 28, 1998; amended at 23 Ill. Reg. 5564, effective April 26, 1999; amended at 24 Ill. Reg. 8971, effective June 19, 2000; amended at 24 Ill. Reg. 10260, effective July 1, 2000; amended at 25 Ill. Reg. 7231, effective May 22, 2001; amended at 26 Ill. Reg. 9319, effective June 17, 2002; amended at 27 Ill. Reg. 10009, effective June 23, 2003; emergency amendment at 27 Ill. Reg. 17270, effective November 10, 2003, for a maximum of 150 days; Section 650.60 of the emergency rules expired April 8, 2004; amended at 28 Ill. Reg. 353, effective December 19, 2003; amended at 28 Ill. Reg. 8039, effective May 26, 2004; amended at 29 Ill. Reg. 9718, effective June 24, 2005; emergency amendment at 29 Ill. Reg. 13025, effective August 10, 2005, for a maximum of 150 days; emergency expired January 1, 2006; amended at 30 Ill. Reg. 12155, effective June 28, 2006; amended at 31 Ill. Reg. 8169, effective May 25, 2007; amended at 32 Ill. Reg. 9300, effective June 13, 2008; amended at 33 Ill. Reg. 11534, effective July 27, 2009; amended at 34 Ill. Reg. 4800, effective March 19, 2010; amended at 35 Ill. Reg. 10710, effective June 23, 2011; amended at 36 Ill. Reg. 13419, effective August 10, 2012.

**Section 650.20 Statewide Deer Permit Requirements**

- a) All deer hunters must have a current, valid Firearm Deer Permit. Fees for deer permits are as follows:
- 1) Illinois Resident Permits (issued by Deer Permit Office):  
Either-sex – \$25  
Bonus antlerless-only – \$17.50  
Antlerless only for Special Hunt Areas with antlerless-only hunts – \$25
  - 2) Nonresident Permits (issued by Deer Permit Office):  
Either-sex – \$300  
Bonus antlerless-only – \$25  
Antlerless-only for Special Hunt Areas with antlerless-only hunts – \$300
  - 3) In addition to a Special Hunt Area permit issued under subsection (a)(1) or (a)(2), a hunter may obtain additional Special Hunt Area permits, issued by staff at the Special Hunt Area, when unfilled permits are available.

Fees:

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Either-sex (full, 1<sup>st</sup> or 2<sup>nd</sup> season) – \$25 regardless of residency  
Antlerless-only (full, 1<sup>st</sup> or 2<sup>nd</sup> season) – \$17.50 regardless of residency  
One-day standby permits – \$5 regardless of residency

- b) A permit is issued for one county or special hunt area and is valid only in the county or special hunt area stated on the permit. Only applicants who receive an either-sex permit in a county or special hunt area are eligible for an antlerless-only permit for that county or special hunt area (with the exception of special hunt areas offering antlerless-only hunts), until the Random Daily Drawing Period that begins in ~~August~~September, at which time antlerless-only permits remaining in the quota will be made available regardless of whether applicants already possess an either-sex permit. For permit applications and other information write to:

Department of Natural Resources  
(Firearm or Landowner/Tenant or Non-Resident)  
Deer Permit Office  
P.O. Box 19227  
Springfield, Illinois 62794-9227

- c) Applications from Illinois residents for participation in the First Lottery Drawing will be accepted through ~~the last weekday in April 30~~ of the current year. Nonresidents may not apply to participate in the First Lottery Drawing. Applications received after ~~the last weekday in April 30~~ will not be included in this lottery. Permits will be allocated in a computerized random drawing. Permits will be issued as either sex, antlerless only, or antlered only. A maximum of one either-sex and one antlerless-only permit shall be issued per person. Applicants for free landowner/tenant permits are not eligible to participate in the First or Second Lottery Drawings. Landowners who receive permits in the First or Second Lottery Drawing are not eligible for landowner permits. Lifetime licenses issued after August 15, 2006 shall not qualify a non-resident of Illinois for a resident deer permit.
- d) Applicants must complete all portions of the current year permit application form. Incomplete or incorrect applications will be returned along with the applicant's permit fee for correction or completion if received in the Permit Office prior to the deadline established in subsection (c).
- e) Applicants must check the second-season box if they agree to accept a second-season permit upon being rejected for a full-season permit.

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- f) Applicants must check the antlerless-only box and provide the appropriate fee to apply for an additional antlerless-only permit. Antlerless-only permits will be issued until the antlerless-only quota is filled for a given county or special hunt area.
- g) Permits for counties and special hunt areas with unfilled quotas after the First Lottery Drawing will be allocated in a Second Lottery Drawing. This drawing is open only to nonresident applicants and to Illinois residents who were not previously issued firearm permits for the current hunting season. Illinois residents will be given preference for permits allocated in the Second Lottery Drawing. Applications for the Second Lottery Drawing will be accepted through June 30~~the third Monday in August~~ of the current year. Applicants may also apply for remaining antlerless-only permits by checking the antlerless-only box and providing the appropriate fee. A list of unfilled counties and special hunt areas will be announced upon becoming available after the First Lottery Drawing. Applicants must apply on a current year Firearm Deer Permit application form. A maximum of one either-sex and one antlerless-only permit shall be issued per person.
- h) There will be an application period that starts the second Tuesday in ~~August~~September and ends the ~~second~~first Monday in ~~September~~October, during which anyone (regardless of any other permit they may have, subject to subsection (b)) can apply for firearm deer permits left over from the county and special hunt area quotas. During this application period, the permits shall be issued in a random daily drawing. Applications received each day will not be processed until all applications received for that day are mixed. All applications received on a specific day will be processed before processing applications received for a subsequent day. All applications for the Random Daily Drawing will be processed individually (i.e., no group applications will be processed). Applicants can apply for one or more permits during this application period. Applicants must mark the "Random Daily Drawings~~September Drawing—Multiple Permits~~" box on the firearm deer permit application.
- i) Permits remaining after the Random Daily Drawing will be available over-the-counter (OTC) from agents designated by the Department (pursuant to 17 Ill. Adm. Code 2520) beginning the third Tuesday in October on a first-come, first-served basis. Permits will be sold until quotas are exhausted, or until the close of the firearm deer season, whichever occurs first. Persons may purchase one or more permits during this period, subject to availability. Persons purchasing OTC deer permits must

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supply all necessary applicant information to the agents in order to properly complete the permit.

- j) Hunter preference in obtaining a permit during the First Lottery Drawing will be given: to individuals that applied for an either-sex permit in the previous year's First Lottery Drawing who were rejected because the quota was depleted in their county choices; or to applicants that received, in the previous year, a second season either-sex permit in the First Lottery Drawing only. In order to be eligible for preference during the First Lottery Drawing, the second season box must have been checked on the application form of unsuccessful applicants when they were rejected. Preference will not be granted to applicants who received a full-season either-sex permit but who did not receive an antlerless-only permit. Persons with lottery preference will have first chance at receiving available either-sex permits. The following criteria must be met to obtain a preference in the First Lottery Drawing:
- 1) The applicant must apply using the official Department application.
  - 2) The applicant must be a resident of the State, be eligible to receive a Firearm Deer Permit, and not had deer hunting privileges revoked pursuant to Section 650.50.
  - 3) The applicant must apply for the same county choices that he/she listed on the previous year's application. Preference will not be granted for special hunt areas.
- k) Applications may be accepted at the counter window of the permit office; however, permits for the First Lottery, Second Lottery and Random Daily Drawing will be mailed. In-person, mail-in and electronic applications will receive equal treatment in the drawings.
- l) Permits are not transferable. Refunds will not be granted, unless the Department of Natural Resources has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.
- m) A \$3 service fee will be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there will be no charge. The procedures for obtaining a replacement license are detailed in 17 Ill. Adm. Code 2520.50. Monies derived from this source will be deposited in the Wildlife

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and Fish Fund.

- n) The periods for accepting applications for the First and Second Lottery periods may be extended if applications are not available to the public by April 1. A news release will announce the extension of the application periods.
- o) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 36 Ill. Reg. 13419, effective August 10, 2012)

**Section 650.60 Regulations at Various Department-Owned or -Managed Sites**

- a) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) It is unlawful to drive deer, or participate in a deer drive, on all Department-owned or -managed properties. A deer drive is defined as a deliberate action by one or more persons (whether armed or unarmed) whose intent is to cause deer to move within firearm range of one or more participating hunters.
- c) Only one tree stand is allowed per deer permit holder. These tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that they may be left unattended from September 15-January 31 at those sites listed in this Section that are followed by a (1). Any tree stand left unattended overnight must be legibly marked with the owner's name, address, and telephone number, or site assigned identification number.
- d) Check-in, check-out, and reporting of harvest is required at those sites listed in this Section that are followed by a (2).
- e) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (3).
- f) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (4).
- g) Statewide regulations shall apply at the following sites:

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Alvah Borah State Habitat Area (1)

Big Grand Pierre Glade State Natural Area (1)

Cache River State Natural Area (1) (2)

Campbell Pond State Habitat Area (1) (2)

Cape Bend State Fish and Wildlife Area (1) (2)

Carlyle Lake Lands and Waters (Corps of Engineers managed lands except for Jim Hawn and East Spillway areas that are closed to firearm deer hunting)

Carlyle Lake State Wildlife Management Area (except subimpoundment area)

Chauncey Marsh State Natural Area (1) (2)

Collier Limestone Glade State Natural Area (1)

Copperhead Hollow State Wildlife Area (2)

Crawford County State Conservation Area (1) (2)

Cretaceous Hills State Natural Area (1)

Cypress Creek National Wildlife Refuge

Cypress Pond State Natural Area (1) (2)

Deer Pond State Natural Area (1) (2)

Devil's Island State Wildlife Management Area

Dog Island State Wildlife Management Area (1) (2)

Ferne Clyffe State Park – Cedar/Draper Bluff Hunting Area (1) (2)

Flag Pond State Natural Area

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Fort de Chartres State Historic Site (muzzleloading rifles only; no in-line muzzleloading rifles or muzzleloaders with scopes allowed) (1) (2)

George S. Park Memorial Woods State Natural Area (2)

Giant City State Park (1) (2)

Hamilton County State Conservation Area (1) (2)

Horseshoe Lake State Fish and Wildlife Area – Alexander County (all portions of the Public Hunting Area except the Controlled Goose Hunting Area) (1) (2)

Kaskaskia River State Fish and Wildlife Area (1) (2, except south of Highway 154 and north of Highway 13) (during each day of the second firearm deer season, hunting within the Doza Creek Waterfowl Management Area is open from 1:00 p.m. until sunset and firearm deer hunters may not enter the area until 11:00 a.m.; ~~antlerless deer only~~)

Kinkaid Lake State Fish and Wildlife Area (1) (2)

Lake Le Aqua Na State Park (standby hunting allowed during the first season if all blinds not filled by youth hunters)

Lusk Creek Canyon State Natural Area (1)

Meeker State Habitat Area (1) (2)

Mermet Lake State Conservation Area (1) (2)

Miller-Anderson Woods State Natural Area (Bureau County permit holders may hunt the Bureau County portion of the Area and Putnam County permit holders may hunt the Putnam County portion of the Area) (2)

Mississippi State Fish and Waterfowl Management Area – Pools 25 and 26 (Batchtown, Crull Hollow and Godar Waterfowl Rest Areas are closed to hunting beginning 14 days before the regular duck season; areas reopen to hunting the day after duck season closes; it is unlawful to trespass upon the designated duck hunting areas between sunset of the Sunday immediately preceding opening day of regular duck season through the day before regular duck season as posted at the

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site; no deer hunting is allowed within 200 yards of an occupied duck blind; during duck season only, deer hunters may not access the designated duck hunting areas by launching a boat at certain specifically posted boat ramps; boat ramps reopen to deer hunters the day after duck season closes; hunting is allowed at Red's Landing and Riprap Landing walk-in areas from 12:00 p.m. to ½ hour after sunset during duck season, statewide hours during remainder of the season (1)

Mississippi River Pool 16 (1)

Mississippi River Pools 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Newton Lake State Fish and Wildlife Area (2)

Oakford State Conservation Area (1)

Pere Marquette State Park (1) (2)

Rend Lake State Fish and Wildlife Area and Corps of Engineers' managed areas of Rend Lake

Saline County State Fish and Wildlife Area (1) (2)

Sielbeck Forest State Natural Area (1) (2)

Skinner Farm State Habitat Area (1) (2)

Ten Mile Creek State Fish and Wildlife Area (1); Belle Rive Unit only (3)

Trail of Tears State Forest (1) (2)

Turkey Bluffs State Fish and Wildlife Area (1) (2)

Union County State Conservation Area (Firing Line Unit only) (1) (2)

Weinberg-King State Park – Spunky Bottoms Unit (2)

Wildcat Hollow State Forest (1)

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## Wise Ridge State Natural Area (1)

- h) Statewide regulations shall apply at the following sites by special permit allocated through the regular statewide drawing. Season dates that differ from the statewide dates are in parentheses. Sites that offer standby hunting are followed by a (5). At sites offering standby hunting, permit holders must register at the check station by 5:00 a.m. each day of the hunt. Unvalidated permits are void after 5:00 a.m. Vacancies each day will be filled by a drawing held at 5:00 a.m. Vacancies may be filled by any person holding a valid hunting license, Habitat Stamp, and Firearm Owner Identification Card, unless exempt. Standby hunters will be issued a one-day site-specific deer permit at the check station, and charged a permit fee of \$5. All hunters must check out and report harvest. In the event that Department budget reductions or site staffing reductions make the operation of check stations or issuance of standby permits impractical, changes to check station procedures and standby permit issuance will be publicly announced and posted at the site.

Apple River Canyon State Park – Thompson and Salem Units (first or second season only) (2)

Argyle Lake State Park (2) (5)

Big River State Forest (2) (5)

Butterfield Trail State Recreation Area (2)

Carlyle Lake State Fish and Wildlife Area – East Fork Unit in Clinton County

Castle Rock State Park (first or second season only) (1) (2) (5)

Cedar Glen State Natural Area (1) (2)

Chain O'Lakes State Park (first season permits only; ~~an antlerless deer permit must be filled before filling an either sex permit;~~ hunting from elevated stands only, 6 feet minimum above the ground except for designated accessible blinds; firearms must be fully enclosed in a case, except while the hunter is in an elevated stand or as otherwise authorized by an employee of the Department; all hunters must attend a site lottery drawing for designated hunter stations) (1) (2)

## DEPARTMENT OF NATURAL RESOURCES

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Clinton Lake State Recreation Area (only in the area between County Highway 14 and State Route 48 – both sides of lake) (+)

Coffeen Lake State Fish and Wildlife Area

Des Plaines State Conservation Area (first season only) (2) (5)

Ferne Clyffe State Park – Ferne Clyffe Hunting Area (1) (2)

Fort Massac State Park (2)

Fox Ridge State Park (1)

Franklin Creek State Natural Area (first or second season only) (all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they can purchase an either-sex site-specific permit) (2) (5)

French Bluff State Natural Area (1) (2)

Goose Lake Prairie State Natural Area/Heidecke State Fish and Wildlife Area (first or second season only) (2) (5)

Green River State Wildlife Area (first or second season only) (1) (2) (5)

Hanover Bluff State Natural Area (first or second season only) (2)

Harry "Babe" Woodyard State Natural Area (2) (3)

Henry Allan Gleason State Natural Area (2)

Hidden Springs State Forest (1)

~~Horseshoe Lake State Conservation Area—Alexander County (Refuge, second Saturday and Sunday in November; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they will be issued an either-sex permit) (2)~~

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Hurricane Creek State Habitat Area

Iroquois County State Conservation Area (first season only) (2) (5)

Iroquois County State Conservation Area (second season only; no hunting in the controlled pheasant hunting area) (2) (5)

Jim Edgar Panther Creek State Fish and Wildlife Area (1) (3)

Jubilee College State Park (first or second season only; hunting is prohibited in marked zones (handicapped hunt area and areas within 300 yards of an inhabited dwelling); only one tree stand is allowed per deer permit holder; these tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable; tree stands may be erected the day before the first season and must be removed by the day after the end of the second season; any tree stand left unattended overnight must be legibly marked with the owner's name, address, and telephone number) (2) (5)

Kaskaskia River Fish and Wildlife Area (Baldwin Lake Rest Area; first or second season only; ~~all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they can purchase an either-sex site-specific permit;~~ hunting from elevated stands only; six feet minimum above ground; hunting must occur within ~~20+~~ yards of an assigned, numbered stake; an inhouse drawing will be held in mid-October for such assignments; hunters will be notified by mail of their hunting location; no hunters may enter the area before 5:00 a.m.) (1) (2) (5 – last 2 days of second season)

Kickapoo State Recreation Area (2)

Kishwaukee River State Fish and Wildlife Area (first or second season only)

Lowden-Miller State Forest (first or second season only) (1) (2) (5)

Mackinaw River State Fish and Wildlife Area (1) (2) (5)

Marseilles Fish and Wildlife Area (first or second season only) (all tree stands must be removed no later than the last day of the archery deer season; unauthorized personnel may not be on the site outside of the posted check station)

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operating hours; hunters may enter the site only from designated parking lots) (1)  
(2) (5)

Marshall State Fish and Wildlife Area (2) (5)

Middle Fork State Fish and Wildlife Area (2)

Mississippi Palisades State Park (first season only) (1) (2) (5)

Momence Wetlands State Natural Area

Moraine Hills State Park (first or second season permits only; an antlerless deer permit must be filled before filling an either sex permit, hunting from elevated stands only, 6 feet minimum above ground except for designated accessible blinds; firearms must be fully enclosed in a case, except while the hunter is in an elevated stand or as otherwise authorized by an employee of the Department) (2)  
(5)

Morrison-Rockwood State Park (first season only) (5)

Prairie Ridge State Natural Area (Jasper County)

Pyramid State Park (2) (3)

Pyramid State Park – East Conant Unit (3)

Pyramid State Park – Galum Unit (3)

Rall Woods State Natural Area (formerly Falling Down Prairie) (first or second season only) (2)

Ray Norbut State Fish and Wildlife Area (2)

Revis Hill Prairie State Natural Area (2)

Sahara Woods State Fish and Wildlife Area (1) (2)

Sand Ridge State Forest (2)

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Sangamon County State Conservation Area (1)

Sanganois State Wildlife Area (Ash Swale Waterfowl Rest Area will be closed to deer hunting during the waterfowl hunting season) (1)

Siloam Springs State Park (2) (3)

Spoon River State Forest (first or second season only) (1) (2)

Starved Rock State Park (first or second season only; permit includes Starved Rock State Park, Matthiessen State Park, Margery C. Carlson State Natural Area, Mitchell's Grove State Natural Area and Sandy Ford State Natural Area; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they can purchase an either-sex site-specific permit; hunters must check antlerless deer with site staff for verification to participate in bonus buck program; standby hunters may purchase up to 2 one-day site-specific antlerless-only permits each day) (2) (5)

Tapley Woods State Natural Area (first or second season only) (2)

Wards Grove State Nature Preserve (first or second season only; antlerless only) (2)

Weinberg-King State Park (2)

Weinberg-King State Park – Scripps Unit (2)

Weldon Springs State Park – Piatt County Unit

White Pines Forest State Park (Monday, Tuesday and Wednesday prior to the first statewide firearm deer season only; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they can purchase an either-sex site-specific permit) (2) (5)

White Pines Forest State Park (Monday, Tuesday and Wednesday prior to the second statewide firearm deer season only; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they can purchase an either-sex site-specific permit) (2) (5)

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Winston Tunnel State Natural Area (first or second season only) (2)

Witkowsky State Wildlife Area (first or second season only) (2)

Wolf Creek State Park (participants in the Corps of Engineers special disabled hunt program are exempt from site's antler restrictions; for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy) (3)

- i) Violations of site specific regulations are petty offenses (see 520 ILCS 5/2.20).

(Source: Amended at 36 Ill. Reg. 13419, effective August 10, 2012)

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- 1) Heading of the Part: White-Tailed Deer Hunting By Use of Muzzleloading Rifles
- 2) Code Citation: 17 Ill. Adm. Code 660
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
660.20	Amendment
660.60	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36]
- 5) Effective Date of Amendments: August 10, 2012
- 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 rulemaking, including any material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: March 23, 2012; 36 Ill. Reg. 4300
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Proposed amendments to this Part are being made to change the date of: the Random Daily Drawing, the application deadline for the First Lottery Period and Second Lottery Drawing and the application period, update the list of sites open for the 2012 hunting season, add two new sites and make procedural

DEPARTMENT OF NATURAL RESOURCES

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changes at site-specific areas.

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

George Sisk, Legal Counsel  
Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271

217/782-1809

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

## DEPARTMENT OF NATURAL RESOURCES

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TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 660  
WHITE-TAILED DEER HUNTING BY USE  
OF MUZZLELOADING RIFLES

## Section

660.10	Statewide Season and Permit Quotas
660.20	Statewide Deer Permit Requirements
660.21	Deer Permit Requirements – Landowner/Tenant Permits
660.22	Deer Permit Requirements – Special Hunts
660.25	Deer Permit Requirements – Group Hunt
660.30	Statewide Muzzleloading Rifle Requirements
660.40	Statewide Deer Hunting Rules
660.45	Reporting Harvest
660.50	Rejection of Application/Revocation of Permits
660.60	Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].

SOURCE: Adopted at 15 Ill. Reg. 4777, effective March 18, 1991; amended at 15 Ill. Reg. 11627, effective August 2, 1991; amended at 16 Ill. Reg. 11150, effective June 30, 1992; amended at 17 Ill. Reg. 10865, effective July 1, 1993; amended at 18 Ill. Reg. 5878, effective April 5, 1994; amended at 18 Ill. Reg. 13435, effective August 23, 1994; amended at 19 Ill. Reg. 6500, effective April 28, 1995; amended at 20 Ill. Reg. 6734, effective May 6, 1996; amended at 21 Ill. Reg. 5583, effective April 19, 1997; amended at 21 Ill. Reg. 9122, effective June 26, 1997; amended at 22 Ill. Reg. 8026, effective April 28, 1998; amended at 23 Ill. Reg. 5579, effective April 26, 1999; amended at 24 Ill. Reg. 10251, effective July 1, 2000; amended at 25 Ill. Reg. 6367, effective April 27, 2001; amended at 26 Ill. Reg. 9340, effective June 17, 2002; amended at 27 Ill. Reg. 10018, effective June 23, 2003; amended at 28 Ill. Reg. 8056, effective May 26, 2004; amended at 29 Ill. Reg. 9744, effective June 24, 2005; emergency amendment at 29 Ill. Reg. 13032, effective August 10, 2005, for a maximum of 150 days; emergency expired January 6, 2006; amended at 30 Ill. Reg. 12181, effective June 28, 2006; amended at 31 Ill. Reg. 8188, effective May 25, 2007; amended at 32 Ill. Reg. 9325, effective June 13, 2008; amended at 33 Ill. Reg. 11555, effective July 27, 2009; amended at 34 Ill. Reg. 4824, effective March 19,

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2010; amended at 35 Ill. Reg. 10728, effective June 23, 2011; amended at 36 Ill. Reg. 13436, effective August 10, 2012.

**Section 660.20 Statewide Deer Permit Requirements**

- a) All deer hunters must have a current, valid Muzzleloading Rifle Deer Permit. Fees for deer permits are as follows:
- 1) Illinois Resident Permits (issued by Deer Permit Office):  
Either-sex – \$25  
Bonus antlerless-only – \$17.50  
Antlerless only for Special Hunt Areas with antlerless-only hunts – \$25
  - 2) Nonresident Permits (issued by Deer Permit Office):  
Either-sex – \$300  
Bonus antlerless-only – \$25  
Antlerless-only for Special Hunt Areas with antlerless-only hunts – \$300
  - 3) In addition to a Special Hunt Area permit issued under subsection (a)(1) or (a)(2), a hunter may obtain additional Special Hunt Area permits, issued by staff at the Special Hunt Area, when unfilled permits are available.  
Fees:  
Either-sex (full, 1<sup>st</sup> or 2<sup>nd</sup> season) – \$25 regardless of residency  
Antlerless-only (full, 1<sup>st</sup> or 2<sup>nd</sup> season) – \$17.50 regardless of residency  
One-day standby permits – \$5 regardless of residency
- b) A permit is issued for one county and is valid only in the county stated on the permit. Only applicants who receive an either-sex permit in a county or special hunt area are eligible for an antlerless-only permit for that county or special hunt area (with the exception of special hunt areas offering antlerless-only hunts), until the Random Daily Drawing Period that begins in ~~August~~September, at which time antlerless-only permits remaining in the quota will be made available regardless of whether applicants already possess an either-sex permit. For permit applications and other information write to:

Department of Natural Resources  
(Muzzleloading Rifle)  
Deer Permit Office  
P.O. Box 19227

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Springfield, IL 62794-9227

- c) Applications from Illinois residents for participation in the First Lottery Drawing shall be accepted through ~~the last weekday in~~ April 30 of the current year. Nonresidents may not apply to participate in the First Lottery Drawing. Applications received after ~~the last weekday in~~ April 30 shall not be included in this lottery. Permits shall be allocated in a computerized random drawing. Permits shall be issued as either-sex, antlerless-only or antlered only. A maximum of one either-sex and one antlerless-only permit shall be issued per person. Lifetime licenses issued after August 15, 2006 shall not qualify a non-resident of Illinois for a resident deer permit.
- d) Applicants must complete all portions of the current year permit application form. Incomplete or incorrect applications will be returned along with the applicant's permit fee for correction or completion if received in the Permit Office prior to the last weekday in April of the current year.
- e) Applicants must check the antlerless-only box and provide the appropriate fee to apply for an additional antlerless-only permit. Antlerless-only permits will be issued until the antlerless-only quota is filled for a given county or special hunt area.
- f) Permits for counties and special hunt areas with unfilled quotas after the First Lottery Drawing shall be allocated in a Second Lottery Drawing. This drawing is open only to nonresident applicants and to Illinois residents who were not previously issued muzzleloader permits for the current hunting season. Illinois residents will be given preference for permits allocated in the Second Lottery Drawing. Applications for the Second Lottery Drawing will be accepted through June 30~~the third Monday in August~~ of the current year. Applicants may also apply for remaining antlerless-only permits by checking the antlerless-only box and providing the appropriate fee. A list of unfilled counties shall be announced upon becoming available after the First Lottery Drawing. Applicants must apply on a current year Muzzleloading Rifle Deer Permit application form. A maximum of one either-sex and one antlerless-only permit shall be issued per person.
- g) There will be an application period that starts the second Tuesday in ~~August~~September and ends the second Monday in September~~first Monday in October~~ during which anyone (regardless of any other permit they may have,

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subject to the restriction in subsection (b)) can apply for muzzleloading deer permits left over from the county and special hunt area quotas. During this application period, the permits shall be issued in a random daily drawing. Applications received each day will not be processed until all applications received for that day are mixed. All applications received on a specific day will be processed before processing applications received for a subsequent day. All applications for the Random Daily Drawing will be processed individually (i.e., no group applications will be processed). Applicants can apply for one or more permits during this application period. Applicants must mark the "Random Daily Drawings" ~~September Drawing—Multiple Permits~~ box on the muzzleloading rifle deer permit application.

- h) Permits remaining after the Random Daily Drawing will be available over-the-counter (OTC) from agents designated by the Department (pursuant to 17 Ill. Adm. Code 2520) beginning the third Tuesday in October on a first-come, first-served basis. Permits will be sold until quotas are exhausted, or until the close of the muzzleloader deer season, whichever occurs first. Persons may purchase one or more permits during this period, subject to availability. Persons purchasing OTC deer permits must supply all necessary applicant information to the agents in order to properly complete the permit.
- i) Hunter preference in obtaining a muzzleloading rifle permit during the First Lottery Drawing shall be given to individuals that applied for an either-sex muzzleloading permit in the previous year's First Lottery Drawing who were rejected because the quota was depleted in their county choices. The following criteria must be met to obtain a preference in the muzzleloading rifle First Lottery Drawing:
- 1) The applicant must apply using the official agency application.
  - 2) The applicant must be a resident of the State, be eligible to receive a Muzzleloading Rifle Deer Permit, and not had deer hunting privileges revoked pursuant to Section 660.50.
  - 3) The applicant must apply for the same county choices that he/she listed on the previous year's application. Preference will not be granted for special hunt areas.
  - 4) Where applicants apply as a group, preference for the entire group shall

## DEPARTMENT OF NATURAL RESOURCES

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apply as it does above for the individual. All county choices for the group must be identical.

- j) Applications shall be accepted at the counter window of the permit office; however, permits for the First Lottery, Second Lottery and Random Daily Drawing shall be mailed. In-person, mail-in and electronic applications will receive equal treatment in the drawings.
- k) Permits are not transferable. Refunds shall not be granted unless the Department of Natural Resources has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.
- l) A \$3 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there shall be no charge. The procedures for obtaining a replacement license are detailed in 17 Ill. Adm. Code 2520.50. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.
- m) The period for accepting applications for the First and Second Lottery periods shall be extended if applications are not available to the public by April 1. A news release will announce the extension of the application period.
- n) Hunting without a permit is a Class B misdemeanor (see 520 ILCS 5/2.24). Providing false information on a permit application is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 36 Ill. Reg. 13436, effective August 10, 2012)

**Section 660.60 Regulations at Various Department-Owned or -Managed Sites**

- a) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) Only one tree stand is allowed per deer permit holder. Tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that they may be left unattended from September 15-January 31 at those sites listed in this Section that are followed by a (1). Any tree stand left unattended overnight must be legibly marked with the owner's name, address, and telephone number, or site

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assigned identification number.

- c) It is unlawful to drive deer or participate in a deer drive on all Department-owned or -managed properties. A deer drive is defined as a deliberate action by one or more persons (whether armed or unarmed) whose intent is to cause deer to move within firearm range of one or more participating hunters.
- d) Check-in, check-out and reporting of harvest is required at those sites listed in this Section that are followed by a (2).
- e) Handicapped preferred hunting opportunities are provided at those sites listed in this Section that are followed by a (3).
- f) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (4).
- g) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (5).
- h) Statewide regulations shall apply at the following sites:

Alvah Borah State Habitat Area (1)

Big Grand Pierre Glade State Natural Area (1)

Cache River State Natural Area (1) (2)

Campbell Pond State Fish and Wildlife Area (1) (2)

Cape Bend State Fish and Wildlife Area (1) (2)

Carlyle Lake State Wildlife Management Area except subimpoundment areas

Carlyle Lake Lands and Waters – Corps of Engineers managed lands (closed to firearm deer hunting in the Jim Hawn and East Spillway Areas)

Chauncey Marsh State Natural Area (1) (2)

Collier Limestone Glade State Natural Area (1)

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Copperhead Hollow State Wildlife Area (1) (2)

Crawford County State Fish and Wildlife Area (1) (2)

Cretaceous Hills State Natural Area (1)

Cypress Creek National Wildlife Refuge

Cypress Pond State Natural Area (1) (2)

Deer Pond State Natural Area (1) (2)

Devil's Island State Wildlife Management Area

Dog Island State Wildlife Management Area (1) (2)

Ferne Clyffe State Park (1) (2)

Fort de Chartres State Historic Site (no in-line muzzleloading rifles or muzzleloaders with scopes allowed) (1) (2)

George S. Park Memorial Woods State Natural Area (2)

Giant City State Park (1) (2)

Hamilton County State Fish and Wildlife Area (1) (2)

Horseshoe Lake Fish and Wildlife Area – Alexander County (all portions of the Public Hunting Area except the Controlled Goose Hunting Area) (1) (2)

Kaskaskia River State Fish and Wildlife Area (1) (2, except south of Highway 154 and north of Highway 13) (Doza Creek Waterfowl Management Area is closed during duck season)

Kickapoo State Park (closed during second firearm deer season) (1) (2)

Kinkaid Lake State Fish and Wildlife Area (1) (2)

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Lusk Creek Canyon State Natural Area (1)

Meeker State Habitat Area (1) (2)

Mermet Lake State Conservation Area (1) (2)

Middle Fork State Fish and Wildlife Area (closed during second firearm deer season) (1) (2)

Miller-Anderson Woods State Natural Area (Bureau County permit holders may hunt the Bureau County portion of the area and Putnam County permit holders may hunt the Putnam County portion of the area) (2)

Mississippi River Pool 16 (1)

Mississippi River Pool 17 (1)

Mississippi River Pool 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Mississippi State Fish and Waterfowl Management Area – Pools 25 and 26 (Batchtown, Crull Hollow and Godar Waterfowl Rest Areas are closed to hunting beginning 14 days before the regular duck season; areas reopen to hunting the day after duck season closes; it is unlawful to trespass upon the designated duck hunting areas between sunset of the Sunday immediately preceding opening day of regular duck season through the day before regular duck season as posted at the site; no deer hunting is allowed within 200 yards of an occupied duck blind; during duck season only, deer hunters may not access the designated duck hunting areas by launching a boat at certain specifically posted boat ramps; boat ramps reopen to deer hunters the day after duck season closes; hunting is allowed at Red's Landing and Riprap Landing walk-in areas from 12:00 p.m. to ½ hour after sunset during duck season, statewide hours during remainder of the season) (1)

Oakford State Conservation Area (1)

Pere Marquette State Park (hunting in designated area only) (1) (2)

Pyramid State Park (4)

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Pyramid State Park – East Conant Unit (4)

Ray Norbut State Fish and Wildlife Area (2)

Rend Lake State Fish and Wildlife Area Corps of Engineers' managed areas of Rend Lake

Saline County State Fish and Wildlife Area (1) (2)

Sand Ridge State Forest (site issued permit required; must be returned by February 15)

Sielbeck Forest State Natural Area (1) (2)

Skinner Farm State Habitat Area (1) (2)

Ten Mile Creek State Fish and Wildlife Area (1); Belle Rive Unit only (4)

Trail of Tears State Forest (1) (2)

Turkey Bluffs State Fish and Wildlife Area (1) (2)

Union County State Conservation Area (Firing Line Unit only) (1) (2)

Weinberg-King State Park (2)

Weinberg-King State Park – Scripps Unit (2)

Weinberg-King State Park – Spunky Bottoms Unit (2)

Wildcat Hollow State Forest (1)

Wise Ridge State Natural Area (1)

- i) Statewide regulations shall apply at the following sites by special permit allocated through the regular statewide drawing. Season dates that differ from the statewide dates are in parentheses. Sites that offer standby hunting are followed by a (6). At sites offering standby hunting, permit holders must register at the

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check station by 5:00 a.m. each day of the hunt. Unvalidated permits are void after 5:00 a.m. Vacancies each day will be filled by a drawing held at 5:00 a.m. Vacancies may be filled by any person holding a valid hunting license, Habitat Stamp, and Firearm Owner Identification Card, if required. Standby hunters will be issued a one-day site-specific deer permit at the check station, and charged a permit fee of \$5. All hunters must check out and report harvest. In the event that Department budget reductions or site staffing reductions make the operation of check stations or issuance of standby permits impractical, changes to check station procedures and standby permit issuance will be publicly announced and posted at the site.

Apple River Canyon State Park – Thompson and Salem Units (closed during the second firearm deer season) (2)

Butterfield Trail State Recreation Area (closed during the second firearm deer season) (2)

Carlyle State Fish and Wildlife Area – East Fork Unit in Clinton County

Castle Rock State Park (closed during second firearm season) (2) (6)

Cedar Glen State Natural Area (closed during the second firearm deer season) (1) (2)

Clinton Lake State Recreation Area (North Fork Management Unit, north of the county road at the North Fork boat ramp) (4)

French Bluff State Natural Area (closed during the second firearm deer season) (1) (2)

Goose Lake Prairie State Natural Area/Heidecke Lake State Fish and Wildlife Area (closed during the second firearm deer season) (2) (6)

Hanover Bluff State Natural Area (closed during the second firearm deer season) (2)

Hidden Springs State Forest (closed during second firearm deer season) (1) (2)

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Jim Edgar Panther Creek State Fish and Wildlife Area – Open Unit (closed during second firearm deer season; site issued permit required, must be returned by February 15) (1) (4)

Jubilee College State Park (closed during the second firearm deer season; hunting is prohibited in marked zones) (1, except tree stands must be erected the day before the muzzleloading season and must be removed by the day after the muzzleloading season) (2)

Lake Shelbyville Project Lands in Moultrie County (closed during the second firearm deer season; antlerless only; for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy) (1)

Lake Shelbyville Project Lands in Shelby County (closed during the second firearm deer season; antlerless only; for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy) (1)

Marseilles State Fish and Wildlife Area (closed during second firearm deer season) (all tree stands must be removed from this area no later than sunset of the last day of archery deer season; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may enter the site only from designated parking lots) (1) (2) (6)

Rall Woods State Natural Area (formerly Falling Down Prairie) (closed during the second firearm deer season) (2)

Sahara Woods State Fish and Wildlife Area (1) (2)

Sangchris Lake State Park (open to muzzleloading rifle hunting during the second firearm deer season only; antlerless deer only; hunting will begin the first day at legal shooting time and at 10:30 a.m. on all other days of the season) (1) (2)

Sangamon County State Conservation Area (closed during second firearm deer season) (1)

Sanganois State Fish and Wildlife Area (Ash Swale Waterfowl Rest Area will be closed to deer hunting during the waterfowl hunting seasons) (1)

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Spoon River State Forest (closed during second firearm deer season) (1) (2)

Starved Rock State Park (closed during the second firearm deer season; permit includes Starved Rock State Park, Matthiessen State Park, Margery C. Carlson State Natural Area, Mitchell's Grove State Natural Area and Sandy Ford State Natural Area; hunt is open in Zone A; all initial permits will be issued as antlerless only; hunters must take an antlerless deer on the site during the current year firearm or muzzleloader season before they will be issued an either-sex standby permit; hunters must check antlerless deer with site staff for verification to participate in the bonus buck program; standby hunters may purchase up to 2 one-day site-specific antlerless-only permits each day) (2) (6)

Tapley Woods State Natural Area (closed during the second firearm deer season) (2)

Wards Grove State Nature Preserve (closed during the second firearm deer season; antlerless deer only) (2)

Winston Tunnel State Natural Area (closed during the second firearm deer season) (2)

Witkowsky State Wildlife Area (closed during the second firearm deer season) (2)

j) Violations of site specific regulations are petty offenses (see 520 ILCS 5/2.20).

(Source: Amended at 36 Ill. Reg. 13436, effective August 10, 2012)

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- 1) Heading of the Part: White-Tailed Deer Hunting By Use of Bow and Arrow
- 2) Code Citation: 17 Ill. Adm. Code 670
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
670.20	Amendment
670.60	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36]
- 5) Effective Date of Amendments: August 10, 2012
- 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 rulemaking, including all material incorporated by reference is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: March 23, 2012; 36 Ill. Reg. 4314 and March 30, 2012; 36 Ill. Reg. 4682
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

In Section 670.20(c), "for the current deer season" has been added in the last two sentences after the word "permit".

In Section 670.60(i), the following language has been reinstated:

"Beaver Dam State Park (an antlerless deer must be taken on the site before an antlered deer is harvested; harvest reports are due to the site by December 31; failure to submit report shall result in the loss of hunting privileges at the site for the following year)(1)"

"Bohm Woods State Nature Preserve (an antlerless deer must be taken on the site before

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an antlered deer is harvested; harvest reports are due to the site by January 31; failure to submit report shall result in the loss of hunting privileges at the site for the following year)(1)"

"Goode's Woods State Nature Preserve (an antlerless deer must be taken on the site before an antlered deer is harvested; harvest reports are due to the site by January 31; failure to submit report shall result in the loss of hunting privileges at the site for the following year)(1)"

"Horseshoe Lake State Park (Madison County) (hunting in designated areas only; an antlerless deer must be taken on the site before an antlered deer is harvested; harvest reports are due to the site by December 31; failure to submit report shall result in the loss of hunting privileges at the site for the following year; hunting will close at end of regular duck season) (1)" and an "\*" has been added at the beginning of "Horseshoe".

In Section 670.60(j) the following language has been deleted:

"Beaver Dam State Park (an antlerless deer must be taken on the site before an antlered deer is harvested; harvest reports are due to the site by December 31; failure to submit report shall result in the loss of hunting privileges at the site for the following year)(1)"

"Bohm Woods State Nature Preserve (an antlerless deer must be taken on the site before an antlered deer is harvested; harvest reports are due to the site by January 31; failure to submit report shall result in the loss of hunting privileges at the site for the following year)(1)"

"Goode's Woods State Nature Preserve (an antlerless deer must be taken on the site before an antlered deer is harvested; harvest reports are due to the site by January 31; failure to submit report shall result in the loss of hunting privileges at the site for the following year)(1)"

"Horseshoe Lake State Park (Madison County) (hunting in designated areas only; an antlerless deer must be taken on the site before an antlered deer is harvested; harvest reports are due to the site by December 31; failure to submit report shall result in the loss of hunting privileges at the site for the following year; hunting will close at end of regular duck season) (1)"

In Section 670.60(k), in the "Chain O'Lakes" paragraph, the parenthesis after the word "~~harvested~~" has been reinstated.

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- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part has been amended to update the list of sites open for the 2012 hunting season, add four new sites and make procedural changes at site-specific areas. This Part has also been amended to add language indicating that nonresidents may not purchase a combination archery deer permit after September 30 if they have previously purchased any single antlerless-only archery deer permit.
- 16) Information and questions regarding these adopted amendments shall be directed to:

George Sisk, Legal Counsel  
Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271

217/782-1809

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

## DEPARTMENT OF NATURAL RESOURCES

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TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 670  
WHITE-TAILED DEER HUNTING BY USE OF BOW AND ARROW

## Section

670.10	Statewide Open Seasons and Counties
670.20	Statewide Deer Permit Requirements
670.21	Deer Permit Requirements – Landowner/Tenant Permits
670.30	Statewide Legal Bow and Arrow
670.40	Statewide Deer Hunting Rules
670.50	Rejection of Application/Revocation of Permits
670.55	Reporting Harvest
670.60	Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].

SOURCE: Adopted at 5 Ill. Reg. 8888, effective August 25, 1981; codified at 5 Ill. Reg. 10641; emergency amendment at 5 Ill. Reg. 11402, effective October 14, 1981, for a maximum of 150 days; emergency expired March 13, 1982; amended at 6 Ill. Reg. 10721, effective August 20, 1982; emergency amendment at 6 Ill. Reg. 15581, effective December 14, 1982, for a maximum of 150 days; emergency expired May 13, 1983; amended at 7 Ill. Reg. 10790, effective August 24, 1983; amended at 8 Ill. Reg. 19004, effective September 26, 1984; amended at 9 Ill. Reg. 14317, effective September 9, 1985; amended at 10 Ill. Reg. 16658, effective September 22, 1986; amended at 11 Ill. Reg. 2275, effective January 20, 1987; amended at 12 Ill. Reg. 12042, effective July 11, 1988; amended at 13 Ill. Reg. 12839, effective July 21, 1989; amended at 14 Ill. Reg. 14787, effective September 4, 1990; amended at 14 Ill. Reg. 19859, effective December 3, 1990; amended at 15 Ill. Reg. 10021, effective June 24, 1991; amended at 15 Ill. Reg. 16691, effective October 31, 1991; amended at 16 Ill. Reg. 11116, effective June 30, 1992; amended at 17 Ill. Reg. 286, effective December 28, 1992; amended at 17 Ill. Reg. 13452, effective July 30, 1993; amended at 18 Ill. Reg. 5842, effective April 5, 1994; amended at 19 Ill. Reg. 7560, effective May 26, 1995; amended at 19 Ill. Reg. 15411, effective October 26, 1995; amended at 20 Ill. Reg. 6723, effective May 6, 1996; amended at 21 Ill. Reg. 5561, effective April 19, 1997; amended at 22 Ill. Reg. 7995, effective April 28, 1998; amended at 23 Ill. Reg. 6829, effective May 20, 1999; amended at 24 Ill. Reg. 6908, effective April 20, 2000; amended at 25 Ill. Reg.

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7217, effective May 22, 2001; amended at 25 Ill. Reg. 11471, effective August 14, 2001; amended at 26 Ill. Reg. 9356, effective June 17, 2002; amended at 27 Ill. Reg. 10025, effective June 23, 2003; amended at 28 Ill. Reg. 9968, effective July 6, 2004; amended at 29 Ill. Reg. 9761, effective June 24, 2005; amended at 30 Ill. Reg. 12196, effective June 28, 2006; amended at 31 Ill. Reg. 8202, effective May 25, 2007; amended at 32 Ill. Reg. 9337, effective June 13, 2008; amended at 33 Ill. Reg. 11571, effective July 27, 2009; amended at 34 Ill. Reg. 4839, effective March 19, 2010; amended at 35 Ill. Reg. 10739, effective June 23, 2011; amended at 36 Ill. Reg. 13450, effective August 10, 2012.

**Section 670.20 Statewide Deer Permit Requirements**

- a) All archery deer hunters must have a current, valid Illinois archery deer permit. Archery deer permits (except landowner/tenant property-only permits and nonresident permits issued to clients of outfitters as detailed in Section 670.20(c)) will authorize the holder to hunt in any of the open counties of the State, on property where permission to hunt has been obtained from the property owner. Nonresident archery deer permits issued to outfitter clients who received a permit based on the preference given to outfitter clients are valid only on property controlled by the outfitter used to gain preference.
- b) Resident Permits
  - 1) Resident archery deer permits are available over-the-counter (OTC) from agents designated by the Department (pursuant to 17 Ill. Adm. Code 2520) as combination permits, each consisting of one either-sex permit and one antlerless-only permit, or as a single antlerless-only permit. The fee for a resident archery combination permit shall be \$25; a resident archery single antlerless-only permit shall be \$15. While there is no limit to the number of archery deer permits that an individual resident may purchase, no one may harvest more deer than allowed by the restrictions prescribed in Section 670.40. Lifetime licenses issued after August 15, 2006 shall not qualify a nonresident of Illinois for a resident deer permit.
  - 2) In addition to the permits listed in subsection (b)(1), resident hunters have the option of purchasing a maximum of one resident single either-sex permit for a fee of \$15. Applicants must submit an application to the Permit Office using the official current Resident Single Either-Sex Archery Deer Permit application form by September 1. Applications are available from the DNR website at <http://www.dnr.illinois.gov>.

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Applications submitted on forms from previous years will be returned. Applicants must complete all portions of the permit application form. Incomplete applications and fees will be returned. Each applicant must submit a personal check or money order with his/her individual application.

- c) A limited number of nonresident archery deer permits is available as combination permits, each consisting of one either-sex permit and one antlerless-only permit. The fee for the nonresident combination archery deer permit shall be \$410. Nonresident hunters may apply during the period June 1 through June 30 via telephone using DNR's telephone vendor system (1-888-673-7648). Applicants may apply for and receive a maximum of one nonresident combination archery deer permit during a license year. (Note: Receiving nonresident landowner archery deer permits does not preclude the recipient from also applying for and receiving the regular nonresident combination archery deer permit.) The number of nonresident combination archery deer permits shall be limited to 25,000, with clients of outfitters currently permitted by the Department of Natural Resources given preference in the drawing for the first 7,500. Clients of permitted outfitters should contact the outfitter prior to applying to receive a certification number to be used in the application process to verify their outfitter client status. Permits will be allocated using a computerized, random lottery drawing conducted after June 30. If the number of eligible outfitter clients in the drawing is less than 7,500, all remaining permits will be allocated to the remaining applicants until the quota is reached. If the number of eligible outfitter clients in the drawing exceeds 7,500, those outfitter clients unsuccessful in obtaining one of the first 7,500 permits will compete against non-client applicants for the remaining permits. Up to six individuals may apply for nonresident combination archery permits as a group. Groups must identify a group leader, and all applicants must provide the same group leader information at the time of application. If applying for permits given preferentially to clients of outfitters, all group applicants must also provide the same outfitter certification number. Permits available after the lottery will be sold on a first-come, first-served basis to applicants who have not previously received a permit for the current deer season. Nonresidents may not purchase a combination archery deer permit after September 30 if they have previously purchased any single antlerless-only archery deer permit for the current deer season.
- d) An unlimited number of nonresident single antlerless-only archery deer permits is available over-the-counter (OTC) from agents for a fee of \$25.

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- e) Hunters purchasing archery deer permits must supply all necessary applicant information to the license vendor in order to properly complete the permit.
- f) Applications for landowner/tenant permits may be obtained by writing to:

Department of Natural Resources  
L/T Deer Permit  
P.O. Box 19227  
Springfield IL 62794-9227

To obtain a landowner/tenant permit, applicants must submit an application to the Permit Office using the official current Archery Deer Permit application form. Applications submitted on forms from previous years will be returned. Applicants must complete all portions of the permit application form. Incomplete applications and fees will be returned. Each applicant must submit a personal check or money order for his/her individual application.

- g) Permits are not transferable. Refunds will not be granted unless the Department has erroneously issued the permit.
- h) A \$3 service fee will be charged for replacement permits issued by DNR, except that there will be no charge for permits lost in the mail. The procedures for obtaining a replacement license are detailed in 17 Ill. Adm. Code 2520.50. Monies from this source will be deposited in the Wildlife and Fish Fund.
- i) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24). Providing false information on an application is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 36 Ill. Reg. 13450, effective August 10, 2012)

**Section 670.60 Regulations at Various Department-Owned or -Managed Sites**

- a) All the regulations in 17 Ill. Adm. Code 510 (General Hunting and Trapping) apply in this Section, unless this Section is more restrictive.
- b) It is unlawful to drive deer, or participate in a deer drive, on all Department-owned or -managed properties. A deer drive is defined as a deliberate action by

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one or more persons (whether armed or unarmed) whose intent is to cause deer to move within archery range of one or more participating hunters.

- c) Only one tree stand is allowed per deer permit holder. Tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that tree stands may be left unattended from September 15 through January 31 at those sites listed in this Section that are followed by a (1). Any tree stand left unattended must be legibly marked with the owner's name, address, and telephone number, or site assigned identification number.
- d) Check-in, check-out, and reporting of harvest is required at those sites listed in this Section that are followed by a (2).
- e) Where standby hunters are used to fill quotas, a drawing will be held at sites indicated by a (3).
- f) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (4).
- g) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (5).
- h) Statewide regulations shall apply at the following sites:
  - \* Anderson Lake State Fish and Wildlife Area (2)  
~~Apple River Canyon State Park – Thompson and Salem Units (2)~~  
Argyle Lake State Park (1) (2)
  - \* Banner Marsh State Fish and Wildlife Area (2)
  - \* Beall Woods State Park (1) (2)
  - \* Big Bend State Fish and Wildlife Area (1) (2)  
Big Grand Pierre Glade State Natural Area (1)  
Big River State Forest (1) (2)

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Buffalo Rock State Park/Blackball Mines Nature Preserve (2)

Burning Star 5 State Wildlife Management Area (~~an antlerless deer must be taken on the site before an antlered deer is harvested~~; deer hunters may begin scouting 7 days prior to the season date listed on permit; tree stands and blinds used for deer hunting must be removed from the area at the end of each day's hunt) (4)

Butterfield Trail State Recreation Area (2)

Cache River State Natural Area (1) (2)

Campbell Pond State Fish and Wildlife Area (1) (2)

Cape Bend State Fish and Wildlife Area (1) (2)

Carlyle Lake Lands and Waters (Corps of Engineers managed lands, except Jim Hawn and East Spillway Areas)

\* Carlyle Lake Lands and Waters (Corps of Engineers managed lands – Jim Hawn and East Spillway Areas)

Carlyle Lake State Wildlife Management Area (except subimpoundment area is closed 7 days prior to and during the regular waterfowl season; lands bounded on the east by "C" levee, south by "D" levee, west by ACOE property line, and including the posted area west of parking lot #2, will be open the entire archery deer hunting season)

Castle Rock State Park (submission of all deer heads within 48 hours after harvest on site is required to test for the presence of Chronic Wasting Disease) (1) (2)

Cedar Glen State Natural Area (no hunting after December 15) (1) (2)

Collier Limestone Glade State Natural Area (1)

Crawford County State Conservation Area (1) (2)

Cretaceous Hills State Natural Area (1)

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Cypress Creek National Wildlife Refuge

Cypress Pond State Natural Area (1) (2)

Deer Pond State Natural Area (1) (2)

Des Plaines Game Propagation Center (closed Saturdays and Sundays in October and Sundays in November, December and January) (2)

Devil's Island State Wildlife Management Area

Dixon Springs State Park (1) (2)

Dog Island State Wildlife Management Area (1) (2)

\* ~~Eldon Hazlet State Park (archery hunting is closed in the designated controlled pheasant hunting area on days when the controlled pheasant hunting program is in operation) (2)~~

Ferne Clyffe State Park (1) (2)

Fort de Chartres State Historic Site (1) (2)

\* ~~Fort Kaskaskia State Historic Site (opens November 1; during the current year archery season and at the site, an antlerless deer must be taken before an antlered deer is harvested) (2)~~

Fort Massac State Park (1) (2)

Franklin Creek State Natural Area (antlerless deer only in October; either-sex deer from November 1 until the end of the statewide season; submission of all deer heads within 48 hours after harvest on site is required to test for the presence of Chronic Wasting Disease) (2)

George S. Park Memorial Woods State Natural Area (2)

Giant City State Park (1) (2)

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Green River State Wildlife Area (1) (2)

~~Hanover Bluff State Natural Area (2)~~

Hindsboro State Habitat Area (October 1 through October 31 only)

Horseshoe Lake State Conservation Area – Alexander County (Controlled Goose Hunting Area – open from October 1-31; reopens with the close of the Quota Zone goose season through statewide closing; remainder of the Public Hunting Area open during statewide season) (1) (2)

Ilo Dillin State Habitat Area (hunting allowed during October only) (2)

Iroquois County State Wildlife Area/Hooper Branch only (1) (2)

\* Jubilee College State Park (2)

~~Kankakee River State Park (deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange between 9:00 a.m. and 3:00 p.m. on days when upland game hunting is allowed during the site's controlled hunting season; a limited hunting opportunity for persons with disabilities, Class P2A, exists at the Davis Creek Bike Trail Area; disabled hunters must register to hunt at the site office and must sign in and out daily; disabled hunters are required to hunt with a non-disabled partner who may also hunt from predetermined locations during the disabled hunting season (November 1 to the day before the first firearm deer season, except campground blinds will remain open until the close of the archery deer season and do not require a partner to hunt)) (2)~~

Kaskaskia River State Fish and Wildlife Area (the State-owned portion of the defined waterfowl rest area is open until 2 weeks prior to the start of the regular duck season through the close of the regular duck and Canada goose seasons; no hunting within 50 yards of the Baldwin Lake Waterfowl Rest Area's main north-south road; ~~within this defined waterfowl rest area and during the current year archery season, hunters must take an antlerless deer before taking an antlered deer~~) (1) (2 – except south of Highway 154 and north of Highway 13)

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Kidd Lake State Natural Area (1)

Kinkaid Lake State Fish and Wildlife Area (1) (2)

Kishwaukee River State Fish and Wildlife Area; submission of all deer heads within 48 hours after harvest on site is required to test for the presence of Chronic Wasting Disease (2)

~~Lake Le Aqua Na State Park (antlerless deer only; November 1-30; hunting hours legal opening until 10:00 a.m.)~~ (2)

Little Rock Creek State Habitat Area (opens statewide opening date; however, site closes for archery deer hunting at the end of legal shooting hours the day preceding the opening of the north zone upland season and reopens the day after the close of the north zone upland season and runs until the statewide season closes) (1) (2)

Lincoln Trail State Park (November 1 through the end of statewide season; an antlerless deer must be taken on the site before an antlered deer is harvested) (2)

Lowden-Miller State Forest (submission of all deer heads within 48 hours after harvest on site is required to test for the presence of Chronic Wasting Disease) (1) (2)

Lowden State Park (in October, hunting allowed on Mondays, Tuesdays, Wednesdays and Thursdays only, excluding official State holidays; beginning November 1, archery hunting is allowed 7 days a week) (2)

Lusk Creek Canyon State Natural Area (1)

Mackinaw River State Fish and Wildlife Area (1) (2)

Marseilles State Fish and Wildlife Area (closed Friday, Saturday, and Sunday in October only) (all tree stands must be removed from this area no later than the last day of the season; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may enter the site only from designated parking lots) (1) (2)

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Marshall State Fish and Wildlife Area (Duck Ranch Unit closed 7 days prior to the duck season through the close of duck season) (2)

Maytown Pheasant Habitat Area (hunting allowed during October only) (2)

Mazonia/Braidwood State Fish and Wildlife Area (2) (4)

Mermet Lake State Conservation Area (1) (2)

Midewin National Tallgrass Prairie (additional site hunting pass required) (2)

Miller-Anderson Woods State Natural Area (2)

Mississippi State Fish and Waterfowl Management Area – Pools 25 and 26 (Batchtown, Crull Hollow and Godar Waterfowl Rest Areas are closed to hunting beginning 14 days before regular duck season; areas reopen to hunting the day after duck season closes; it is unlawful to trespass upon the designated duck hunting areas between sunset of the Sunday immediately preceding opening day of regular duck season through the day before regular duck season as posted at the site; no deer hunting is allowed within 200 yards of an occupied duck blind; during duck season only, deer hunters may not access the designated duck hunting areas by launching a boat at certain specifically posted boat ramps; boat ramps reopen to deer hunters the day after duck season closes; hunting is allowed at Red's Landing and Riprap Landing walk-in areas from 12:00 p.m. to ½ hour after sunset during duck season, statewide hours during remainder of season) (1)

Mississippi River Pool 16 (1)

Mississippi River Pools 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Mitchell's Grove State Nature Preserve (antlerless deer only in October; either-sex deer from November 1 until the end of the statewide season; closed during the muzzleloading deer season) (2)

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~~Momence Wetlands State Natural Area (1) (2)~~

Morrison Rockwood State Park (opens on the day following the close of the first firearm deer season) (1) (2)

- \* Mt. Vernon Propagation Center (1) (2)

Nauvoo State Park (Max Rowe Unit Only)

Oakford State Conservation Area

- \* Peabody River King State Fish and Wildlife Area (East subunit closes November 1) (1) (2)

~~Rail Woods State Natural Area (formerly Falling Down Prairie) (2)~~

- \* Randolph County State Conservation Area (1) (2)

Rauchfuss Hill State Recreation Area (1) (2)

Ray Norbut State Fish and Wildlife Area (2)

- \* Red Hills State Park (1) (2)

Rend Lake State Fish and Wildlife Area and Corps of Engineers managed areas of Rend Lake (an antlerless deer must be taken on the site before an antlered deer is harvested)

Rend Lake State Fish and Wildlife Area (refuge only (south of site headquarters) from October 1 through October 31; an antlerless deer must be taken on the site before an antlered deer is harvested) (2)

- \* Rice Lake State Fish and Wildlife Area (2)

- \* ~~Rockton Bog State Natural Area (2)~~

Saline County State Fish and Wildlife Area (1) (2)

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- \* Sam Parr State Park (1) (2)  
  
Sandy Ford State Natural Area (antlerless deer only in October; either-sex deer from November 1 until the end of the statewide season; archery deer hunting is closed during the muzzleloader deer season) (2)  
  
Sangamon County State Conservation Area (1)
- \* Shabbona Lake State Park (submission of ~~all~~ adult deer heads within 48 hours after harvest ~~on site~~ on-site is required to test for the presence of Chronic Wasting Disease) (2)  
  
Sielbeck Forest State Natural Area (1) (2)  
  
Siloam Springs State Park (Fall Creek Unit)
- \* Silver Springs State Park (2)  
  
Skinner Farm State Habitat Area (1) (2)  
  
~~South Shore State Park (2)~~
- \* Spoon River State Forest (1) (2)
- \* Starved Rock State Park/Matthiessen State Park/Margery C. Carlson Nature Preserve (antlerless deer only in October; either-sex deer from November 1 until the end of the statewide season; deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange during the statewide firearm deer seasons; open to archery deer hunting during the statewide firearm deer season only in Zone A) (2)  
  
~~Tapley Woods State Natural Area (2)~~
- Trail of Tears State Forest (1) (2)  
  
Turkey Bluffs State Fish and Wildlife Area (1) (2)  
  
Union County State Fish and Wildlife Area (Controlled Public Hunting

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Area – closed after October 31) (1) (2)

Walnut Point State Fish and Wildlife Area (1)

~~Wards Grove State Natural Area (closed during the statewide Youth Deer Hunting Season and Muzzleloader Deer Hunting Seasons; antlerless deer only) (2)~~

\* Washington County State Conservation Area (1) (2)

Weinberg-King State Park (2)

Weinberg-King State Park – Cecil White Unit

Weinberg-King State Park – Scripps Unit (resident hunters only) (2)

Weinberg-King State Park – Spunky Bottoms Unit (resident hunters only) (2)

~~Weldon Springs State Park – Piatt County Unit (an antlerless deer must be taken on the site before an antlered deer is harvested)~~

Whitefield Pheasant Habitat Area (hunting allowed during October only) (2)

\* White Pines Forest State Park (antlerless deer only in October, either-sex deer from November 1 through the end of the statewide archery season; hunting allowed on Mondays, Tuesdays, Wednesdays and Thursdays only – excluding official State holidays in October. Beginning November 1, archery hunting is allowed 7 days a week, excluding the site's special firearm deer season) (2)

Wildcat Hollow State Forest (1)

~~Winston Tunnel State Natural Area (2)~~

Wise Ridge State Natural Area (1)

~~Witkowsky State Wildlife Area (opens October 15) (2)~~

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Woodford State Fish and Wildlife Area (opens at the close of duck season) (2)

- i) Statewide regulations shall apply at the following sites except that hunter quotas shall be filled by mail-in drawing:

Beaver Dam State Park (an antlerless deer must be taken on the site before an antlered deer is harvested; harvest reports are due to the site by December 31; failure to submit report shall result in the loss of hunting privileges at the site for the following year) (1)

Bohm Woods State Nature Preserve (an antlerless deer must be taken on the site before an antlered deer is harvested; harvest reports are due to the site by January 31; failure to submit report shall result in the loss of hunting privileges at the site for the following year) (1)

- \* Frank Holten State Park (opens November 1; crossing of Harding Ditch within confines of site allowed; no hunting from Harding Ditch right-of-way; drawing for weekly hunter quotas will be held prior to the season; display windshield card while hunting; harvest report due to site by January 31, failure shall result in ineligibility to hunt at the site the following year) (1, starting October 15)

Goode's Woods State Nature Preserve (an antlerless deer must be taken on the site before an antlered deer is harvested; harvest reports are due to the site by January 31; failure to submit report shall result in the loss of hunting privileges at the site for the following year) (1)

Horseshoe Lake State Fish and Wildlife Area (Alexander County) (refuge portion only, second weekend (Friday, Saturday and Sunday) in November)

- \* Horseshoe Lake State Park (Madison County) (hunting in designated areas only; an antlerless deer must be taken on the site before an antlered deer is harvested; harvest reports are due to the site by December 31; failure to submit report shall result in the loss of hunting privileges at the site for the following year; hunting will close at end of regular duck season) (1)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Hurricane Creek State Habitat Area (hunter quotas filled by drawing; must have Fox Ridge site permit to be eligible)

Pere Marquette State Park (hunting allowed in group camping areas only; season begins the first weekday after camps close)

Union County State Fish and Wildlife Area (refuge portion only; first weekend (Friday, Saturday and Sunday) in November)

- j) ~~Statewide~~ State regulations shall apply at the following sites, except that hunters must obtain a free site permit online at: <http://dnr.state.il.us/lands/landmgt/programs/windshieldcard> ~~from the site office~~. This permit must be displayed and visible inside the vehicle windshield and the pocket portion kept in possession while hunting at the site. Hunters must report their annual harvest online at the web address listed in this subsection (j) by February 15 (even if the hunter did not hunt) or the hunter will forfeit hunting privileges at the site for the following year. Hunters needing assistance accessing the online program can do so from any IDNR site or Regional Office and must be returned, and harvest reported, to the address indicated on the card before February 15. ~~Failure to return the permit shall result in loss of hunting privileges at that site for the following year.~~

Alvah Borah State Habitat Area (1)

Apple River Canyon State Park – Thompson and Salem Units

Chauncey Marsh State Natural Area (permit obtained at Red Hills State Park headquarters) (1)

Clinton Lake State Recreation Area (an antlerless deer must be taken on the site before an antlered deer is harvested)

Coffeen Lake State Fish and Wildlife Area

Copperhead Hollow State Wildlife Area (1)

~~Des Plaines Game Propagation Center (2)~~

Des Plaines State Conservation Area (no hunting is permitted Wednesday through Sunday of the site's permit pheasant season) (2)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- \* Eagle Creek State Park (disabled hunters are exempt from site's antler restrictions; for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy) (4)

Eldon Hazlet State Park (archery hunting is closed in the designated controlled pheasant hunting area on days when the controlled pheasant hunting program is in operation)

Finrock State Habitat Area (October 1-31 only; eligible hunters required to obtain Clinton Lake State Recreation Area site hunting permit)

Fox Ridge State Park (1)

French Bluff State Natural Area

Goose Lake Prairie State Natural Area/Heidecke State Fish & Wildlife Area (archery deer hunting is closed during the muzzleloader deer season)

Hallsville State Habitat Area (October 1-31 only; eligible hunters will use Clinton Lake State Recreation Area site hunting permit) (1)

Hamilton County State Conservation Area (1)

Hanover Bluff State Natural Area

Harry "Babe" Woodyard State Natural Area (4)

Henry Allan Gleason State Natural Area (~~obtain permit at Sand Ridge State Forest~~)

Hidden Springs State Forest (1)

- \* Horseshoe Lake State Park (Madison County – Gaberet, Mosenthein and Chouteau Island Units)

Kankakee River State Park (deer bow hunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

between 9:00 a.m. and 3:00 p.m. on days when upland game hunting is allowed during the site's controlled hunting season; a limited hunting opportunity for persons with disabilities, Class P2A, exists at the Davis Creek Bike Trail Area; disabled hunters must register to hunt at the site office and must sign in and out daily; disabled hunters are required to hunt with a non-disabled partner who may also hunt from predetermined locations during the disabled hunting season (November 1 to the day before the first firearm deer season, except campground blinds will remain open until the close of the archery deer season and do not require a partner to hunt))

Kickapoo State Park

Lake Le Aqua Na State Park (antlerless deer only; November 1-30; hunting hours legal opening until 10:00 a.m.)

Mautino State Fish and Wildlife Area (1)

Meeker State Habitat Area (obtain permit at Sam Parr State Park headquarters) (1)

Middle Fork State Fish and Wildlife Area

- \* Mississippi Palisades State Park (closed during the first firearm deer season) (1) (2)

Momence Wetlands State Natural Area (1)

Moraine View State Park (archery deer hunting closed Wednesday through Sunday during the controlled pheasant season) (1)

Newton Lake State Fish and Wildlife Area (check deer at site office)

- \* Pekin Lake State Fish and Wildlife Area (1)

Prairie Ridge State Natural Area (1)

Pere Marquette State Park (area east of Graham Hollow Road) (1)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Pyramid State Park – Captain Unit (4)

Pyramid State Park – Denmark Unit (4)

Pyramid State Park – East Conant Unit (4)

Pyramid State Park – Galum Unit (4)

Pyramid State Park (4)

Rall Woods State Natural Area

Ramsey Lake State Park (1)

Revis Hill Prairie State Natural Area (~~obtain permit at Sand Ridge State Forest~~)

\* Rockton Bog State Natural Area

Sahara Woods State Fish and Wildlife Area (free permits allocated through publicly announced drawing held ~~on site~~ on-site in advance of opening day; permit allows hunter to scout ~~on site~~ on-site 7 days prior to the opening day of season)

\* Sam Dale Lake State Conservation Area (1)

Sanganois State Wildlife Area (Ash Swale Waterfowl Rest Area will be closed to deer hunting during the waterfowl hunting seasons) (1)

Sand Ridge State Forest

Shelbyville State Fish and Wildlife Area (for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy) (1)

\* Siloam Springs State Park – Buckhorn Unit (resident hunters only) (2) (4)

\* Snakeden Hollow State Fish and Wildlife Area (October 1 through start of the central zone goose season)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

\* South Shore State Park

Sparks Pond State Natural Area

\* Spring Lake State Fish and Wildlife Area (1)

\* Stephen A. Forbes State Park (1)

Tapley Woods State Natural Area

Ten Mile Creek State Fish and Wildlife Area (areas designated as refuge are closed to all access during Canada goose season only) (1); Belle Rive Unit only (4)

Wards Grove State Natural Area (closed during the statewide Youth Deer Hunting Season and Muzzleloader Deer Hunting Seasons; antlerless deer only)

Weldon Springs State Park – Piatt County Unit (an antlerless deer must be taken on the site before an antlered deer is harvested)

Willow Creek State Habitat Area (hunting permitted October 1-31) (1)

Winston Tunnel State Natural Area

Witkowsky State Wildlife Area (opens October 15)

Wolf Creek State Park (an antlerless deer must be taken on the site before an antlered deer is harvested; Illinois residents and non-residents are eligible for the drawing; for Corps of Engineers managed lands not managed by the Department, contact Corps of Engineers, Lake Shelbyville office, for specific deer hunting policy) (2) (4)

- k) Statewide regulations shall apply except that no hunting is permitted Wednesday through Sunday of the site's permit pheasant season.

Chain O'Lakes State Park (season opens Monday prior to opening of permit pheasant hunting season and closes Tuesday following the close of

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

the permit pheasant hunting season; season reopens on December 26 till close of regular season; ~~an antlerless deer must be taken on site before an antlered deer is harvested~~ (2) (3)

~~Des Plaines State Conservation Area (2)~~

Iroquois County State Conservation Area (2)

Johnson-Sauk Trail State Recreation Area (hunters must obtain a free site-issued permit from the site office prior to hunting; permit must be in hunter's possession while hunting and returned by February 15 to the site office; failure to return the permit shall result in the forfeiture of hunting privileges at this site for the following year) (1) (2)

~~Moraine View State Park (1)~~

Wayne Fitzgerald State Recreation Area (no bowhunting during controlled hunts as posted at the site) (2)

- 1) Statewide regulations shall apply at the following sites except that:
  - 1) Nonresident hunter quotas shall be filled by mail-in drawing. Information about specific drawing dates and application procedures will be publicly announced. Successful applicants will be issued a free permit from the site office. This permit must be in possession while hunting and must be returned and harvest reported to the address indicated on the card before February 15. Failure to return the permit shall result in loss of hunting privileges at that site for the following year.
  - 2) Resident hunters must obtain a free permit from the site office. This permit must be in possession while hunting and must be returned and harvest reported to the address indicated on the card before February 15. Failure to return the permit shall result in loss of hunting privileges at that site for the following year.

Jim Edgar Panther Creek State Fish and Wildlife Area (1) (4)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- \* Sangchris Lake State Park (an antlerless deer must be taken on site before an antlered deer is harvested; site will be closed to archery deer hunting during the second firearm deer season) (1) (2) (4)

Siloam Springs State Park (2) (4)

- m) Statewide regulations shall apply at this site except that:

Hunter quotas for specific periods shall be filled by mail-in drawing. Only Illinois residents are eligible to apply. Information about drawing dates and application procedures will be publicly announced. Successful applicants will be notified and required to print a permit at: <http://dnr.state.il.us/lands/landmgmt/programs/windshieldcard>. This permit must be displayed and visible inside the vehicle windshield and the pocket portion kept in possession while hunting at the site. Hunters must report their annual harvest online at the web address in this subsection (m) by February 15 (even if hunter did not hunt) or the hunter will forfeit hunting privileges at the site for the following year. Hunters needing assistance accessing the online program can do so from any IDNR site or Regional Office issued a permit for the time period specified. ~~This permit must be in possession while hunting and returned by February 15 to the site office. Failure to return the permit shall result in the forfeiture of hunting privileges at this site for the following year.~~

Hennepin Canal State Trail (hunters must stay in their designated zone; an antlerless deer must be taken on the site before an antlered deer may be taken) (2)

James Pate Philip State Park and Heron Woods State Habitat Area ~~(2)~~

Moraine Hills State Park ~~(2)~~

Volo Bog State Natural Area ~~(2)~~

- n) Violations of site specific regulations are petty offenses (see 520 ILCS 5/2.20).

(Source: Amended at 36 Ill. Reg. 13450, effective August 10, 2012)

## ATTORNEY GENERAL

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Illinois Estate and Generation-Skipping Transfer Tax Return
- 2) Code Citation: 86 Ill. Adm. Code 2000
- 3) Section Number: 2000.200                      Adopted Action:  
New Section
- 4) Statutory Authority: Implementing Section 6(f) and authorized by Section 16(a) of the Illinois Estate and Generation-Skipping Transfer Tax Act [35 ILCS 405/6(f) and 16(a)]
- 5) Effective Date of Amendment: August 9, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Statement of Availability: A copy of the adopted amendment is on file and is available for public inspection in the Attorney General's principal office in Chicago (12th Floor, James R. Thompson Center).
- 9) Notice of Proposal Published in Illinois Register: 36 Ill. Reg. 4462; March 30, 2012
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The following changes were made in response to comments or suggests of JCAR:

In the second sentence, the phrase "Illinois estate tax rules for" was deleted, the word "individuals" was replaced with "Individuals", and the phrase "the same Illinois estate tax rules that" was replaced with "subject to the same obligations and responsibilities and afforded the same protections and benefits under this Part as".

In the third sentence, clarifying text "allowable under 35 ILCS 405/2(b-1)" was inserted after the word "elections", and the citation "(26 USC 2044 and 2056)" was inserted after the word "Code".

A cross-reference to the Attorney General's website was added to assist in locating the Form 700 Illinois Estate and Generation-Skipping Transfer Tax Return.

## ATTORNEY GENERAL

## NOTICE OF ADOPTED AMENDMENT

The subsection labels were changed from letters to numbers. In subsection 3), formerly, subsection c), the phrase "For a federally taxable estate" was replaced with "For those estates that were required to file a return in accordance with federal law (26 USC 2001 et seq.)". A definition for the term "qualified terminal interest property or Q-TIP" was inserted at the end of the section.

In addition various stylistic changes were made in response to comments from JCAR.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the Agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: Section 6(f) of the Illinois Estate and Generation-Skipping Transfer Tax Act (the Act) directs the Attorney General to prescribe by rule a return to be used in the administration of the Illinois estate tax. The amendment conforms the provisions of the Act with Public Act 96-1513, effective June 1, 2011, the Illinois Religious Freedom Protection and Civil Union Act [750 ILCS 75], under which a party to a civil union is entitled to the same legal obligations, responsibilities, protections and benefits as are afforded or recognized by the law of Illinois to spouses, whether derived from statute, administrative rule, policy, common law or any other source of civil or criminal law. The specific purpose of this amendment is to extend to either same or opposite sex parties of a civil union the ability to claim the Federal Marital Deduction, the Federal Q-TIP Election and Illinois Q-TIP Election as deductions for purposes of Illinois estate taxation normally restricted to opposite sex married couples.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

John Flores, Chief  
Chicago Revenue Litigation Bureau  
Office of the Attorney General  
100 West Randolph, 13th Floor  
Chicago, IL 60601

312/814-6153

Rosalie H. Lowery, Chief  
Springfield Revenue Litigation Bureau  
Office of the Attorney General  
500 South Second Street  
Springfield, IL 62706

217/782-9022

ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENT

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

## ATTORNEY GENERAL

## NOTICE OF ADOPTED AMENDMENT

TITLE 86: REVENUE  
CHAPTER III: ATTORNEY GENERAL

## PART 2000

## ILLINOIS ESTATE AND GENERATION-SKIPPING TRANSFER TAX RETURN

## Section

2000.100 Prescribed Return

2000.101 Form of Return (Repealed)

2000.110 Schedule of Assets

2000.200 Estate Tax Treatment of Civil Unions

2000.APPENDIX A Estate and Generation Skipping Transfer Tax Return (Repealed)

AUTHORITY: Implementing Section 6(f) and authorized by Section 16 of the Illinois Estate and Generation-Skipping Transfer Tax Act [35 ILCS 405/6(f) and 16].

SOURCE: Adopted at 14 Ill. Reg. 17183, effective November 1, 1990; amended at 31 Ill. Reg. 117, effective December 20, 2006; amended at 33 Ill. Reg. 13930, effective September 17, 2009; amended at 36 Ill. Reg. 13474, effective August 9, 2012.

Section 2000.200 Estate Tax Treatment of Civil Unions

- a) Whenever the Illinois Estate and Generation-Skipping Transfer Tax Act incorporates provisions of the Internal Revenue Code, those provisions shall be construed in accordance with the Illinois Religious Freedom Protection and Civil Union Act [750 ILCS 75]. Individuals who are parties to a civil union recognized under 750 ILCS 75 occurring on or after June 1, 2011 shall be subject to the same obligations and responsibilities and afforded the same protections and benefits under this Part as apply to spouses in a marriage recognized for federal estate tax purposes. An Illinois marital deduction, including qualified terminal interest property (Q-TIP) elections allowable under 35 ILCS 405/2(b-1), is therefore allowable for property passing from a decedent to his or her partner in a civil union recognized under 750 ILCS 75 to the same extent that property transferred to a husband or wife is allowable as a marital deduction, including Q-TIP elections, under the Internal Revenue Code (26 USC 2044 and 2056). Because civil unions are not recognized for federal estate tax purposes, civil union partners recognized under 750 ILCS 75 who elect a marital deduction and Q-TIP elections for Illinois estate tax purposes are required to file the following returns with the Illinois Attorney General:

## ATTORNEY GENERAL

## NOTICE OF ADOPTED AMENDMENT

- 1) A Form 700 Illinois Estate and Generation-Skipping Transfer Tax Return, available on the Attorney General's website (<http://www.illinoisattorneygeneral.gov/publications/estatetax.html>):
  - 2) A pro forma Federal Form 706 United States Estate (and Generation-Skipping Transfer) Tax Return completed as if the federal estate tax statutes allowed a marital deduction to civil union partners recognized under 750 ILCS 75 that reflects the marital deductions claimed; and
  - 3) For those estates that were required to file a return in accordance with federal law (26 USC 2001 et seq.), a copy of the Federal Form 706 United States Estate (and Generation-Skipping Transfer) Tax Return actually filed with the Internal Revenue Service.
- b) As used in this Section, the term "Qualified terminal interest property" or "Q-TIP" has the same meaning as prescribed in 26 USC 2056(b)(7)(B).

(Source: Added at 36 Ill. Reg. 13474, effective August 9, 2012)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of August 7, 2012 through August 13, 2012 and have been scheduled for review by the Committee at its September 11, 2012 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.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
9/20/12	<u>Department of Children and Family Services,</u> Residential Services Construction Grant Program (89 Ill. Adm. Code 363)	4/13/12 36 Ill. Reg. 5656	9/11/12
9/20/12	<u>Illinois Racing Board,</u> Pentafecta (11 Ill. Adm. Code 324)	6/15/12 36 Ill. Reg. 8622	9/11/12
9/22/12	<u>Secretary of State,</u> Certificates of Title, Registration of Vehicles (92 Ill. Adm. Code 1010)	5/18/12 36 Ill. Reg. 7520	9/11/12

**ILLINOIS ADMINISTRATIVE CODE**  
**Issue Index - With Effective Dates**

Rules acted upon in Volume 36, 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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