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January 20, 2012 Volume 36, Issue 3

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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 13, 2012
7	February 6, 2012	February 17, 2012
8	February 14, 2012	February 24, 2012
9	February 21, 2012	March 2, 2012
10	February 27, 2012	March 9, 2012
11	March 5, 2012	March 16, 2012
12	March 12, 2012	March 23, 2012
13	March 19, 2012	March 30, 2012
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
26	June 18, 2012	June 29, 2012
27	June 25, 2012	July 6, 2012
28	July 2, 2012	July 13, 2012
29	July 9, 2012	July 20, 2012
30	July 16, 2012	July 27, 2012
31	July 23, 2012	August 3, 2012
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
43	October 15, 2012	October 26, 2012
44	October 22, 2012	November 2, 2012
45	October 29, 2012	November 9, 2012
46	November 5, 2012	November 16, 2012
47	November 13, 2012	November 26, 2012
48	November 19, 2012	November 30, 2012
49	November 26, 2012	December 7, 2012
50	December 3, 2012	December 14, 2012
51	December 10, 2012	December 21, 2012
52	December 17, 2012	December 28, 2012

GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Fee Schedule for the Office of State Guardian
- 2) Code Citation: 59 III. Adm. Code 301
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
301.20	Amendment
301.30	Amendment
301.50	Amendment
301.60	Amendment
- 4) Statutory Authority: Guardianship and Advocacy Act, [20 ILCS 3955] and Section 27-1 of the Probate Act of 1975 [755 ILCS 5/27-1]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking is proposed as part of an effort to update the Commission's rules for the assessment of fees for wards of the Office of State Guardian. The last update was in August 2000.
- 6) Published studies and reports, and sources of underlying data used to compose this rulemaking: None
- 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

Danielle Welliever
Director of Policy and Training
Illinois Guardianship and Advocacy Commission
160 N. LaSalle Street, Suite S-500

GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Chicago, IL 60601

Telephone: 312/793-5919

Fax: 312/793-4311

E-Mail: danielle.welliever@illinois.gov

The Commission will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses affected: This rulemaking does not impact small businesses.
 - B) Reporting, bookkeeping or other procedures required for compliance: January 2012
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: None

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

GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 59: MENTAL HEALTH
CHAPTER III: GUARDIANSHIP AND ADVOCACY COMMISSIONPART 301
FEE SCHEDULE FOR THE OFFICE OF STATE GUARDIAN

Section	
301.10	Authority and Purpose
301.20	Definitions
301.30	Assessment of Fees
301.40	Notice
301.50	Collection of Fees
301.60	Fee Schedules

AUTHORITY: Implementing and authorized by the Guardianship and Advocacy Act [20 ILCS 3955] and Section 27-1 of the Probate Act of 1975 [755 ILCS 5/27-1].

SOURCE: Adopted and codified at 6 Ill. Reg. 15019, effective November 24, 1982; amended at 7 Ill. Reg. 8528, effective July 6, 1983; amended at 14 Ill. Reg. 17964, effective November 15, 1990; amended at 24 Ill. Reg. 13016, effective August 21, 2000; amended at 36 Ill. Reg. _____, effective _____.

Section 301.20 Definitions

Terms are defined as follows for the purpose of this Part, unless the context requires otherwise:

"Account" means a statement in writing of receipts and disbursements from a ward's estate by the guardian during a stated period of time.

"Case Opening" means the internal administrative process used by OSG in establishing a temporary or ongoing guardianship case, including, but not limited to, collecting and reviewing necessary financial, legal, medical or social information pertaining to the ward or the ward's estate; opening bank or other financial accounts on the ward's behalf; assigning OSG representatives to perform guardianship responsibilities for the ward; collecting and receiving property of the ward; creating files, summaries and other documentary information necessary for the management of the ward or the ward's estate; and all other activities related to preparing for and assuming the responsibilities of guardian.

GUARDIANSHIP AND ADVOCACY COMMISSION

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"Commission" or "~~GAC~~" means the Guardianship and Advocacy Commission (~~also referred to as "GAC"~~).

"Court" means the probate court having jurisdiction over the ward and/or the estate of a ward.

"Estate" means all property owned by the ward, regardless of whether the Office of State Guardian is guardian of the person or estate of the ward, including, but not limited to, all cash, savings accounts, checking accounts, certificates of deposit, money market accounts, bonds, stocks or other negotiable securities or instruments, mutual fund shares, furniture, automobiles, other tangible personal property, and real estate.

"Fee" or "Fees" means any costs assessed by the Office of State Guardian against a ward or a ward's estate for guardianship services, including case opening fees, monthly guardianship services fees, guardianship petitioning fees, and fees for the sale or management of real or personal property.

"Fee Schedules" mean tables showing the amounts of moneys the ward or the ward's estate may be assessed for guardianship services, not including charges for outside services procured by the guardian.

"Financial Hardship" means that the total value of liquid assets of a living ward ~~would fall below \$6,500 or the ward's estate~~ would ~~otherwise~~ be inadequate to provide or obtain care, assistance, education, training, sustenance, housing, treatment or other goods or services vital to the well being of the ward or his ~~or her~~ dependents, resulting in the risk of harm to the ward or the ward's dependents. [Wards residing in independent domestic settings generally fall into this category.](#)

"Guardian" means a court appointed guardian of the person, estate, or both, of a ward, and includes temporary, limited and plenary guardianship.

"Guardianship Petitioning" (~~see~~; "Petitioning").

"Guardianship Services" means work performed by the Office of State Guardian and its representatives in becoming guardian and all guardianship duties performed thereafter on behalf of a particular ward, including, but not limited to, preparation and filing of periodic reports, inventories, petitions for expenditures, current and final accounts; sale or other disposition of real or personal property;

GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF PROPOSED AMENDMENTS

managing all assets of an estate; securing residential placements and transfers; monitoring, evaluation and consent for medical treatment and habilitation programing; appearing for and representing a ward in legal proceedings; procuring other outside services for the benefit of the ward or the ward's estate; and quarterly, annual and other visits as necessary to provide an active guardianship program.

"Inventory" means a detailed list of all property owned by the ward that is filed with the court by the guardian.

"Liquid Assets" mean the portion of a ward's estate comprised of cash, negotiable instruments, or other similar property that is readily convertible to cash and has a readily ascertainable fixed value, including [but not limited to](#) savings accounts, checking accounts, certificates of deposit, [and](#) money market accounts, ~~corporate or municipal bonds, U.S. savings bonds, stocks or other negotiable securities, and mutual fund shares.~~

"Notice of Assessment" means a prior written statement mailed, pursuant to the procedures outlined in Section 301.40(b) of this Part, to the ward or other interested party, including the ~~ward's~~ spouse, adult children, parents, adult siblings, and other nearest adult kindred, advising that costs shall be assessed by OSG against a ward or the ward's estate.

"Office of State Guardian" ~~or "OSG" (also referred to as "OSG")~~ means a division of the Guardianship and Advocacy Commission, acting in its capacity as guardian of the estate, person, or both of a ward.

"Outside Services" means those services not provided by OSG or GAC employees, including the services of attorneys, corporations, agencies, individuals, or other entities retained to represent the interests of a ward or a ward's estate, who may charge the ward's estate for services rendered, subject to court approval. The fees may be in addition to fees assessed pursuant to the OSG fee schedules.

"Petitioning" or "Guardianship Petitioning" means the preparation, filing and litigation of guardianship petitions or petitions for the adjudication of disability of alleged disabled persons pursuant to the Probate Act of 1975 [755 ILCS 5/[Art. XIa](#)].

GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF PROPOSED AMENDMENTS

"Property Management" or "Management of Property" means activities related to the discovery, possession, protection, conservation, listing for sale, auction or rental, solicitation of purchase or rental offers, title search, preparation of documents and forms, negotiations, payment of costs, fees, insurance, taxes, and penalties associated with the maintenance, operation, sale, auction or rental, participation in closing or completion of a sale or rental arrangements, and any other activities required in order for Office of State Guardian to protect, maintain or convey any interest of a ward in real or personal property, including a leasehold interest, subject to court approval.

"Ward" means a ~~ward or a~~ disabled person as defined by [Section 11a-2 of the Probate Act of 1975 \[755 ILCS 5/11a-2\]](#) who is at least 18 years of age, and for whom the Office of State Guardian has been appointed guardian.

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

Section 301.30 Assessment of Fees

a) Assessment – In General

- 1) Except as provided in subsections (c), (e) and (f) ~~below~~, all wards with liquid assets ~~valued at \$6,500 or more~~ on the date of the OSG's appointment shall be assessed a one-time case opening fee for establishment of the case by OSG. The rate of the case opening fee shall be ~~\$300 when \$200, where~~ OSG serves as guardian of the person, ~~\$500 when \$300, where~~ OSG serves as guardian of the estate, and ~~\$1,000 when \$500, where~~ OSG serves as guardian of both the person and estate. Case opening fees shall be assessed for each appointment, including a re-appointment as guardian for the same ward more than 6 months after the termination of a prior appointment, temporary or otherwise, involving similar powers and duties.
- 2) A monthly fee for guardianship services other than petitioning for appointment of guardians and sale or management of real or personal property shall be assessed against all wards with liquid assets ~~valued at \$6,500 or more~~ on any day during the month. The fee for the OSG's services as guardian of the person shall be \$100 per month. The fee for the OSG's services as guardian of the estate shall be a sliding scale rate up to a maximum of ~~\$1,000~~ ~~\$350~~ per month, based upon the highest value of

GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF PROPOSED AMENDMENTS

the ward's liquid assets; on any day during the month, ~~so long as the value of the ward's liquid assets is \$6,500 or more.~~ In addition, in all cases where OSG serves as representative payee under programs administered by the Social Security Administration, the Railroad Retirement Board, or similar programs, or serves as protective payee for the receipt of private pension funds, the fee for providing representative payee services shall be ~~\$25 per month~~ in accordance with Social Security Administration and Railroad Retirement Board guidelines.

- 3) Fees for guardianship petitioning services shall be assessed upon the entry of a court order finally disposing of the petition for appointment of a guardian. Guardianship petitioning fees shall be in addition to case opening fees, monthly guardianship services fees, and fees for the sale or management of real or personal property. The rate for guardianship petitioning fees shall be ~~\$500 determined using a sliding scale up to a maximum of \$600, based upon the value of the ward's liquid assets in excess of \$6,500 on the date of the entry of the final order disposing of the guardianship petition, or, if a temporary guardian with powers over the estate is appointed, on the date of that appointment.~~
- 4) Fees for the sale of real or personal property shall be assessed when a sale is completed, or at the time of the final account. If no sale takes place during the OSG's term as guardian, fees for management of real or personal property shall be assessed at the time of the final account. Fees for the sale or management of a ward's property shall be in addition to case opening, monthly guardianship services and guardianship petitioning fees. The rate for real property sale fees shall be \$1,000 at the time of the sale. The rate for real property ~~sale or~~ management fees shall be determined using a sliding scale up to a maximum of \$1,000, based upon the value of the real property ~~at the time of the sale, or, if the property is not sold,~~ at the time of the annual or final account. The rate for personal property sale or management fees shall be determined using a sliding scale up to a maximum of \$700, based upon the value of the personal property at the time of the sale, or if the property is not sold, at the time of the final account.
- 5) No assessment of fees for guardianship services shall request an amount greater than that which has been established by the fee schedule in effect at the time the ward is provided notice of the assessment of fees.

GUARDIANSHIP AND ADVOCACY COMMISSION

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- 6) No fees for guardianship services shall be assessed on estates ~~smaller than \$6,500~~ if financial hardship would result for the ward.
- b) Assessments – Valuation of Property. Where OSG seeks to assess fees for the management of property that is not sold during the course of administration of a ward's estate, the value of the property in question shall be estimated by any reasonable methods acceptable to the court. Unless specifically ordered by the court to do so, OSG shall not retain an appraiser at estate expense to establish the value of a ward's property if the appraisal is not otherwise required for responsible management of the estate.
- c) Assessments – Court Approval. All fee assessments made by OSG shall be subject to court approval.
- d) Assessments – On Exhausted Estates
- 1) In estates that may be exhausted by existing claims, the Office of State Guardian may petition for its fees in spite of the fact that the granting of these fees by the court might result in some or all of these claims going totally or partially unpaid.
- 2) Proper notice of the petition for fees shall be mailed to each known claimant before the hearing is to take place.
- e) Assessments – On Entitlements. Fees shall not be assessed on income or support derived from Medicaid or TANF. Income or support derived from Social Security and Medicare shall be subject to OSG fee assessment unless the funds have been expressly earmarked for another purpose.
- f) Assessments – Hardship and Waiver. No fees shall be assessed if financial hardship to the ward would result. Guardianship fees will be terminated in the month following the death of the ward. ~~The Office of State Guardian may waive fees if no substantial guardianship services have been provided the ward.~~

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

Section 301.50 Collection of Fees

GUARDIANSHIP AND ADVOCACY COMMISSION

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- a) Pay Collection and Liability for Payment - In General. Office of State Guardian shall take reasonable steps to collect fees from parties holding estate funds when fees have been assessed. Liability for fee payment shall be limited to the ward's estate.
- b) Collection of Case Opening Fees. Case opening fees shall be collected by OSG upon the entry of the court's order approving its petition for fees.
- c) Collection of Monthly Fees. Monthly fees shall be collected by OSG on a regular basis at the time the fees are assessed, after entry of an order appointing Office of State Guardian but only where prior court approval has been obtained. Court approval should be obtained at the earliest reasonable opportunity.
- d) Collection of Fees For Guardianship Petitioning. Fees for guardianship petitioning shall be collected after the entry of the order appointing the guardian or other final disposition of the petition, or at the time of the next or final account.
- e) Collection of Fees for Sale or Management of Property. Fees for the sale or management of a ward's real or personal property shall be collected after the sale is completed, or at the time of the next or final account.
- f) Collection of Fees for Preparation and Filing of State or Federal Income Tax Returns. Fees for the preparation and filing of a ward's State or federal income tax return shall be assessed at the time of filing of the tax return, for each tax year in which a return is filed, when prior court approval has been obtained. Court approval should be obtained at the earliest reasonable opportunity.
- g) Collection of Fees for the Settlement of a Personal Injury Cause of Action. Fees for the settlement of a ward's personal injury cause of action shall be collected at the time of the approval of the settlement by the probate court.
- h) Collection of Fees for the Establishment of a Recognized Trust for the Purpose of Protecting or Conserving the Ward's Financial Estate. Fees for establishing a recognized trust for the purpose of conserving a ward's guardianship estate or protecting the ward's assets, and for petitioning the court for the approval of the trust, shall be collected at the time of the approval of the establishment of the trust by the probate court.
- i) Collection – Hardship and Waiver. No fees shall be collected if financial

GUARDIANSHIP AND ADVOCACY COMMISSION

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hardship to the ward would result. The Office of State Guardian may waive or reduce fees assessed ~~if the reasonable charges for guardianship services rendered are below the fee schedule amounts or~~ if the costs of collection would far exceed the fees due.

- j) Collection – Impact on Creditors. The Office of State Guardian may collect fees even when claims of creditors of the ward may be compromised, so long as no financial hardship to the ward or the ward's dependants would result.

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

Section 301.60 Fee Schedules

- a) Statutory Authority for Assessment of Fees. The Commission, under Section 705(i) of the GAC Act, is given the power to collect fees for its legal and guardianship services.
- b) Procedure for Changing Fee Schedule. No changes will be made in this fee schedule without prior approval by the Commission and submission of its revision pursuant to the Illinois Administrative Procedure Act [5 ILCS 100].

- c) Schedule for the Assessment of One-Time Case Opening Fees

- | | |
|--|------------------------------|
| 1) Guardianship of the Person | \$300 <u>200</u> |
| 2) Guardianship of the Estate | \$500 <u>300</u> |
| 3) Guardianship of the Person and Estate | \$1000 <u>500</u> |

- d) Schedule for the Assessment of Monthly Guardianship Services Fees

- | | |
|--------------------------------|-----------------------------|
| 1) Person Cases | \$150 <u>100</u> |
| 2) Estate Cases: | |
| Total Value of Liquid Assets | Monthly Fee |
| \$ 24,999 and below | \$ 200 |
| 25,000 – 49,999 | 300 |

GUARDIANSHIP AND ADVOCACY COMMISSION

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50,000 – 99,999	400
100,000 – 249,999	500
250,000 and above	1,000
\$ — 6,500-9,999	\$100
10,000-19,999	125
20,000-29,999	150
30,000-39,999	175
40,000-49,999	200
50,000-59,999	225
60,000-69,999	250
70,000-79,999	275
80,000-89,999	300
90,000-99,999	325
100,000 and above	350

3) Representative Payee Cases, ~~When Estate Value is \$6,500 or More~~

Monthly Fee	\$25
------------------------	-----------------

The monthly fee will be in compliance with current social security and railroad retirement regulations.

e) ~~Schedule for the~~ Assessment of Guardianship Petitioning Fees \$500

Estate	Petitioning Fee
\$ — 6,500-9,999	\$100
10,000-19,999	150
20,000-29,999	200
30,000-39,999	250

GUARDIANSHIP AND ADVOCACY COMMISSION

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40,000-49,999	300
50,000-59,999	350
60,000-69,999	400
70,000-79,999	450
80,000-89,999	500
90,000-99,999	550
100,000 and above	600

f) ~~Real Property Schedule for the Assessment of Fees for the Sale or Management of Real Property~~

1) ~~Assessment of Fees for the Sale of Real Property~~ ~~\$1,000~~

2) ~~Assessment of Fees for the Management of Real Property, for Property Not Sold~~

Net Sale Value of Property or Estimated Value	Fee Amount
\$ 5,000 – 9,999	\$ 250
10,000 – 19,999	300
20,000 – 29,999	350
30,000 – 39,999	400
40,000 – 49,999	450
50,000 – 59,999	500
60,000 – 69,999	600
70,000 – 79,999	700
80,000 – 89,999	800
90,000 – 99,999	900
100,000 and above	1,000

GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- g) Schedule for the Assessment of Fees for the Sale ~~or Management~~ of Personal Property

Net Sale Value of Property or Estimated Value	Fee Amount
\$ 3,000 – 9,999	\$150
10,000 – 19,999	200
20,000 – 29,999	250
30,000 – 39,999	300
40,000 – 49,999	350
50,000 – 59,999	400
60,000 – 69,999	450
70,000 – 79,999	500
80,000 – 89,999	550
90,000 – 99,999	600
100,000 and above	700

- h) Schedule for the Preparation and Filing of State or Federal Income Tax Returns

1) For each federal Income Tax return filed ~~\$100~~50

2) For each state Income Tax return filed ~~\$50~~25

- i) Schedule for the Settlement of a Personal Injury Cause of Action

For each personal injury cause of action
approved by the probate court ~~\$500~~250

- j) Schedule for the Establishment of a Recognized Trust for the Purpose of Protecting or Conserving the Ward's Financial Estate and Petitioning the Court for Establishment of the Trust

For each trust approved by the
probate court ~~\$500~~250

GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF PROPOSED AMENDMENTS

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Persons issued licenses by the Department for commercial harvest of fish and mussels.
 - B) Reporting, bookkeeping or other procedures required for compliance:
Commercial fishermen shall submit an accurate annual record of the undressed weights of the species of fish and/or crayfish harvested to the Department whether or not any fish and/or crayfish were harvested. Commercial roe harvesters shall submit an accurate monthly record of the undressed weight of roe-bearing species and the unprocessed weight of roe from these fishes to the Department whether or not roe-bearing species were harvested. Commercial roe dealers shall submit to the Department an accurate monthly record of the unprocessed and processed weight of roe purchased from commercial roe harvesters to the Department whether or not roe was purchased. Holders of a commercial mussel harvest license shall submit an accurate record of the types and pounds of each species of mussel and/or relic mussel shells harvested or purchased on a monthly basis following harvest whether or not any mussels or mussel shells were harvested. Holders of a commercial mussel dealer's license shall submit an accurate record of the types and pounds of each species of mussel and/or relic mussel shells purchased on a monthly basis during the season whether or not any mussels or mussel shells were purchased.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized on the January 2012 Regulatory Agenda because: the determination to amend this rulemaking was made after the Agenda was filed.

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 830

COMMERCIAL FISHING AND MUSSELING IN CERTAIN WATERS OF THE STATE

Section

830.5	Definitions
830.10	Waters Open to Commercial Harvest of Fish
830.13	Special Regulations for the Commercial Harvest of Roe-Bearing Species
830.15	Waters Open to Commercial Harvest of Crayfish
830.20	Waters Open to Commercial Harvest of Mussels and Seasons
830.30	Special Regulations
830.40	Devices
830.50	Permission
830.60	Species
830.70	Size Limit
830.80	Commercial Fishing and Musseling in Additional Waters
830.90	Revocation and Suspension of Commercial Fishing and Musseling Privileges, Hearings and Appeals and Reporting Requirements

AUTHORITY: Implementing and authorized by Sections 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, and 25-5].

SOURCE: Adopted at 5 Ill. Reg. 6809, effective June 16, 1981; codified at 5 Ill. Reg. 10648; emergency amendment at 6 Ill. Reg. 6468, effective May 18, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 10680, effective August 20, 1982; amended at 7 Ill. Reg. 2707, effective March 2, 1983; amended at 10 Ill. Reg. 6926, effective April 15, 1986; amended at 11 Ill. Reg. 9513, effective May 5, 1987; amended at 12 Ill. Reg. 11714, effective June 30, 1988; amended at 15 Ill. Reg. 8544, effective May 24, 1991; amended at 16 Ill. Reg. 5257, effective March 20, 1992; amended at 17 Ill. Reg. 3177, effective March 2, 1993; emergency amendments at 18 Ill. Reg. 4671, effective March 14, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 9985, effective June 21, 1994; amended at 19 Ill. Reg. 5250, effective March 27, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 4700, effective April 1, 1997; amended at 22 Ill. Reg. 6697, effective March 30, 1998; amended at 24 Ill. Reg. 4945, effective March 13, 2000; amended at 29 Ill. Reg. 6277, effective April 25, 2005; amended at 31 Ill. Reg. 13187,

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effective August 30, 2007; amended at 34 Ill. Reg. 2938, effective February 19, 2010; emergency amendment at 34 Ill. Reg. 15884, effective October 1, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 4187, effective February 22, 2011; amended at 36 Ill. Reg. _____, effective _____.

Section 830.10 Waters Open to Commercial Harvest of Fish

- a) Mississippi River and connected public (wholly accessible by boat) backwaters, including that portion of the Kaskaskia River below the navigation lock and dam, except:
 - 1) Quincy Bay, including Quincy Bay Waterfowl Management Area (except by special permit);
 - 2) Spring Lake in the Upper Mississippi River Wildlife and Fish Refuge; and
 - 3) Mark Twain U.S. Fish and Wildlife Service National Wildlife Refuge Waters (except by special permit).
- b) Illinois River and connected public (wholly accessible by boat) backwaters from Route 89 highway bridge downstream, except for:
 - 1) U.S. Fish and Wildlife National Wildlife Refuge waters;
 - 2) Donnelly/Depue Fish and Wildlife Area;
 - 3) Rice Lake Complex, including all of Big Lake;
 - 4) Meredosia Lake in Cass and Morgan Counties during the central zone duck season;
 - 5) Clear Lake in Mason County 7 days prior to and during the central zone duck season; and
 - 6) Route 89 highway bridge to Starved Rock Dam for the commercial removal of Asian carp only by a limited number of restricted period contracts.
- c) Wabash River.

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- d) Embarras River, except from Route 130 in Coles County upstream to the Harrison Street Bridge, Route 16 including Lake Charleston.
- e) Sangamon River, downstream of Belt Route 48 southwest of Decatur to mouth in Cass County.
- f) Kaskaskia River south of Route U.S. 50 Bridge to mouth in Randolph County.
- g) Little Wabash River.
- h) Big Muddy River south of State Route 14 highway bridge in Franklin County to mouth in Jackson County.
- i) Skillet Fork.
- j) Cache River from Route 51 downstream to the Mississippi River via Cache Diversion Channel but not including that portion of the Cache River between the Cache Diversion Channel Levee and the Ohio River.
- k) Saline River in Gallatin and Saline Counties.
- l) Ohio River, except for:
 - 1) Lock and Dam 52 downstream to a line perpendicular with the end of the longest lock wall, including the circular cell portion;
 - 2) Lock and Dam 53 downstream to a line perpendicular with the end of the longest lock wall, including the circular cell portion;
 - 3) Smithland Dam downstream to a line perpendicular to the end of the outer lock wall; and
 - 4) Within 50 yards of the mouth of any tributary or stream.

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

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- 1) Heading of the Part: Standards and Limitations for Organic Material Emissions for Area Sources
- 2) Code Citation: 35 Ill. Adm. Code 223
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
223.201	Amended
223.203	Amended
223.205	Amended
223.207	Amended
223.208	Amended
223.211	New
223.305	Amended
- 4) Statutory Authority: 415 ILCS 5/10, 27, and 28
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking proposal filed by the Illinois Environmental Protection Agency seeks to add to Part 223 volatile organic material limitations applicable to several categories of consumer and consumer products: adhesive removers, anti-static products, contact adhesives, electrical cleaner, electronic cleaner, fabric refresher, footwear or leather care products, graffiti remover, hair styling product, shaving gel and wood cleaner. The proposal also seeks to clarify the applicability of Part 223 to containers of architectural and industrial maintenance coatings.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking:
 - a) California Air Resources Board: Initial Statement of Reasons for the Proposed Amendments to the California Aerosol Coating Products, Antiperspirants and Deodorants, and Consumer Products Regulations, Test Method 310, and Airborne Toxic Control Measure for Para-Dichlorobenzene Solid Air Fresheners and Toilet/Urinal Care Products, May 7, 2004.
 - b) Illinois Environmental Protection Agency, Illinois Ozone Emission Inventory for 2008, August 2010.
 - c) Ozone Transport Commission, Final Draft of the Model Rule for Consumer Products, September 13, 2006.

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- 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this rulemaking: The Board will accept written public comments on this proposal for a period of 45 days after the date of publication in the Illinois Register. Comments should refer to Docket R12-8 and be addressed to:
- John Therriault
Clerk's Office
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601
- 312/814-3629
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Any small business, small municipality, or not for-profit corporation manufacturing or selling consumer products within the product categories addressed in this rulemaking will be affected by the proposed amendments.
- B) Reporting, bookkeeping or other procedures required for compliance: Volatile organic material limits for additional product categories can be addressed through procedures for compliance with existing provisions of Part 223, which include product-dating, labeling, and reporting requirements.

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- C) Types of Professional skills necessary for compliance: No professional skills beyond those currently required by existing state and federal air pollution control regulations applicable to affected sources will be required.
- 14) Regulatory Agenda in which these amendments were summarized: January 2011
- 15) Do these amendments require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? [30 ILCS 500/5-25]? No

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCESPART 223
STANDARDS AND LIMITATIONS FOR ORGANIC
MATERIAL EMISSIONS FOR AREA SOURCES

SUBPART A: GENERAL PROVISIONS

Section

223.100	Severability
223.105	Abbreviations and Acronyms
223.120	Incorporations by Reference

SUBPART B: CONSUMER AND COMMERCIAL PRODUCTS

Section

223.200	Purpose
223.201	Applicability
223.203	Definitions for Subpart B
223.205	Standards
223.206	Diluted Products
223.207	Products Registered under FIFRA
223.208	Requirements for Aerosol Adhesives
223.209	Requirements for Floor Wax Strippers
223.210	Products Containing Ozone-Depleting Compounds
<u>223.211</u>	<u>Requirements for Adhesive Removers, Aerosol Adhesives, Contact Adhesives, Electrical Cleaners, Electronic Cleaners, Footwear or Leather Care Products, General Purpose Degreasers, and Graffiti Removers</u>
223.220	Requirements for Charcoal Lighter Material
223.230	Exemptions
223.240	Innovative Product Exemption
223.245	Alternative Compliance Plans
223.250	Product Dating
223.255	Additional Product Dating Requirements
223.260	Most Restrictive Limit
223.265	Additional Labeling Requirements for Aerosol Adhesives, Adhesive Removers,

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	Electronic Cleaners, Electrical Cleaners, Energized Electrical Cleaners, and Contact Adhesives
223.270	Reporting Requirements
223.275	Special Recordkeeping Requirements for Consumer Products that Contain Perchloroethylene or Methylene Chloride
223.280	Calculating Illinois Sales
223.285	Test Methods

SUBPART C: ARCHITECTURAL AND INDUSTRIAL MAINTENANCE COATINGS

Section	
223.300	Purpose
223.305	Applicability
223.307	Definitions for Subpart C
223.310	Standards
223.320	Container Labeling Requirements
223.330	Reporting Requirements
223.340	Compliance Provisions and Test Methods
223.350	Alternative Test Methods
223.360	Methacrylate Traffic Coating Markings
223.370	Test Methods

AUTHORITY: Implementing Section 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27 and 28].

SOURCE: Adopted in R08-17 at 33 Ill. Reg. 8224, effective June 8, 2009; amended in R09-19 at 35 Ill. Reg. 18846, effective October 25, 2011; amended at 36 Ill. Reg. _____, effective _____.

SUBPART B: CONSUMER AND COMMERCIAL PRODUCTS

Section 223.201 Applicability

Except as provided in Section 223.230, unless another date is specified, this Subpart shall apply to any person who sells, supplies, offers for sale, or manufactures consumer products on or after July 1, 2009, for use in Illinois.

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

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Section 223.203 Definitions for Subpart B

The definitions contained in this Section apply only to the provisions of this Subpart. Unless otherwise defined in this Section, the definitions of terms used in this Subpart shall have the meanings specified for those terms in 35 Ill. Adm. Code 211.

"Adhesive" means any product that is used to bond one surface to another by attachment. This does not include products used on humans and animals, adhesive tape, contact paper, wallpaper, shelf liners, or any other product with an adhesive incorporated onto or in an inert substrate. For "Contact Adhesive", adhesive does not include units of product, less packaging, that consist of more than one gallon. For "Construction, Panel, and Floor Covering Adhesive", and "General Purpose Adhesive", "Adhesive" does not include units of product, less packaging, that weigh more than one pound and consist of more than 16 fluid ounces. This limitation does not apply to aerosol adhesives.

"Adhesive Remover" means a product designed to remove adhesive from either a specific substrate or a variety of substrates. "Adhesive Remover" does not include products that remove adhesives intended exclusively for use on humans or animals.

For the purpose of this definition and the "Adhesive Remover" subcategories listed in this definition, the term "Adhesive" shall mean a substance used to bond one or more materials. Adhesive includes, but is not limited to, caulks, sealants, glues, or similar substances used for the purpose of forming a bond.

"Floor and Wall Covering Adhesive Remover" means a product designed or labeled to remove floor or wall coverings and associated adhesive from the underlying substrate.

"Gasket or Thread Locking Adhesive Remover" means a product designed or labeled to remove gaskets or thread locking adhesives. Products labeled for dual use as a paint stripper and gasket remover and/or thread locking adhesive remover are considered "Gasket or Thread Locking Adhesive Remover".

"General Purpose Adhesive Remover" means a product designed or labeled to remove cyanoacrylate adhesives as well as non-reactive

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adhesives or residue from a variety of substrates. "General Purpose Adhesive Remover" includes, but is not limited to, the following: products that remove thermoplastic adhesives, pressure sensitive adhesives, dextrine or starchbased adhesives, casein glues, rubber or latex-based adhesives, and products that remove stickers, decals, stencils, or similar materials. "General Purpose Adhesive Remover" does not include "Floor or Wall Covering Adhesive Remover".

"Specialty Adhesive Remover" means a product designed to remove reactive adhesives from a variety of substrates. Reactive adhesives include adhesives that require a hardener or catalyst in order for the bond to occur. Examples of reactive adhesives include, but are not limited to epoxies, urethanes, and silicones. "Specialty Adhesive Remover" does not include "Gasket or Thread Locking Adhesive Remover".

"Aerosol Adhesive" means an aerosol product in which the spray mechanism is permanently housed in a nonrefillable can designed for hand-held application without the need for ancillary hoses or spray equipment. This does not include "special purpose spray adhesives", "mist spray adhesives" and "web spray adhesives".

"Aerosol Cooking Spray" means any aerosol product designed either to reduce sticking on cooking and baking surfaces or to be applied on food, or both.

"Aerosol Product" means a pressurized spray system that dispenses product ingredients by means of a propellant contained in a product or a product's container, or by means of a mechanically induced force. "Aerosol Product" does not include "Pump Spray".

"Agricultural Use" means the use of any pesticide or method or device for the control of pests in connection with the commercial production, storage, or processing of any animal or plant crop. This does not include the sale or use of pesticides in properly labeled packages or containers that are intended for home use, use in structural pest control, or industrial or institutional use. For the purposes of this definition only:

"Home Use" means use in a household or its immediate environment;

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"Structural Pest Control" means a use requiring a license under the Structural Pest Control Act [225 ILCS 235];

"Industrial Use" means use for or in a manufacturing, mining, or chemical process or use in the operation of factories, processing plants, and similar sites; or

"Institutional Use" means use within the lines of, or on property necessary for the operation of, buildings such as hospitals, schools, libraries, auditoriums, and office complexes.

"Air Freshener" means any consumer product including, but not limited to, sprays, wicks, powders, and crystals, designed for the purpose of masking odors, or freshening, cleaning, scenting, or deodorizing the air. "Air Freshener" does not include products that are used on the human body, products that function primarily as cleaning products as indicated on a product label, "Toilet/Urinal Care Products", disinfectant products claiming to deodorize by killing germs on surfaces, or institutional and industrial disinfectants when offered for sale solely through institutional and industrial channels of distribution. "Air Freshener" does include spray disinfectants and other products that are expressly represented for use as air fresheners, except institutional and industrial disinfectants when offered for sale through institutional and industrial channels of distribution. To determine whether a product is an air freshener, all verbal and visual representations regarding product use on the label or packaging and in the product's literature and advertising may be considered. The presence of, and representations about, a product's fragrance and ability to deodorize (resulting from surface application) shall not constitute a claim of air freshening.

"All Other Carbon-Containing Compounds" means all other compounds that contain at least one carbon atom and are not listed under Section 223.205(a) or are a "LVP-VOM".

"All Other Forms" means all consumer product forms for which no form-specific VOM standard is specified. Unless specified otherwise by the applicable VOM standard, "All Other Forms" include, but is not limited to, solids, liquids, wicks, powders, crystals, and cloth or paper wipes (towelettes).

"Alternative Control Plan" or "ACP" means any emissions averaging program approved by the Agency pursuant to the provisions of this Subpart.

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"Antimicrobial Hand or Body Cleaner or Soap" means a cleaner or soap that is designed to reduce the level of microorganisms on the skin through germicidal activity. This includes, but is not limited to, antimicrobial hand or body washes/cleaners, foodhandler hand washes, healthcare personnel hand washes, pre-operative skin preparations and surgical scrubs. "Antimicrobial Hand or Body Cleaner or Soap" does not include prescription drug products, antiperspirants, "Astringent/Toner", deodorant, "Facial Cleaner or Soap", "General-use Hand or Body Cleaner or Soap", "Hand Dishwashing Detergent" (including antimicrobial), "Heavy-duty Hand Cleaner or Soap", "Medicated Astringent/Medicated Toner", or "Rubbing Alcohol".

"Antiperspirant" means any product, including, but not limited to, aerosols, roll-ons, sticks, pumps, pads, creams, and squeeze-bottles, that is intended by the manufacturer to be used to reduce perspiration in the human axilla by at least 20 percent in at least 50 percent of a target population.

"Anti-Static Product" means a product that is labeled to eliminate, prevent, or inhibit the accumulation of static electricity. "Anti-Static Product" does not include "Electronic Cleaner", "Floor Polish or Wax", "Floor Coating", and products that meet the definition of "Aerosol Coating Product" or "Architectural Coating".

"Appurtenance" means any accessory to a stationary structure coated at the site of installation, whether installed or detached, including, but not limited to, bathroom and kitchen fixtures, cabinets, concrete forms, doors, elevators, fences, hand railings, heating equipment, air conditioning equipment, and other fixed mechanical equipment or stationary tools, lampposts, partitions, pipes and piping systems, rain gutters and downspouts, stairways, fixed ladders, catwalks and fire escapes, and window screens.

"Architectural Coating" means a coating to be applied to stationary structures or the appurtenances at the site of installation, to portable buildings at the site of installation, to pavements, or to curbs. Coatings applied in shop applications or to non-stationary structures such as airplanes, ships, boats, railcars, and automobiles, and adhesives are not considered "Architectural Coatings" for the purposes of this Subpart.

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"Astringent/Toner" means any product not regulated as a drug by the United States Food and Drug Administration (FDA) that is applied to the skin for the purpose of cleaning or tightening pores. This category also includes clarifiers and substrate-impregnated products. This category does not include any hand, face, or body cleaner or soap product, "Medicated Astringent/Medicated Toner", cold cream, lotion, or antiperspirant.

"Automotive Brake Cleaner" means a cleaning product designed to remove oil, grease, brake fluid, brake pad material or dirt from motor vehicle brake mechanisms.

"Automotive Hard Paste Wax" means an automotive wax or polish that is designed to protect and improve the appearance of automotive paint surfaces, and is a solid at room temperature, and contains 0% water by formulation.

"Automotive Instant Detailer" means a product designed for use in a pump spray that is applied to the painted surface of automobiles and wiped off prior to the product being allowed to dry.

"Automotive Rubbing or Polishing Compound" means a product designed primarily to remove oxidation, old paint, scratches or swirl marks, and other defects from the painted surfaces of motor vehicles without leaving a protective barrier.

"Automotive Wax, Polish, Sealant, or Glaze" means a product designed to seal out moisture, increase gloss, or otherwise enhance a motor vehicle's painted surfaces. This includes, but is not limited to, products designed for use in autobody repair shops and drive-through car washes, as well as products designed for the general public. The term does not include "Automotive Rubbing or Polishing Compounds", automotive wash and wax products, surfactant-containing car wash products, and products designed for use on unpainted surfaces such as bare metal, chrome, glass, or plastic.

"Automotive Windshield Washer Fluid" means any liquid designed for use in a motor vehicle windshield washer system either as an antifreeze or for the purpose of cleaning, washing, or wetting the windshield. This does not include fluids placed by the manufacturer in a new vehicle.

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"Bathroom and Tile Cleaner" means a product designed to clean tile or surfaces in bathrooms. The term does not include products designed primarily to clean toilet bowls, toilet tanks or urinals.

"Bug and Tar Remover" means a product labeled to remove either or both of the following from painted motor vehicle surfaces without causing damage to the finish: biological-type residues such as insect carcasses, tree sap and road grime such as road tar, roadway paint markings, and asphalt.

"Carburetor or Fuel-Injection Air Intake Cleaners" means a product designed to remove fuel deposits, dirt, or other contaminants from a carburetor, choke, throttle body of a fuel-injection system, or associated linkages, excluding products designed exclusively to be introduced directly into the fuel lines or fuel storage tank prior to introduction into the carburetor or fuel injectors.

"Carpet and Upholstery Cleaner" means a cleaning product designed for the purpose of eliminating dirt and stains on rugs, carpeting, and the interior of motor vehicles and/or on household furniture or objects upholstered or covered with fabrics such as wool, cotton, nylon or other synthetic fabrics. This includes, but is not limited to, products that make fabric protectant claims. The term does not include "General Purpose Cleaners", "Spot Removers", vinyl or leather cleaners, dry cleaning fluids, or products designed exclusively for use at industrial facilities engaged in furniture or carpet manufacturing.

"Charcoal Lighter Material" means any combustible material designed to be applied on, incorporated in, added to, or used with charcoal to enhance ignition. The term does not include any of the following: electrical starters and probes, metallic cylinders using paper tinder, natural gas, propane, and fat wood.

"Colorant" means any pigment or coloring material used in a consumer product for an aesthetic effect or to dramatize an ingredient.

"Construction, Panel, and Floor Covering Adhesive" means any one-component adhesive that is designed exclusively for the installation, remodeling, maintenance, or repair of structural and building components that include, but are not limited to, beams, trusses, studs, paneling (including, but not limited to, drywall or drywall laminates, fiberglass reinforced plastic (FRP), plywood, particle board, insulation board, pre-decorated hardboard or tileboard), ceiling and acoustical tile, molding, fixtures, countertops or countertop laminates, cove or

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wall bases, flooring or subflooring, or floor or wall coverings (including, but not limited to, wood or simulated wood covering, carpet, carpet pad or cushion, vinyl-backed carpet, flexible flooring material, nonresilient flooring material, mirror tiles and other types of tiles, and artificial grass). The term does not include "Floor Seam Sealer".

"Consumer" means any person who purchases or acquires any consumer product for personal, family, household, or institutional use. Persons acquiring a consumer product for resale are not "consumers" for that product.

"Consumer Product" means a chemically formulated product used by household and institutional consumers including, but not limited to, detergents, cleaning compounds, polishes, floor finishes, cosmetics, personal care products, home lawn and garden products, disinfectants, sanitizers, aerosol paints, and automotive specialty products. "Consumer Product" does not include other paint products, furniture coatings, or architectural coatings. As used in this Subpart, "Consumer Product" shall also refer to "Aerosol Adhesive", including an "Aerosol Adhesive" used for consumer, industrial or commercial uses.

"Contact Adhesive" means an adhesive that is designed for application to both surfaces to be bonded together, and is allowed to dry before the two surfaces are placed in contact with each other, and forms an immediate bond that is impossible, or difficult, to reposition after both adhesive-coated surfaces are placed in contact with each other, and does not need sustained pressure or clamping of surfaces after the adhesive-coated surfaces have been brought together using sufficient momentary pressure to establish full contact between both surfaces. The term does not include rubber cements that are primarily intended for use on paper substrates. "Contact Adhesive" also does not include vulcanizing fluids that are designed and labeled for tire repair only.

"Contact Adhesive – General Purpose" means any contact adhesive that is not a "Contact Adhesive – Special Purpose".

"Contact Adhesive – Special Purpose" means a contact adhesive that is used to bond melamine-covered board, unprimed metal, unsupported vinyl, Teflon, ultra-high molecular weight polyethylene, rubber, or high pressure laminate or wood veneer 1/16 inch or less in thickness to any porous or nonporous surface, and is sold in units of product, less packaging, that contain more than eight fluid ounces, or is used in automotive applications that are either automotive under the hood

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applications requiring heat, oil or gasoline resistance or body-side molding, automotive weatherstrip or decorative trim.

"Container/Packaging" means the part or parts of the consumer or institutional product that serve only to contain, enclose, incorporate, deliver, dispense, wrap or store the chemically formulated substance or mixture of substances that is solely responsible for accomplishing the purposes for which the product was designed or intended. This includes any article onto or into which the principal display panel and other accompanying literature or graphics are incorporated, etched, printed or attached.

"Crawling Bug Insecticide" means any insecticide product that is designed for use against ants, cockroaches, or other household crawling arthropods, including, but not limited to, mites, silverfish or spiders, excluding products designed to be used exclusively on humans or animals, or any house dust mite product. For the purposes of this definition only:

"House dust mite product" means a product whose label, packaging, or accompanying literature states that the product is suitable for use against house dust mites, but does not indicate that the product is suitable for use against ants, cockroaches, or other household crawling arthropods.

"House dust mite" means mites that feed primarily on skin cells shed in the home by humans and pets and that belong to the phylum Arthropoda, the subphylum Chelicerata, the class Arachnida, the subclass Acari, the order Astigmata, and the family Pyroglyphidae.

"Date-Code" means the day, month and year on which the consumer product was manufactured, filled, or packaged, or a code indicating that date.

"Deodorant" means:

For products manufactured before July 1, 2009: any product including, but not limited to, aerosols, roll-ons, sticks, pumps, pads, creams, and squeeze-bottles that is intended by the manufacturer to be used to minimize odor in the human axilla by retarding the growth of bacteria that cause the decomposition of perspiration.

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For products manufactured on or after July 1, 2009: any product including, but not limited to, aerosols, roll-ons, sticks, pumps, pads, creams, and squeeze-bottles that indicates or depicts on the container or packaging, or on any sticker or label affixed to the container or packaging, that the product can be used on or applied to the human axilla to provide a scent and/or minimize odor. A "Deodorant Body Spray" product that indicates or depicts on the container or packaging, or on any sticker or label affixed to the container or packaging, that it can be used on or applied to the human axilla is a "Deodorant".

"Deodorant Body Spray" means:

For products manufactured before July 1, 2009, a "Personal Fragrance Product" with 20 percent or less fragrance.

For products manufactured on or after July 1, 2009, a "Personal Fragrance Product" with 20 percent or less fragrance, that is designed for application all over the human body to provide a scent. A "Deodorant Body Spray" product that indicates or depicts on the container or packaging, or on any sticker or label affixed to the container or packaging, that it can be used on or applied to the human axilla, is a "Deodorant".

"Device" means any instrument or contrivance (other than a firearm) designed for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life (other than man and other than bacterium, virus, or another microorganism on or in living man or other living animals), but not including equipment used for the application of pesticides when sold separately from the device.

"Disinfectant" means any product intended to destroy or irreversibly inactivate infectious or other undesirable bacteria, pathogenic fungi, or viruses on surfaces or inanimate objects and whose label is registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 USC 136 et seq.). "Disinfectant" does not include any of the following products designed solely for use on humans or animals, products designed for agricultural use, products designed solely for use in swimming pools, therapeutic tubs, or hot tubs, products that, as indicated on the principal display panel or label, are designed primarily for use as bathroom and tile cleaners, glass cleaners, general purpose cleaners, toilet bowl cleaners, or metal polishes.

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"Double Phase Aerosol Air Freshener" means an aerosol air freshener with the liquid contents in two or more distinct phases that require the product container to be shaken before use to mix the phases, producing an emulsion.

"Dry Cleaning Fluid" means any non-aqueous liquid product designed and labeled exclusively for use on fabrics that are labeled "dry clean only", such as clothing or drapery or "S-coded" fabrics. This includes, but is not limited to, those products used by commercial dry cleaners and commercial businesses that clean fabrics such as draperies at the customer's residence or work place. The term does not include "Spot Remover" or "Carpet and Upholstery Cleaner". For the purposes of this definition, "S-coded fabric" means an upholstery fabric designed to be cleaned only with water-free spot cleaning products as specified by the Joint Industry Fabric Standards Committee.

"Dusting Aid" means a product designed to assist in removing dust and other soils from floors and other surfaces without leaving a wax or silicone based coating. The term does not include "Pressurized Gas Duster".

"Electrical Cleaner" means a product labeled to remove heavy soils such as grease, grime, or oil from electrical equipment, including, but not limited to, electric motors, armatures, relays, electric panels, or generators. The term does not include "General Purpose Cleaner", "General Purpose Degreaser", "Dusting Aid", "Electronic Cleaner", "Energized Electrical Cleaner", "Pressurized Gas Duster", "Engine Degreaser", "Anti-Static Product", or products designed to clean the casings or housings of electrical equipment.

"Electronic Cleaner" means a product labeled for the removal of dirt, moisture, dust, flux or oxides from the internal components of electronic or precision equipment such as circuit boards, and the internal components of electronic devices, including, but not limited to, radios, compact disc (CD) players, digital video disc (DVD) players, and computers. "Electronic Cleaner" does not include "General Purpose Cleaner", "General Purpose Degreaser", "Dusting Aid", "Pressurized Gas Duster", "Engine Degreaser", "Electrical Cleaner", "Energized Electrical Cleaner", "Anti-Static Product", or products designed to clean the casings or housings of electronic equipment.

"Energized Electrical Cleaner" means a product that meets both of the following criteria:

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The product is labeled to clean and/or degrease electrical equipment, where cleaning and/or degreasing is accomplished when electrical current exists, or when there is a residual electrical potential from a component, such as a capacitor.

The product label clearly displays the statements: "Energized equipment use only. Not to be used for motorized vehicle maintenance, or their parts."

This does not include "Electronic Cleaner".

"Engine Degreaser" means a cleaning product designed to remove grease, grime, oil and other contaminants from the external surfaces of engines and other mechanical parts.

"Existing Product" means any formulation of the same product category and form sold, supplied, manufactured, or offered for sale in Illinois prior to the effective date in Section 223.205 July 1, 2009 or any subsequently introduced identical formulation.

"Fabric Protectant" means a product designed to be applied to fabric substrates to protect the surface from soiling from dirt and other impurities or to reduce absorption of liquid into the fabric's fibers. The term does not include waterproofers, products designed for use solely on leather, or products designed for use solely on fabrics labeled "dry clean only" and sold in containers of 10 fluid ounces or less.

"Fabric Refresher" means a product labeled to neutralize or eliminate odors on non-laundered fabric including, but not limited to, soft household surfaces, rugs, carpeting, draperies, bedding, automotive interiors, footwear, athletic equipment, or clothing or on household furniture or objects upholstered or covered with fabrics such as, but not limited to, wool, cotton, or nylon. "Fabric Refresher" does not include "Anti-static Product", "Carpet and Upholstery Cleaner", "Soft Household Surface Sanitizers", "Footwear or Leather Care Product", "Spot Remover", or "Disinfectant", or products labeled for application to both fabric and human skin.

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For the purposes of this definition only, "Soft Household Surface Sanitizer" means a product labeled to neutralize or eliminate odors on the listed surfaces above whose label is registered as a sanitizer under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 USC 136 et seq.).

"Facial Cleaner or Soap" means a cleaner or soap designed primarily to clean the face including, but not limited to, facial cleansing creams, semisolids, liquids, lotions, and substrate-impregnated forms. The term does not include prescription drug products, "Antimicrobial Hand or Body Cleaner or Soap", "Astringent/Toner", "General-use Hand or Body Cleaner or Soap", "Medicated Astringent/Medicated Toner", or "Rubbing Alcohol".

"Fat Wood" means pieces of wood kindling with high naturally-occurring levels of sap or resin that enhance ignition of the kindling, excluding any kindling with substances added to enhance flammability, such as wax-covered or wax-impregnated wood-based products.

"Faux Finishing Coating" means a coating labeled and formulated as a stain or a glaze to create artistic effects including, but not limited to, dirt, old age, smoke damage, and simulated marble and wood grain.

"Flea and Tick Insecticide" means any insecticide product that is designed for use against fleas, ticks, their larvae, or their eggs. The term does not include products that are designed to be used exclusively on humans or animals and their bedding.

"Flexible Flooring Material" means asphalt, cork, linoleum, no-wax, rubber, seamless vinyl and vinyl composite flooring.

"Floor Coating" means an opaque coating that is labeled and formulated for application to flooring, including, but not limited to, decks, porches, steps, and other horizontal surfaces that may be subjected to foot traffic.

"Floor Polish or Wax" means a wax, polish, or any other product designed to polish, protect, or enhance floor surfaces by leaving a protective coating that is designed to be periodically replenished. The term does not include "Spray Buff Products", products designed solely for the purpose of cleaning floors, floor finish strippers, products designed for unfinished wood floors, and coatings subject to architectural coatings regulations.

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"Floor Seam Sealer" means any product designed and labeled exclusively for bonding, fusing, or sealing (coating) seams between adjoining rolls of installed flexible sheet flooring.

"Floor Wax Stripper" means a product designed to remove natural or synthetic floor polishes or waxes through breakdown of the polish or wax polymers, or by dissolving or emulsifying the polish or wax. This does not include aerosol floor wax strippers or products designed to remove floor wax solely through abrasion.

"Flying Bug Insecticide" means any insecticide product that is designed for use against flying insects or other flying arthropods, including but not limited to flies, mosquitoes, moths, or gnats. The term does not include "Wasp and Hornet Insecticide", products that are designed to be used exclusively on humans or animals, or any moth-proofing product.

For purposes of this definition only, "Moth-Proofing Product" means a product whose label, packaging, or accompanying literature indicates that the product is designed to protect fabrics from damage by moths, but does not indicate that the product is suitable for use against flying insects or other flying arthropods.

"Footwear or Leather Care Product" means any product designed or labeled to be applied to footwear or to other leather articles/components to maintain, enhance, clean, protect, or modify the appearance, durability, fit, or flexibility of the footwear or leather article/component. Footwear includes both leather and non-leather foot apparel. "Footwear or Leather Care Product" does not include "Fabric Protectant", "General Purpose Adhesive", "Contact Adhesive", "Vinyl/Fabric/Leather/Polycarbonate Coating", "Rubber and Vinyl Protectant", "Fabric Refresher", products solely for deodorizing, or sealant products with adhesive properties used to create external protective layers greater than two millimeters thick.

"Fragrance" means a substance or complex mixture of aroma chemicals, natural essential oils, and other functional components with a combined vapor pressure not in excess of two mm of Hg at 20°C, the sole purpose of which is to impart an odor or scent, or to counteract a malodor.

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"Furniture Maintenance Product" means a wax, polish, conditioner, or any other product designed for the purpose of polishing, protecting or enhancing finished wood surfaces other than floors. The term does not include "Dusting Aids", "Wood Cleaners", products designed solely for the purpose of cleaning, and products designed to leave a permanent finish such as stains, sanding sealers and lacquers.

"Furniture Coating" means any paint designed for application to room furnishings including, but not limited to, cabinets (kitchen, bath and vanity), tables, chairs, beds, and sofas.

"Gel" means a colloid in which the disperse phase has combined with the continuous phase to produce a semisolid material, such as jelly.

"General Purpose Adhesive" means any non-aerosol adhesive designed for use on a variety of substrates. The term does not include contact adhesives, construction, panel, and floor covering adhesives, adhesives designed exclusively for application on one specific category of substrates (i.e., substrates that are composed of similar materials, such as different types of metals, paper products, ceramics, plastics, rubbers, or vinyls), or adhesives designed exclusively for use on one specific category of articles (i.e., articles that may be composed of different materials but perform a specific function, such as gaskets, automotive trim, weather-stripping, or carpets).

"General Purpose Cleaner" means a product designed for general all-purpose cleaning, in contrast to cleaning products designed to clean specific substrates in certain situations. This includes products designed for general floor cleaning, kitchen or countertop cleaning, and cleaners designed to be used on a variety of hard surfaces, and does not include "General Purpose Degreasers" and "Electronic Cleaners".

"General Purpose Degreaser" means any product labeled to remove or dissolve grease, grime, oil and other oil-based contaminants from a variety of substrates, including automotive or miscellaneous metallic parts. This does not include "Engine Degreaser", "General Purpose Cleaner", "Adhesive Remover", "Electronic Cleaner", "Electrical Cleaner", "Energized Electrical Cleaner", "Metal Polish/Cleanser", products used exclusively in "Solvent Cleaning Tanks or Related Equipment", or products that are sold exclusively to establishments that manufacture or construct goods or commodities, and labeled "not for retail sale".

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"Solvent Cleaning Tanks or Related Equipment" includes, but is not limited to, cold cleaners, vapor degreasers, conveyORIZED degreasers, film cleaning machines, or products designed to clean miscellaneous metallic parts by immersion in a container.

"General-Use Hand or Body Cleaner or Soap" means a cleaner or soap designed to be used routinely on the skin to clean or remove typical or common dirt and soils, including, but not limited to, hand or body washes, dual-purpose shampoo-body cleaners, shower or bath gels, and moisturizing cleaners or soaps. The term does not include prescription drug products, "Antimicrobial Hand or Body Cleaner or Soap", "Astringent/Toner", "Facial Cleaner or Soap", "Hand Dishwashing Detergent" (including antimicrobial), "Heavy-duty Hand Cleaner or Soap", "Medicated Astringent/Medicated Toner", or "Rubbing Alcohol".

"Glass Cleaner" means a cleaning product designed primarily for cleaning surfaces made of glass. The term does not include products designed solely for the purpose of cleaning optical materials used in eyeglasses, photographic equipment, scientific equipment and photocopying machines.

"Graffiti Remover" means a product labeled to remove spray paint, ink, marker, crayon, lipstick, nail polish, or shoe polish from a variety of non-cloth or nonfabric substrates. The term does not include "Paint Remover or Stripper", "Nail Polish Remover", or "Spot Remover". Products labeled for dual use as both a paint stripper and graffiti remover are considered "Graffiti Removers".

"Hair Mousse" means a hairstyling foam designed to facilitate styling of a coiffure and provide limited holding power.

"Hair Shine" means any product designed for the primary purpose of creating a shine when applied to the hair. This includes, but is not limited to, dual-use products designed primarily to impart a sheen to the hair. The term does not include "Hair Spray", "Hair Mousse", "Hair Styling Product", "Hair Styling Gel", or products whose primary purpose is to condition or hold the hair.

"Hair Spray" means:

For products manufactured before July 1, 2009, a consumer product designed primarily for the purpose of dispensing droplets of a resin on and

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into a hair coiffure that will impart sufficient rigidity to the coiffure to establish or retain the style for a period of time.

For products manufactured on or after July 1, 2009, a consumer product that is applied to styled hair and is designed or labeled to provide sufficient rigidity to hold, retain and/or finish the style of the hair for a period of time. This includes aerosol hair sprays, pump hair sprays, spray waxes; color, glitter, or sparkle hairsprays that make finishing claims; and products that are both a styling and finishing product. This does not include spray products that are intended to aid in styling but do not provide finishing of a hairstyle. For the purposes of this Subpart, "finish" or "finishing" means the maintaining and/or holding of previously styled hair for a period of time. For the purposes of this Subpart, "styling" means forming, sculpting, or manipulating the hair to temporarily alter the hair's shape.

"Hair Styling Gel" means a consumer product manufactured before July 1, 2009 that is a high viscosity, often gelatinous, product that contains a resin and is designed for application to hair to aid in styling and sculpting of the hair coiffure.

"Hair Styling Product" means a consumer product manufactured on or after July 1, 2009 that is designed or labeled for application to wet, damp or dry hair to aid in defining, shaping, lifting, styling and/or sculpting of the hair. This includes, but is not limited to, hair balm, clay, cream, creme, curl straightener, gel, liquid, lotion, paste, pomade, putty, root lifter, serum, spray gel, stick, temporary hair straightener, wax, spray products that aid in styling but do not provide finishing of a hairstyle, and leave-in volumizers, detanglers and/or conditioners that make styling claims. This does not include "Hair Mousse", "Hair Shine", "Hair Spray", or shampoos and/or conditioners that are rinsed from the hair prior to styling. For the purposes of this Subpart, "finish" or "finishing" means the maintaining and/or holding of previously styled hair for a period of time. For the purposes of this Subpart, "styling" means forming, sculpting, or manipulating the hair to temporarily alter the hair's shape.

"Heavy-Duty Hand Cleaner or Soap" means a product designed to clean or remove difficult dirt and soils such as oil, grease, grime, tar, shellac, putty, printer's ink, paint, graphite, cement, carbon, asphalt, or adhesives from the hand with or without the use of water. The term does not include prescription drug products, "Antimicrobial Hand or Body Cleaner or Soap", "Astringent/Toner",

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"Facial Cleaner or Soap", "General-use Hand or Body Cleaner or Soap", "Medicated Astringent/Medicated Toner" or "Rubbing Alcohol".

"Herbicide" means a pesticide product designed to kill or retard a plant's growth, but excludes products that are for agricultural use, or restricted materials that require a permit for use and possession.

"High Volatility Organic Material" or "HVOM" or "High Volatility Organic Compound" or "HVOC" means any volatile organic material or volatile organic compound that exerts a vapor pressure greater than 80 millimeters of Mercury (mm Hg) when measured at 20°C.

"Household Product" means any consumer product that is primarily designed to be used inside or outside of living quarters or residences that are occupied or intended for occupation by individuals, including the immediate surroundings.

"Illinois Sales" means the sales (net pounds of product, less packaging and container, per year) in Illinois for either the calendar year immediately prior to the year that the registration is due or, if that data is not available, any consecutive 12 month period commencing no earlier than two years prior to the due date of the registration. If direct sales data for Illinois is not available, sales may be estimated by prorating national or regional sales data by population.

"Industrial Use" means use for or in a manufacturing, mining, or chemical process or use in the operation of factories, processing plants, and similar sites.

"Insecticide" means a pesticide product that is designed for use against insects or other arthropods, but excluding products that are for agricultural use or for a use that requires a structural pest control license under the Structural Pest Control Act [225 ILCS 235], or restricted materials that require a permit for use and possession.

"Insecticide Fogger" means any insecticide product designed to release all or most of its content, as a fog or mist, into indoor areas during a single application.

"Institutional Product" or "Industrial and Institutional (I&I) Product" means a consumer product that is designed for use in the maintenance or operation of an establishment that manufactures, transports, or sells goods or commodities, or provides services for profit, or is engaged in the nonprofit promotion of a

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particular public, educational, or charitable cause. "Establishments" include, but are not limited to, government agencies, factories, schools, hospitals, sanitariums, prisons, restaurants, hotels, stores, automobile service and parts centers, health clubs, theaters, or transportation companies. This does not include household products and products that are incorporated into or used exclusively in the manufacture or construction of the goods or commodities at the site of the establishment.

"Label" means any written, printed, or graphic matter affixed to, applied to, attached to, blown into, formed into, molded into, embossed on, or appearing upon any consumer product or consumer product package, for purposes of branding, identifying, or giving information with respect to the product or to the contents of the package.

"Lacquer" means a clear or opaque wood coating, including clear lacquer sanding sealers, formulated with cellulosic or synthetic resins to dry by evaporation without chemical reaction and to provide a solid, protective film.

"Laundry Prewash" means a product that is designed for application to a fabric prior to laundering and that supplements and contributes to the effectiveness of laundry detergents and/or provides specialized performance.

"Laundry Starch Product" means a product that is designed for application to a fabric, either during or after laundering, to impart and prolong a crisp, fresh look and may also act to help ease ironing of the fabric. This includes, but is not limited to, fabric finish, sizing, and starch.

"Lawn and Garden Insecticide" means an insecticide product labeled primarily to be used in household lawn and garden areas to protect plants from insects or other arthropods. Notwithstanding the requirements of Section 223.260, aerosol "Lawn and Garden Insecticides" may claim to kill insects or other arthropods.

"Liquid" means a substance or mixture of substances that is capable of a visually detectable flow as determined under ASTM D-4359-90, incorporated by reference in Section 223.120, or an equivalent method approved by the California Air Resources Board. This does not include powders or other materials that are composed entirely of solid particles.

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"Lubricant" means a product designed to reduce friction, heat, noise, or wear between moving parts, or to loosen rusted or immovable parts or mechanisms. This does not include automotive power steering fluids; products for use inside power generating motors, engines, and turbines, and their associated power-transfer gearboxes; two cycle oils or other products designed to be added to fuels; products for use on the human body or animals; or products that are sold exclusively to establishments that manufacture or construct goods or commodities, and labeled "not for retail sale".

"LVP Content" means the total weight, in pounds, of LVP compounds in an ACP product multiplied by 100 and divided by the product's total net weight (in pounds, excluding container and packaging), expressed to the nearest 0.1.

"LVP-VOM" or "LVP-VOC" means a chemical material or mixture or compound that contains at least one carbon atom and meets one of the following:

Has a vapor pressure less than 0.1 mm Hg at 20°C, as determined by CARB Method 310, incorporated by reference in Section 223.120; or

Is a chemical material or compound with more than 12 carbon atoms, or a chemical mixture comprised solely of material or a compound with more than 12 carbon atoms as verified by formulation data, and the vapor pressure and boiling point are unknown; or

Is a chemical material or compound with a boiling point greater than 216°C, as determined by CARB Method 310, incorporated by reference in Section 223.120; or

Is the weight percent of a chemical mixture that boils above 216°C, as determined by CARB Method 310, incorporated by reference in Section 223.120.

For the purposes of this definition, chemical material or compound means a molecule of definite chemical formula and isomeric structure, and chemical mixture means a substrate comprised of two or more chemical materials or compounds.

"Medicated Astringent/Medicated Toner" means any product regulated as a drug by the FDA that is applied to the skin for the purpose of cleaning or tightening

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pores. This includes, but is not limited to, clarifiers and substrate-impregnated products. The term does not include hand, face, or body cleaner or soap products, "Astringent/Toner", cold cream, lotion, antiperspirants, or products that must be purchased with a doctor's prescription.

"Medium Volatility Organic Material" or "MVOM" or "Medium Volatility Organic Compound" or "MVOC" means any volatile organic material or volatile organic compound that exerts a vapor pressure greater than two mm Hg and less than or equal to 80 mm Hg when measured at 20°C.

"Metal Polish/Cleanser" means any product designed primarily to improve the appearance of finished metal or metallic or metallized surfaces by physical or chemical action. To "improve the appearance" means to remove or reduce stains, impurities, or oxidation from surfaces or to make surfaces smooth and shiny. This includes, but is not limited to, metal polishes used on brass, silver, chrome, copper, stainless steel and other ornamental metals. The term does not include "Automotive Wax, Polish, Sealant or Glaze", wheel cleaner, "Paint Remover or Stripper", products designed and labeled exclusively for automotive and marine detailing, or products designed for use in degreasing tanks.

"Mist Spray Adhesive" means any aerosol that is not a special purpose spray adhesive and that delivers a particle or mist spray, resulting in the formation of fine, discrete particles that yield a generally uniform and smooth application of adhesive to the substrate.

"Multi-Purpose Dry Lubricant" means any lubricant designed and labeled to provide lubricity by depositing a thin film of graphite, molybdenum disulfide (moly), or polytetrafluoroethylene or closely related fluoropolymer (Teflon) on surfaces, and designed for general purpose lubrication or for use in a wide variety of applications.

"Multi-Purpose Lubricant" means any lubricant designed for general purpose lubrication, or for use in a wide variety of applications. The term does not include "Multi-purpose Dry Lubricants", "Penetrants", or "Silicone-based Multi-purpose Lubricants".

"Multi-Purpose Solvent" means any organic liquid designed to be used for a variety of purposes, including cleaning or degreasing of a variety of substrates, or thinning, dispersing or dissolving other organic materials. This includes solvents

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used in institutional facilities, except for laboratory reagents used in analytical, educational, research, scientific or other laboratories. This does not include solvents used in cold cleaners, vapor degreasers, conveyORIZED degreasers or film cleaning machines, or solvents that are incorporated into, or used exclusively in the manufacture or construction of the goods or commodities at the site of the establishment.

"Nail Polish" means any clear or colored coating designed for application to the fingernails or toenails, including but not limited to lacquers, enamels, acrylics, base coats and top coats.

"Nail Polish Remover" means a product designed to remove nail polish and coatings from fingernails or toenails.

"Non-Aerosol Product" means any consumer product that is not dispensed by a pressurized spray system.

"Non-Carbon Containing Compound" means any compound that does not contain any carbon atoms.

"Nonresilient Flooring" means flooring of a mineral content that is not flexible. This includes terrazzo, marble, slate, granite, brick, stone, ceramic tile and concrete.

"Non-Selective Terrestrial Herbicide" means a terrestrial herbicide product that is toxic to plants without regard to species.

"Oven Cleaner" means any cleaning product designed to clean and to remove dried food deposits from oven walls.

"Paint" means any pigmented liquid or liquefiable or mastic composition designed for application to a substrate in a thin layer that is converted to an opaque solid film after application and is used for protection, decoration or identification, or to serve some functional purpose such as the filling or concealing of surface irregularities or the modification of light and heat radiation characteristics.

"Paint Remover or Stripper" means any product designed to strip or remove paints or other related coatings, by chemical action, from a substrate without markedly affecting the substrate. This does not include "Multi-purpose Solvents", paint

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brush cleaners, products designed and labeled exclusively as "Graffiti Removers", and hand cleaner products that claim to remove paints and other related coatings from skin.

"Penetrant" means a lubricant designed and labeled primarily to loosen metal parts that have bonded together due to rusting, oxidation, or other causes. The term does not include "Multi-purpose Lubricants" that claim to have penetrating qualities, but are not labeled primarily to loosen bonded parts.

"Personal Fragrance Product" means any product that is applied to the human body or clothing for the primary purpose of adding a scent or masking a malodor, including cologne, perfume, aftershave, and toilet water. This does not include "Deodorant"; medicated products designed primarily to alleviate fungal or bacterial growth on feet or other areas of the body; mouthwashes and breath fresheners and deodorizers; lotions, moisturizers, powders or other skin care products used primarily to alleviate skin conditions such as dryness and irritations; products designed exclusively for use on human genitalia; soaps, shampoos, and products primarily used to clean the human body; and fragrance products designed to be used exclusively on non-human animals.

"Pesticide" means and includes any substance or mixture of substances labeled, designed, or intended for use in preventing, destroying, repelling or mitigating any pest, or any substance or mixture of substances labeled, designed, or intended for use as a defoliant, desiccant, or plant regulator, provided that the term "Pesticide" will not include any substance, mixture of substances, or device the United States Environmental Protection Agency does not consider to be a pesticide.

"Photograph Coating" means a coating designed and labeled exclusively to be applied to finished photographs to allow corrective retouching, protection of the image or changes in gloss level, or to cover fingerprints.

"Pressurized Gas Duster" means a pressurized product labeled to remove dust from a surface solely by means of mass air or gas flow, including surfaces such as photographs, photographic film negatives, computer keyboards, and other types of surfaces that cannot be cleaned with solvents. This does not include "Dusting Aid".

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"Principal Display Panel or Panels" means that part, or those parts, of a label that are so designed as to most likely be displayed, presented, shown or examined under normal and customary conditions of display or purchase. Whenever a principal display panel appears more than once, all requirements pertaining to the "Principal Display Panel" shall pertain to all such "Principal Display Panels".

"Product Brand Name" means the name of the product exactly as it appears on the principal display panel of the product.

"Product Category" means the applicable category, defined in this Section and limited in Section 223.205(a), that best describes the product.

"Product Form" for the purpose of complying with Section 223.270 only, means the applicable form that most accurately describes the product's dispensing form, as follows:

- A = Aerosol Product
- S = Solid
- P = Pump Spray
- L = Liquid
- SS = Semisolid
- O = Other

"Product Line" means a group of products of identical form and function belonging to the same product category or categories.

"Pump Spray" means a packaging system in which the product ingredients within the container are not under pressure and in which the product is expelled only while a pumping action is applied to a button, trigger or other actuator.

"Responsible ACP Party" means the company, firm or establishment listed on the ACP product's label. If the label lists two or more companies, firms, or establishments, the "Responsible ACP Party" is the party the ACP product was "manufactured for" or "distributed by", as noted on the label.

"Restricted Materials" means pesticides established as restricted materials under applicable Illinois statutes or regulations.

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"Roll-On Product" means any antiperspirant or deodorant that dispenses active ingredients by rolling a wetted ball or wetted cylinder on the affected area.

"Rubber and Vinyl Protectant" means any product designed to protect, preserve or renew vinyl, rubber, and plastic on vehicles, tires, luggage, furniture, and household products such as vinyl covers, clothing, and accessories. This does not include products primarily designed to clean the wheel rim, such as aluminum or magnesium wheel cleaners, and tire cleaners that do not leave an appearance-enhancing or protective substance on the tire.

"Rubbing Alcohol" means any product containing isopropyl alcohol (also called isopropanol) or denatured ethanol and labeled for topical use, usually to decrease germs in minor cuts and scrapes, to relieve minor muscle aches, as a rubefacient, and for massage.

"Rust Preventive Coating" means a coating formulated exclusively for nonindustrial use to prevent the corrosion of metal surfaces and labeled as specified in Section 223.320(f).

"Sanding Sealer" means a clear or semi-transparent wood coating labeled and formulated for application to bare wood to seal the wood and to provide a coat that can be abraded to create a smooth surface for subsequent applications of coatings. A "Sanding Sealer" that also meets the definition of a "Lacquer" is not included in this category, but it is included in the "Lacquer" category.

"Sealant and Caulking Compound" means any product with adhesive properties that is designed to fill, seal, waterproof, or weatherproof gaps or joints between two surfaces. This does not include roof cements and roof sealants, insulating foams, removable caulking compounds, clear/paintable/water resistant caulking compounds, floor seam sealers, products designed exclusively for automotive uses, or sealers that are applied as continuous coatings. The term also does not include units of product, less packaging, that weigh more than one pound and consist of more than 16 fluid ounces.

For the purposes of this definition only, "removable caulking compound" means a compound that temporarily seals windows or doors for three to six month time intervals. "Clear/paintable/water resistant caulking compound" means a compound that contains no appreciable level of opaque fillers or pigments; transmits most or all visible light through the

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caulk when cured; is paintable; and is immediately resistant to precipitation upon application.

"Semisolid" means a product that, at room temperature, will not pour, but will spread or deform easily, including but not limited to gels, pastes, and greases.

"Shaving Cream" means an aerosol product that dispenses a foam lather intended to be used with a blade or cartridge razor, or other wet-shaving system, in the removal of facial or other body hair. The term does not include "Shaving Gel".

"Shaving Gel" means an aerosol product that dispenses a post-foaming semisolid designed to be used with a blade, cartridge razor, or other shaving system in the removal of facial or other body hair. This does not include "Shaving Cream".

"Silicone-Based Multi-Purpose Lubricant" means any lubricant designed and labeled to provide lubricity primarily through the use of silicone compounds including, but not limited to, polydimethylsiloxane, and designed and labeled for general purpose lubrication, or for use in a wide variety of applications. The term does not include products designed and labeled exclusively to release manufactured products from molds.

"Single Phase Aerosol Air Freshener" means an aerosol air freshener with the liquid contents in a single homogeneous phase and that does not require that the product container be shaken before use.

"Solid" means a substance or mixture of substances that, either whole or subdivided (such as the particles comprising a powder), is not capable of visually detectable flow as determined under ASTM D4359-90, incorporated by reference in Section 223.120, or an equivalent method approved by the California Air Resources Board.

"Special Purpose Spray Adhesive" means an aerosol adhesive that meets any of the following definitions:

"Mounting Adhesive" means an aerosol adhesive designed to permanently mount photographs, artwork, and any other drawn or printed media to a backing (paper, board, cloth, etc.) without causing discoloration to the artwork.

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"Flexible Vinyl Adhesive" means an aerosol adhesive designed to bond flexible vinyl to substrates. Flexible vinyl means a nonrigid polyvinyl chloride plastic with at least five percent, by weight, of plasticizer content. A plasticizer is a material, such as a high boiling point organic solvent, that is incorporated into a plastic to increase its flexibility, workability, or distensibility, and may be determined using ASTM E260-96, incorporated by reference in Section 223.120, or from product formulation data or an equivalent method approved by the CARB.

"Polystyrene Foam Adhesive" means an aerosol adhesive designed to bond polystyrene foam to substrates.

"Automobile Headliner Adhesive" means an aerosol adhesive designed to bond together layers in motor vehicle headliners.

"Polyolefin Adhesive" means an aerosol adhesive designed to bond polyolefins to substrates.

"Laminate Repair/Edgebanding Adhesive" means an aerosol adhesive designed for:

The touch-up or repair of items laminated with high pressure laminates (e.g., lifted edges, delaminates, etc.); or

The touch-up, repair, or attachment of edgebanding materials, including but not limited to other laminates, synthetic marble, veneers, wood molding, and decorative metals.

For the purposes of this definition "high pressure laminate" means sheet materials that consist of paper, fabric, or other core material that have been laminated at temperatures exceeding 265°F, and at pressures between 1,000 and 1,400 psi.

"Automotive Engine Compartment Adhesive" means an aerosol adhesive designed for use in motor vehicle under-the-hood applications that require oil and plasticizer resistance, as well as high shear strength, at temperatures of 200 to 275°F.

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"Spot Remover" means any product labeled to clean localized areas, or remove localized spots or stains on cloth or fabric such as drapes, carpets, upholstery, and clothing, that does not require subsequent laundering to achieve stain removal. This does not include "Dry Cleaning Fluid", "Laundry Prewash", or "Multi-Purpose Solvent".

"Spray Buff Product" means a product designed to restore a worn floor finish in conjunction with a floor buffing machine and special pad.

"Stick Product" means any antiperspirant or deodorant that contains active ingredients in a solid matrix form and that dispenses the active ingredients by frictional action on the affected area.

"Structural Waterproof Adhesive" means an adhesive whose bond lines are resistant to conditions of continuous immersion in fresh or salt water and that conforms with Federal Specification MMM-A-181D (Type 1, Grade A), incorporated by reference in Section 223.120, and MIL-A-4605 (Type A, Grade A and Grade C), per the Federal Consumer Products Regulation (40 CFR 59, subpart C), incorporated by reference in Section 223.120.

"Terrestrial" means to live on or grow from land.

"Tire Sealant and Inflation" means any pressurized product that is designed to temporarily inflate and seal a leaking tire.

"Toilet/Urinal Care Product" means any product designed or labeled to clean and/or to deodorize toilet bowls, toilet tanks, or urinals. Toilet bowls, toilet tanks, or urinals include, but are not limited to, toilets or urinals connected to permanent plumbing in buildings and other structures, portable toilets or urinals placed at temporary or remote locations, and toilets or urinals in vehicles such as buses, recreational motor homes, boats, ships, and aircraft. This does not include "Bathroom and Tile Cleaner" or "General Purpose Cleaner".

"Type A Propellant" means a compressed gas, such as CO₂, N₂, N₂O, or compressed air, that is used as a propellant and is either incorporated with the product or contained in a separate chamber within the product's packaging.

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"Type B Propellant" means any halocarbon that is used as a propellant, including chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), and hydrofluorocarbons (HFCs).

"Type C Propellant" means any propellant that is not a Type A or Type B propellant, including propane, isobutane, n-butane, and dimethyl ether (also known as dimethyl oxide).

"Undercoating" means any aerosol product designed to impart a protective, non-paint layer to the undercarriage, trunk interior, and/or firewall of motor vehicles to prevent the formation of rust or to deaden sound. This includes, but is not limited to, rubberized, mastic, or asphaltic products.

"Usage Directions" means the text or graphics on the product's principal display panel, label, or accompanying literature that describes to the end user how and in what quantity the product is to be used.

"Vinyl/Fabric/Leather/Polycarbonate Coating" means a coating designed and labeled exclusively to coat vinyl, fabric, leather, or polycarbonate substrates.

"VOM Content" means, for purposes of this Subpart, except for charcoal lighter products, the total weight of VOM in a product expressed as a percentage of the product weight (exclusive of the container or packaging), as determined pursuant to Section 223.285(a) and (b).

For charcoal lighter material products only,

$$VOC\ Content = \frac{(Certified\ Emissions\ x\ 100)}{Certified\ Use\ Rate}$$

Certified

Emissions = The emissions level for products approved by the Agency under Section 223.220, as determined pursuant to South Coast Air Quality Management District Rule 1174, Ignition Method Compliance Certification Protocol (February 27, 1991), incorporated by reference at Section 223.120, expressed to the nearest 0.001 pound CH₂ per start.

Certified

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Use Rate = The usage level for products approved by the Agency under Section 223.220, as determined pursuant to South Coast Air Quality Management District Rule 1174, Ignition Method Compliance Certification Protocol (February 27, 1991), incorporated by reference at Section 223.120, expressed to the nearest 0.001 pound certified product used per start.

For purposes of Subpart C of this Part, "VOM Content" means the weight of VOM per volume of coating, calculated according to the procedures specified in Section 223.340(a).

"Wasp and Hornet Insecticide" means any insecticide product that is designed for use against wasps, hornets, yellow jackets or bees by allowing the user to spray from a distance a directed stream or burst at the intended insects, or their hiding place.

"Waterproofer" means a product designed and labeled exclusively to repel water from fabric or leather substrates, excluding "Fabric Protectants".

"Wax" means a material or synthetic thermoplastic substance generally of high molecular weight hydrocarbons or high molecular weight esters of fatty acids or alcohols, except glycerol and high polymers (plastics). This includes, but is not limited to, substances derived from the secretions of plants and animals such as carnuba wax and beeswax, substances of a mineral origin such as ozocerite and paraffin, and synthetic polymers such as polyethylene.

"Web Spray Adhesive" means any aerosol adhesive that is not a mist spray or special purpose spray adhesive.

"Wood Cleaner" means a product labeled to clean wooden materials, including but not limited to decking, fences, flooring, logs, cabinetry, and furniture. The term does not include "Dusting Aid", "General Purpose Cleaner", "Furniture Maintenance Product", "Floor Wax Stripper", "Floor Polish or Wax", or products designed and labeled exclusively to preserve or color wood.

"Wood Floor Wax" means wax-based products for use solely on wood floors.

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

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Section 223.205 Standards

- a) Except as provided in Section 223.207, 223.230, 223.240, or 223.245, no person shall sell, supply, offer for sale, or manufacture for sale in Illinois any consumer product manufactured on or after the date specified July 1, 2009 that contains VOMs in excess of the limits specified in this subsection:

<u>Affected Product</u>	<u>% VOM by Weight</u>	
	<u>July 1, 2009 %VOM By Weight</u>	<u>July 1, 2012 %VOM By Weight</u>
<u>1) Adhesives – Removers</u>		
<u>A) Floor or Wall Covering</u>		<u>5</u>
<u>B) Gasket or Thread Locking</u>		<u>50</u>
<u>C) General Purpose</u>		<u>20</u>
<u>D) Specialty</u>		<u>70</u>
<u>24) Adhesives – Spray</u>		
A) Mist Spray	65	
B) Web Spray	55	
C) Special Purpose Spray Adhesives		
i) Mounting, Automotive Engine Compartment, and Flexible Vinyl	70	
ii) Polystyrene Foam and Automotive Headliner	65	
iii) Polyolefin and Laminate Repair/Edgebanding	60	

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3)	Adhesives – Construction, Panel, and Floor Covering	15	
4)	<u>Adhesive Removers</u>		
	A) <u>General Purpose</u>		<u>55</u>
	B) <u>Special Purpose</u>		<u>80</u>
53	Adhesives – General Purpose	10	
64	Adhesives – Structural Waterproof	15	
75	Air Fresheners		
	A) Single Phase Aerosol	30	
	B) Double Phase Aerosol	25	
	C) Liquids/Pump Sprays	18	
	D) Solids/Gel	3	
86	Antiperspirants		
	A) Aerosol	40 HVOM 10 <u>MVOM</u> HVOM	
	B) Non-Aerosol	0 <u>HVOM</u> MVOM 0 MVOM	
9)	<u>Anti-static Product, Non-Aerosol</u>		<u>11</u>
107	Automotive Brake Cleaners	45	
118	Automotive Rubbing or Polishing Compound	17	
129	Automotive Wax, Polish, Sealant, or Glaze		

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	A)	Hard Paste Waxes	45
	B)	Instant Detailers	3
	C)	All Other Forms	15
	1340	Automotive Windshield Washer Fluids	35
	1411	Bathroom and Tile Cleaners	
	A)	Aerosol	7
	B)	All Other Forms	5
	1512	Bug and Tar Remover	40
	1613	Carburetor or Fuel-Injection Air Intake Cleaners	45
	1714	Carpet and Upholstery Cleaners	
	A)	Aerosol	7
	B)	Non-Aerosol (Dilutables)	0.1
	C)	Non-Aerosol (Ready-to-Use)	3.0
	1815	Charcoal Lighter Material	see Section 223.220
	1916	Cooking Spray – Aerosol	18
	2017	Deodorants	
	A)	Aerosol	0 HVOM 10 MVOM HVOM
	B)	Non-Aerosol	0 HVOM MVOM 0 MVOM

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<u>2148)</u>	Dusting Aids		
	A) Aerosol	25	
	B) All Other Forms	7	
<u>22)</u>	<u>Electrical Cleaner</u>		<u>45</u>
<u>23)</u>	<u>Electronic Cleaner</u>		<u>75</u>
<u>2419)</u>	Engine Degreasers		
	A) Aerosol	35	
	B) Non-Aerosol	5	
<u>2520)</u>	Fabric Protectants	60	
<u>26)</u>	<u>Fabric Refresher</u>		
	<u>A) Aerosol</u>		<u>15</u>
	<u>B) Non-Aerosol</u>		<u>6</u>
<u>2724)</u>	Floor Polishes/Waxes		
	A) Products for Flexible Flooring Materials	7	
	B) Products for Nonresilient Flooring	10	
	C) Wood Floor Wax	90	
<u>2822)</u>	Floor Wax Strippers	see Section 223.209	
<u>29)</u>	<u>Footwear or Leather Care Products</u>		
	<u>A) Aerosol</u>		<u>75</u>

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	<u>B)</u>	<u>Solid</u>		<u>55</u>
	<u>C)</u>	<u>Other Forms</u>		<u>15</u>
	<u>3023)</u>	Furniture Maintenance Products		
	A)	Aerosol	17	
	B)	All Other Forms Except Solid or Paste	7	
	<u>3124)</u>	General Purpose Cleaners		
	A)	Aerosol	10	
	B)	Non-Aerosol	4	
	<u>3225)</u>	General Purpose Degreasers		
	A)	Aerosol	50	
	B)	Non-Aerosol	4	
	<u>3326)</u>	Glass Cleaners		
	A)	Aerosol	12	
	B)	Non-Aerosol	4	
	<u>34)</u>	<u>Glass Cleaners</u>		
	<u>A)</u>	<u>Aerosol</u>		<u>50</u>
	<u>B)</u>	<u>Non-Aerosol</u>		<u>30</u>
	<u>3527)</u>	Hair Mousses	6	
	<u>3628)</u>	Hairshines	55	
	<u>3729)</u>	Hairsprays	55	

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	3830	Hair Styling Gels	6	
	<u>39</u>	<u>Hair Styling Products</u>		
		<u>A) Aerosol and Pump Sprays</u>		<u>6</u>
		<u>B) All Other Forms</u>		<u>2</u>
	4034	Heavy Duty Hand Cleaner or Soap	8	
	4132	Insecticides		
		A) Crawling Bug (Aerosol)	15	
		B) Crawling Bug (All Other Forms)	20	
		C) Flea and Tick	25	
		D) Flying Bug (Aerosol)	25	
		E) Flying Bug (All Other Forms)	35	
		F) Foggers	45	
		G) Lawn and Garden (Aerosol)	20	
		H) Lawn and Garden (All Other Forms)	3	
		I) Wasp and Hornet	40	
	4233	Laundry Prewash		
		A) Aerosols/Solids	22	
		B) All Other Forms	5	
	4334	Laundry Starch Products	5	
	4435	Metal Polishes/Cleansers	30	
	4536	Multi-Purpose Lubricant (Excluding Solid or Semi-Solid Products)	50	

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	<u>4637</u>)	Nail Polish Removers	75	
	<u>4738</u>)	Non-Selective Terrestrial Herbicide – Non-Aerosol	3	
	<u>4839</u>)	Oven Cleaners		
		A) Aerosols/Pump Sprays	8	
		B) Liquids	5	
	<u>4940</u>)	Paint Removers or Strippers	50	
	<u>5041</u>)	Penetrants	50	
	<u>5142</u>)	Rubber and Vinyl Protectants		
		A) Aerosol	10	
		B) Non-Aerosol	3	
	<u>5243</u>)	Sealants and Caulking Compounds	4	
	<u>5344</u>)	Shaving Creams	5	
	<u>54</u>)	<u>Shaving Gel</u>		<u>1</u>
	<u>5545</u>)	Silicone-Based Multi-Purpose Lubricants (Excluding Solid or Semi-Solid Products)	60	
	<u>5646</u>)	Spot Removers		
		A) Aerosol	23	
		B) Non-Aerosol	8	
	<u>5747</u>)	Tire Sealants and Inflators	20	

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<u>5848)</u>	Undercoatings – Aerosols	40
<u>59)</u>	<u>Wood Cleaner</u>	
	<u>A) Aerosol</u>	<u>17</u>
	<u>B) Non-Aerosol</u>	<u>4</u>

- b) No person shall sell, supply, offer for sale, or manufacture for sale in Illinois, on or after July 1, 2009, any antiperspirant or deodorant that contains any compound listed in this subsection (b) below:

Benzene

Ethylene Dibromide

Ethylene Dichloride

Hexavalent Chromium

Asbestos

Cadmium (metallic cadmium and cadmium compounds)

Carbon Tetrachloride

Trichloroethylene

Chloroform

Vinyl Chloride

Inorganic Arsenic

Nickel (metallic nickel and inorganic nickel compounds)

Perchloroethylene

Formaldehyde

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1,3-Butadiene

Inorganic Lead

Dibenzo-p-dioxins and dibenzofurans chlorinated in the 2,3,7 and 8 positions and containing 4,5,6 or 7 chlorine atoms

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

Section 223.207 Products Registered under FIFRA

For those consumer products that are registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 USC 136 through 136y), incorporated by reference in Section 223.120, the effective date of the VOM standards will be one year after the effective date specified in Section 223.205 ~~July 1, 2010~~.

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

Section 223.208 Requirements for Aerosol Adhesives

- a) As specified in California Code Section 41712(h)(2), incorporated by reference in Section 223.120, the standards for aerosol adhesives apply to all uses of aerosol adhesives, including consumer, industrial, and commercial uses. Except as otherwise provided in Sections 223.207, 223.230, 223.240, and 223.245, no person shall sell, supply, offer for sale, use or manufacture for sale in Illinois any aerosol adhesive that, at the time of sale, use, or manufacture, contains VOMs in excess of the specified standard.
- b) Special Purpose Spray Adhesive.
 - 1) In order to qualify as a Special Purpose Spray Adhesive the product must meet one or more of the definitions for Special Purpose Spray Adhesive specified in Section 223.203, but if the product label indicates that the product is suitable for use on any substrate or application not listed in one of the definitions for Special Purpose Spray Adhesive, then the product shall be classified as either a Web Spray Adhesive or a Mist Spray Adhesive.

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- 2) If a product meets more than one of the definitions specified in Section 223.203 for Special Purpose Spray Adhesive and is not classified as a Web Spray Adhesive or Mist Spray Adhesive under Section 223.203, then the VOC limit for the product shall be the lowest applicable VOM limit specified in Section 223.205(a).
- c) Effective July 1, 2009, no person shall sell, supply, offer for sale, or manufacture for use in Illinois any aerosol adhesive that contains any of the following compounds: methylene chloride, perchloroethylene, or trichloroethylene. These requirements do not apply to any Aerosol Adhesive containing methylene chloride, perchloroethylene, or trichloroethylene that is present as an impurity in a combined amount equal to or less than 0.01% by weight.
- d) All aerosol adhesives must comply with the labeling requirements specified in Section 223.265.

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

Section 223.211 Requirements for Adhesive Removers, Aerosol Adhesives, Contact Adhesives, Electrical Cleaners, Electronic Cleaners, Footwear or Leather Care Products, General Purpose Degreasers, and Graffiti Removers

- a) No person shall sell, supply, offer for sale, or manufacture for use in Illinois any Adhesive Removers, Contact Adhesives, Electrical Cleaners, Electronic Cleaners, Footwear or Leather Care Products, General Purpose Degreasers, or Graffiti Removers manufactured on or after July 1, 2012 that contain any of the following compounds: methylene chloride, perchloroethylene, or trichloroethylene.
- b) Impurities
The requirements of subsection (a) do not apply to any Adhesive Removers, Contact Adhesives, Electrical Cleaners, Electronic Cleaners, Footwear or Leather Care Products, General Purpose Degreasers, or Graffiti Removers containing methylene chloride, perchloroethylene, or trichloroethylene that is present as an impurity in a combined amount equal to or less than 0.01% by weight.

(Source: Added at 36 Ill. Reg. _____, effective _____)

SUBPART C: ARCHITECTURAL AND INDUSTRIAL MAINTENANCE COATINGS

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Section 223.305 Applicability

This Subpart is applicable to any person who supplies, sells, offers for sale, or manufactures any architectural coating for use within the State of Illinois, as well as any person who applies or solicits the application of any architectural coating within Illinois. This Subpart does not apply to:

- a) Any architectural coating that is sold or manufactured for use outside of the State of Illinois or for shipment to other manufacturers for reformulation or repackaging.
- b) Any aerosol coating product.
- c) Any architectural coating that is sold in a container with a volume of one liter (1.057 quart) or less. For the purposes of this subsection, the volume of architectural coating in a container shall be considered the total volume of coating that is packaged as a unit of retail sale or for use by the consumer.

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

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- a) Heading of the Part: Control of Tuberculosis Code
- b) Code Citation: 77 Ill. Adm. Code 696
- c)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
696.100	Amend
696.110	Amend
696.130	Amend
696.140	Amend
696.150	Amend
696.160	Amend
696.170	Amend
696.180	Amend
696.190	Repeal
696.200	Repeal
696.210	Repeal
696.APPENDIX A	Repeal
696.APPENDIX B	Repeal
696.APPENDIX C	Repeal
- d) Statutory Authority: Implementing the Communicable Disease Report Act [745 ILCS 45] and implementing and authorized by the Department of Public Health Act [20 ILCS 2305]
- e) A Complete Description of the Subjects and Issues Involved: The current rules on tuberculosis (TB) cover the screening, treatment, testing, management and reporting requirements for persons with active or suspected TB disease or latent TB infection (LTBI). The current rules are based on the Department of Public Health Act and on the U.S. Centers for Disease Control and Prevention (CDC) guidelines, which have been updated or replaced since prior rule revisions, and do not include the established web-based reporting system. The proposed rulemaking updates the rules to be consistent with current regulations and guidelines and removes all language that refers to non-mandated TB prevention and control activities or is solely descriptive of procedures or practices.

The proposed rulemaking provides updated definitions to be consistent with current CDC guidelines; updates incorporated and referenced materials to include current federal regulations and guidelines; updates reporting requirements to include electronic submission of reports through the Illinois-National Electronic Disease Surveillance System (I-NEDSS) or other authorized web-based system by providers to the local TB

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control authority, and by local TB control authorities to the Department; and updates the roles of the Department and the local TB control authority to be consistent with the current Department of Public Health Act for enforcement purposes.

The proposed rulemaking is needed because the current rule is not consistent with current federal guidelines, the current Department of Public Health Act, current communicable disease reporting practices and current professional standards. New CDC guidelines related to TB screening, diagnosis and management of LTBI, diagnosis and management of active TB, TB infection control, TB contact investigation, and TB control in correctional settings have all been issued since the current rule was enacted.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.

- 6) Published studies or reports, and sources of underlying data used to compose this rulemaking: Guidelines for Preventing the Transmission of Mycobacterium Tuberculosis in Health-Care Settings, 2005, U.S. Department of Health and Human Services, Coordinating Center for Health Information and Service, Centers for Disease Control and Prevention, Atlanta GA 30333 (Morbidity and Mortality Weekly Report (MMWR) December 30, 2005; 54 (No. RR17):1-141)

Treatment of Tuberculosis, U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Atlanta, GA 30333, (Morbidity and Mortality Weekly Report (MMWR) June 20, 2003; 52 (No. RR-11)

Guidelines for the Investigation of Contacts of Persons with Infectious Tuberculosis: Recommendations from the National Tuberculosis Association and CDC, U.S. Department of Health and Human Services, Coordinating Center for Health Information and Service, Centers for Disease Control and Prevention, Atlanta GA 30333 (Morbidity and Mortality Weekly Report (MMWR) December 16, 2005; 54 (No. RR15):1-47))

Targeted Tuberculin Testing and Treatment of Latent Tuberculosis Infection, U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Atlanta, GA 30333 (Morbidity and Mortality Report (MMWR) June 9, 2000; 49 (No. RR-6))

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Prevention and Control of Tuberculosis in Correctional and Detention Facilities: Recommendations from CDC, U.S. Department of Health and Human Services, Coordinating Center for Health Information and Service, Centers for Disease Control and Prevention, Atlanta GA 30333 (Morbidity and Mortality Weekly Report (MMWR) July 7, 2006; 55 (No. RR9):1-44))

- 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? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any State mandates on units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written or e-mail comments may be submitted within 45 days after this issue of the *Illinois Register* to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761

217-782-2043
E-mail: dph.rules@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Hospitals, long-term care facilities, residential facilities, alcohol and drug treatment centers, laboratories and other health care settings.
- B) Reporting, bookkeeping or other procedures required for compliance: A new reporting requirement includes submission of reports electronically through the Illinois-National Electronic Disease Surveillance System (I-NEDSS) or other

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web-based system. Reporting by mail or facsimile followed by telephone call is still permitted. There are no new requirements for bookkeeping or other procedures required for compliance.

C) Types of Professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: January 2011

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
 SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 696
 CONTROL OF TUBERCULOSIS CODE

SUBPART A: GENERAL PROVISIONS

Section

- 696.100 ~~Definitions~~~~Definition of Terms~~
 696.110 Incorporated ~~and Referenced~~ Materials

SUBPART B: TUBERCULOSIS PREVENTION AND CONTROL MEASURES

Section

- 696.130 ~~Responsibilities of Health Care Settings~~~~Responsibilities of High Risk Congregate Settings and Programs Providing Alcohol and Drug Treatment~~
 696.140 ~~Screening for Latent Tuberculosis Infection (LTBI) and Active Tuberculosis (TB) Disease~~~~Screening for Tuberculosis Infection and Disease~~
 696.150 ~~Management of Persons with Latent Tuberculosis Infection (LTBI)~~~~Management of Persons with Tuberculosis Infection~~
 696.160 Diagnosis and Management of Persons with Suspected and Confirmed Active Tuberculosis Disease
 696.170 Reporting

SUBPART C: ENFORCEMENT OF TUBERCULOSIS PREVENTION AND CONTROL MEASURES

Section

- 696.180 Role of the Department or Local TB Control Authority in Enforcement and Control
 696.190 Role of the Local Tuberculosis Control Authority in Enforcement (~~Repealed~~)
 696.200 Types of Directives (~~Repealed~~)
 696.210 Potential Recipients of Directives (~~Repealed~~)
- 696.APPENDIX A Mantoux Skin Testing Procedures (~~Repealed~~)
 696.APPENDIX B Waivers for Initial TB Screening Tests (~~Repealed~~)
 696.APPENDIX C Summary of the Interpretation of Tuberculin Skin Test Results (~~Repealed~~)

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AUTHORITY: Implementing the Communicable Disease Report Act [745 ILCS 45] and implementing and authorized by the Department of Public Health Act [20 ILCS 2305].

SOURCE: Adopted at 22 Ill. Reg. 10870, effective June 5, 1998; amended at 32 Ill. Reg. 4010, effective February 29, 2008; amended at 36 Ill. Reg. _____, effective _____..

SUBPART A: GENERAL PROVISIONS

Section 696.100 ~~Definitions~~Definition of Terms

~~For the purpose of this Part, the following shall be the accepted definitions of the terms used herein:~~

~~"Active Tuberculosis Disease" or "Active TB Disease" means a diagnosis demonstrated by clinical, bacteriologic or diagnostic imaging evidence, or a combination thereof. Persons who have been diagnosed as having active TB and have not completed a course of TB treatment are still considered to have active tuberculosis and may be infectious.~~

~~"Anergy" means the absence of a reaction to skin test antigens, such as tuberculin (when the person is infected with the organism tested) because of immunosuppression. The absence of a reaction to the tuberculin skin test does not rule out the diagnosis of tuberculosis (TB) infection or disease. Anergy may be caused by many factors, such as HIV infection, overwhelming miliary or pulmonary TB, severe or febrile illness, measles or other viral infections, Hodgkin's disease, sarcoidosis, live virus vaccination, and the administration of corticosteroids or immunosuppressive drugs.~~

"Bacteriologic Examinations" means tests done in a mycobacteriology laboratory to diagnose active TB disease, including smears for acid-fast bacilli (AFB), cultures and other tests for Mycobacterium (M.) tuberculosis, and drug susceptibility tests.

~~"BCG Vaccine" means a TB vaccine used in many parts of the world.~~

~~"Checklist of Signs and Symptoms of TB Disease" means a list that includes the following signs and symptoms: pulmonary—productive prolonged cough, chest pain, hemoptysis; generalized—fever, chills, night sweats, easy fatigability, loss~~

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~~of appetite and weight loss.~~

~~"Close Contacts" means those sharing the same household or other enclosed environments of persons known or suspected to have TB.~~

"Confirmed Case" means an occurrence of active TB disease that is laboratory confirmed or, in the absence of laboratory confirmation, an occurrence that meets the clinical case definition.

Laboratory confirmation – Laboratory criteria for diagnosis ~~include~~includes isolation of M. tuberculosis from a clinical specimen; demonstration of M. tuberculosis by other laboratory technique~~from a clinical specimen by DNA probe or mycolic acid pattern on high pressure liquid chromatography~~; or demonstration of acid-fast bacilli in a clinical specimen when a culture has not been or cannot be obtained.

Clinical case definition – A clinical case meets all the following criteria: a positive TB screening test; other signs and symptoms compatible with active TB disease, such as an abnormal, unstable (worsening or improving) chest radiograph, or clinical evidence of current disease; treatment with two or more anti-tuberculosis medications; and completed diagnostic evaluation.

~~"Contact" means a person who has been exposed to M. tuberculosis by sharing air space with a person with infectious TB.~~

"Department" means the Illinois Department of Public Health.

~~"Diagnostic Evaluation" means a process used to diagnose TB disease, which includes a physical examination, medical history, TB screening test, chest radiograph and bacteriologic examinations.~~

"Directly Observed Therapy" or "DOT" means a process by which a trained health care~~healthcare~~ worker or other designated trained person watches the patient swallow each dose of TB medication. ~~Family members are generally not recommended to provide DOT.~~

~~"Directly Observed Preventive Therapy" or "DOPT" means a process by which a trained healthcare worker or other designated trained person watches the patient~~

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~~swallow each dose of preventive TB medication. Family members are generally not recommended to provide DOPT.~~

~~"Employee" means a full-time, part-time or temporary worker who receives compensation. (See definition of "Volunteer".)~~

~~"Facility" means any organization or unit of an organization.~~

~~"Healthcare Facility" means a hospital, medical ward in a correctional facility, nursing home or hospice. (See definition of "Other Healthcare Setting".)~~

~~"Health Care Setting" means any relationship (physical or organizational) in which a health care worker might share air space with a person with active TB disease or in which a health care worker might be in contact with clinical specimens.~~

~~"Health CareHealthcare Worker" means a paid or unpaid person working in a health care settingan employee or volunteer in a healthcare facility who has the potential for exposure to M. tuberculosis through air space shared with persons with infectious TB disease, or contact with clinical specimens. Healthcare workers may include, but are not limited to, physicians, nurses, aides, dental workers, technicians, workers in laboratories and morgues, emergency medical service personnel, part-time personnel, temporary staff (such as students) not employed by the healthcare facility, and persons who are not involved directly in patient care but who are potentially at risk for occupational exposure to M. tuberculosis (e.g., volunteers, or dietary, housekeeping, maintenance, clerical, and janitorial staff).~~

~~"High Risk Congregate Setting" means, but is not limited to, detention centers, in-patient healthcare facilities, nursing homes and other long-term care facilities for the elderly, mental health facilities, licensed supportive residences for HIV-infected persons, shelters for the homeless, other long-term residential facilities and programs that treat persons who inject non-prescribed drugs or other substance users in locally identified high-risk groups (e.g., crack cocaine users). Other long-term care facilities include facilities that care for the developmentally disabled, are designed for retirees, or others, and that are considered high-risk congregate settings according to a risk assessment performed in cooperation with the local TB control authority.~~

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~~"High-Risk for Nonadherence to a Prescribed Treatment Regimen" means any person who has a history of treatment nonadherence; whose treatment has failed or disease has relapsed; who uses alcohol or controlled substances; who has mental, emotional, or physical impairments that interfere with the ability to self-administer medications; or who is a child or adolescent.~~

"High-Risk Groups" means ~~the following~~ categories of people ~~with who should be screened for TB infection because of~~ an increased probability of becoming infected with TB, ~~and/or~~ who, once infected, have increased probability of progressing to active TB disease:

~~close contacts;~~

~~persons who inject non-prescribed drugs or other substance users in locally identified high-risk groups (e.g., crack cocaine users);~~

~~persons who have medical risk factors known to increase the risk for disease if infection occurs. Medical risk factors means the following conditions: infection with HIV/AIDS; diabetes mellitus; conditions requiring prolonged high-dose corticosteroid therapy and other immunosuppressive therapy (including bone marrow and organ transplantation); chronic renal failure; some hematologic disorders (e.g., leukemias and lymphomas); other specific malignancies (carcinoma of the head or neck); body weight of 10% or more below ideal body weight; silicosis; gastrectomy; jejunioileal bypass; abnormal chest radiographs showing fibrotic lesions consistent with healed TB; and abnormal chest radiographs showing parenchymal lung scarring in persons with a positive TB screening test who have not previously received TB treatment or preventive therapy;~~

~~clients, employees and volunteers of high-risk congregate settings;~~

~~healthcare workers who serve clients in high-risk groups;~~

~~foreign-born persons, including children, who have arrived within the past five years from countries that have a high TB incidence or prevalence;~~

~~groups defined locally as high risk (e.g., some medically underserved low-income populations and some racial or ethnic minority populations);~~

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~~Infants, children and adolescents exposed to adults in high risk categories.~~

~~"Infection" means the condition in which organisms (e.g., M. tuberculosis) capable of causing disease enter the body and elicit a response from the host's immune defenses. TB infection may or may not progress to clinical disease.~~

~~"Infectious" means that a person ~~who~~ has, or is suspected of having, active TB disease of the respiratory tract capable of producing infection or disease in others as demonstrated by the presence of AFB in the sputum or bronchial secretions or by chest radiograph and clinical findings. ~~pulmonary or laryngeal TB and who:~~~~

~~coughs, is undergoing cough-inducing or aerosol-generating procedures, or has sputum smears that contain acid-fast bacilli (AFB); and~~

~~is not receiving treatment, has just begun treatment, or has a poor clinical or bacteriologic response to treatment. A person on treatment for one month or less is considered to have just begun treatment. A poor clinical response to treatment can be suggested by a failure of signs and symptoms to improve after two months of treatment. A poor bacteriologic response to treatment can be suggested by a failure of AFB on smear to decrease after two weeks of treatment.~~

~~"Intermittent Therapy" means therapy administered either two or three times per week, rather than each day.~~

~~"Isolation" means the physical separation and confinement of a person with suspected or confirmed active TBtuberculosis disease in a place and under conditions that prevent the transmission of the infection. ~~from other persons using universally accepted techniques that effectively prevent transmission of M. tuberculosis during that person's period of communicability.~~~~

~~"Isolation Rooms" means rooms with special characteristics, including negative-pressure ventilation, to prevent the spread of droplet nuclei expelled by a TB patient.~~

~~"Latent TB Infection" or "LTBI" means the condition in which organisms capable of causing disease (i.e., M. tuberculosis) enter the body and elicit a response from the host's immune defenses. LTBI may or may not progress to clinical disease.~~

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~~"Likely to Become Infectious" means a person whose treatment has failed; whose disease has relapsed; who does not consistently adhere to or complete a prescribed treatment regimen; who has received inadequate treatment; or who has drug-resistant disease.~~

"Local TB Control Authority" means the agency at the local level recognized by the Department as having jurisdiction over the prevention and control of tuberculosis. The local TB control authority may be an autonomous TB board or a TB program within a local health department.

~~"Long Term Inmate" means an inmate who will remain in custody for a period of 14 days or longer.~~

"Mantoux Tuberculin Skin Test" or "Mantoux Skin Test" means a method of skin testing that is performed by injecting 0.1 mL of purified protein derivative (PPD) tuberculin containing five tuberculin units into the dermis of the forearm with a needle and syringe.

~~"Negative Cultures" means cultures that contain no detectable tubercle bacilli.~~

~~"Nonadherence" means not following the recommended course of treatment or therapy by not taking all the medications in the manner prescribed for the entire length of time.~~

~~"Non-infectious~~Not Infectious" means a person previously determined to be infectious who now meets the following criteria:

~~has received a minimum of two weeks of standard multidrug anti-tuberculosis treatment~~a treatment regimen for two or more weeks composed of multiple drugs to which the organisms are susceptible in accordance with Treatment of Tuberculosis, incorporated by reference in Section 696.110(a)~~the incorporated publication, Treatment of TB and TB Infection;~~

has ~~demonstrated~~favorable clinical response to ~~therapy~~treatment; and

has three consecutive negative AFB sputum smear results from sputum collected in eight-hour or greater intervals, with at least one being an early

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~~morning specimen on different days.~~

~~"OSHA" means the U.S. Department of Labor, Occupational Safety and Health Administration.~~

~~"Other Healthcare Setting" means an ambulatory care facility, emergency department, home healthcare setting, emergency medical services, medical and dental office or any location where medical care is provided. (See definition of "Healthcare Facility".)~~

~~"Past or Present Behavior that Indicates a Substantial Likelihood of Not Cooperating with Prevention and Control Measures" means, but is not limited to:~~

~~refusal or failure to keep appointments for diagnosis or treatment;~~

~~refusal or failure to consistently adhere to and complete a prescribed preventive therapy or disease treatment regimen;~~

~~refusal or failure to participate in DOPT or DOT;~~

~~disregard for isolation procedures;~~

~~leaving the hospital against medical advice; or~~

~~inability or unwillingness to voluntarily use prevention and control measures.~~

~~"Preventive Therapy" means treatment of TB infection to prevent the progression to clinically active disease.~~

~~"Relapse" means the return of TB disease after a partial recovery from disease.~~

~~"Short-Term Inmate" means an inmate who remains in custody for less than 14 days, especially pretrial detainees likely to be released without supervision or placed in the community under court supervision.~~

~~"Suspected Case" means a tentative diagnosis, an occurrence that is being considered as TB disease while diagnostic procedures are being completed, of active TB disease, whether or not treatment has been started, or a person with an~~

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illness marked by signs, symptoms and/or laboratory tests that may be indicative of tuberculosis.

"TB Screening Test" means a federal Food and Drug Administration (FDA) approved screening test to detect ~~latent-TB~~ infection~~Infection~~. Examples of screening tests include, but are not limited to, the Mantoux tuberculin skin test and whole blood interferon-gamma release assays.

~~"Treatment Failure" means TB disease in patients who do not respond to chemotherapy and whose disease worsens after having improved initially.~~

~~"Volunteer" means a person who, for a period of time, provides services of his or her own free will with no promise of compensation. (See definition of "employee".)~~

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

Section 696.110 Incorporated and Referenced Materials

a) The following materials are incorporated by reference in this Part:

- 1) ~~"Prevention and Control of Tuberculosis in Correctional and Detention Facilities: Recommendations from CDC," U.S. Department of Health and Human Services, Coordinating Center for Health Information and Service, Centers for Disease Control and Prevention, Atlanta GA 30333 (Morbidity and Mortality Weekly Report (MMWR), July 7, 2006; 55 (No. RR9):1-44).~~
- 2) ~~"Core Curriculum on Tuberculosis, What the Clinician Should Know" (Core Curriculum), U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control and Prevention, Atlanta, Georgia 30333 (1994).~~
- 2)3) "Guidelines for Preventing the Transmission of Mycobacterium Tuberculosis~~tuberculosis~~ in Health-Care Settings, 2005" (referred to as "Guidelines for Health-Care Settings"), U.S. Department of Health and Human Services, Coordinating Center for Health Information and Service, Centers for Disease Control and Prevention, Atlanta GA 30333 (Morbidity and Mortality Weekly Report (MMWR), December 30, 2005; 54 (No.

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RR17):1-141).

- 4) ~~"OSHA Instruction CPL.106, February 9, 1996" (OSHA Instruction).~~
- 5) ~~"Prevention and Control of Tuberculosis in Correctional Facilities", U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control and Prevention, Atlanta, Georgia 30333 (Morbidity and Mortality Weekly Report (MMWR) 1996; 45 (No. RR8)).~~
- 6) ~~"The Role of BCG Vaccine in the Prevention and Control of Tuberculosis in the United States" (The Role of BCG Vaccine), U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control and Prevention, Atlanta, Georgia 30333 (Morbidity and Mortality Weekly Report (MMWR) 1996; 45 (No. RR4)).~~
- 3)7) ~~Targeted Tuberculin Testing and Treatment of Latent Tuberculosis Infection, U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Atlanta GA 30333 (Morbidity and Mortality Weekly Report (MMWR), June 9, 2000; 49 (No. RR-6))."Screening for Tuberculosis and Tuberculosis Infection in High-risk Populations" (Screening High-risk Populations), U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control and Prevention, Atlanta, Georgia 30333, HHS Publication No. (CDC) 95-8017 (1995).~~
- 4)8) ~~Treatment of Tuberculosis, U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Atlanta GA 30333 (Morbidity and Mortality Weekly Report (MMWR), June 20, 2003; 52 (No. RR-11))."Treatment of Tuberculosis and Tuberculosis Infection in Adults and Children" (Treatment of TB and TB Infection), American Thoracic Society, Medical Section of the American Lung Association, New York, New York 10006, U.S. G.P.O.:1994-533-001:501.~~
- 9) ~~"Guidelines for Using the QuantiFERON[®]-TB Gold Test for Detecting Mycobacterium tuberculosis Infection, United States" (Guidelines for QuantiFERON[®]-TB Gold), U.S. Department of Health and Human Services, Coordinating Center for Health Information and Service, Centers for Disease Control and Prevention, Atlanta GA 30333 (Morbidity and Mortality Weekly Report (MMWR) 2005; 54 (No. RR15):49-55).~~

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- 5) Guidelines for the Investigation of Contacts of Persons with Infectious Tuberculosis: Recommendations from the National Tuberculosis Association and CDC (referred to as "Guidelines for Investigation of Contacts"), U.S. Department of Health and Human Services, Coordinating Center for Health Information and Service, Centers for Disease Control and Prevention, Atlanta GA 30333 (Morbidity and Mortality Weekly Report (MMWR), December 16, 2005; 54 (No. RR15):1-47).
- 6) Privacy Rule (Standards for Privacy of Individually Identifiable Health Information) of the Health Insurance Portability and Accountability Act of 1996 and 45 CFR 164.512(a) and (k)(6) (October 1, 2007).
- b) All incorporations by reference of federal regulations and guidelines of federal agencies and the standards of nationally recognized organizations refer to the regulations, guidelines and standards on the date specified and do not include any amendments or editions subsequent to the date specified.
- c) The following materials are referenced in this Part:
- 1) Medical Studies Act [735 ILCS 5/8-2101]
 - 2) Illinois Health Statistics Act [410 ILCS 520]
 - 3) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)

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

SUBPART B: TUBERCULOSIS PREVENTION AND CONTROL MEASURES

Section 696.130 Responsibilities of Health Care Settings~~Responsibilities of High-Risk Congregate Settings and Programs Providing Alcohol and Drug Treatment~~

- a) TB Risk Assessment. Every health care setting shall conduct initial and ongoing evaluation of the risk for transmission of M. tuberculosis, regardless of whether patients with suspected or confirmed active TB disease are expected to be encountered in the setting. The TB risk assessment shall address administrative,

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environmental and respiratory-protection controls needed for the health care setting and shall be reviewed at least annually.

- b)a) Written Plans. A written TB infection control plan shall be developed that includes protocols for the screening and management of latent TB infection among health care workeremployees, volunteers and clients; protocols for the screening, diagnosis and management of active TB disease among health care workeremployees, volunteers and clients; data collection; evaluation of data; reporting of persons with suspected or confirmed activesigns or symptoms of TB disease to the local TB control authority; and a health care workeran employee and volunteer education program. All components of the plan shall reflect compliance with this Part. The plan shall include the: name of the person or persons responsible for the TB prevention and control program at each health care settingfacility; procedures to protect health care workersfor the purpose of protecting employees, volunteers and clients from contracting tuberculosis; and a referral mechanism to ensure that transmission of TB is prevented and treatment is completedprevention of transmission and completion of treatment for clients with TB who leave the health care settingsfacility. The written plan shall be updated at least annually. (See the incorporated publications, Guidelines for Health-Care Settingsand the OSHA Instruction.)
- c)b) TB Prevention and Control Program. A program shall be executed in accordance with the written TB infection control plan.
- d)e) Health Care WorkerEmployee and Volunteer Education. Training about TB shall be provided or arranged. All health care workeremployees and volunteers shall be trained upon hiring and periodically thereafter to ensure employee knowledge relevantequivalent to the employee's work responsibilities and the level of risk in the health care settingfacility. OSHA-regulated settings and programs shall comply with the incorporated publications, OSHA Instruction. (See the Guidelines for Health-Care Settings.)incorporated publications, Core Curriculum and Controlling TB in Correctional Facilities.)
- e)d) Collaboration. Health care settingsThe settings and programs listed above shall consult with the local TB control authority, as necessary, to determine their respective responsibilities in the screening, diagnosis and management of latent TB infection and active TB disease, reporting of active TB disease, and the education of health care workeremployees and volunteers.

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- ~~f)e)~~ Records. Records shall be maintained on TB screening test results; TB diagnostic evaluation results (including whether the tuberculosis was drug-resistant); other information about any persons exposed to tuberculosis; and the current written plan as required in subsection ~~(b)(a)~~ of this Section. Individual and aggregate data ~~shall~~should be analyzed periodically to identify the health care setting's facility's level of risk and changes in the risk of TB transmission. ~~Correctional facilities should maintain a retrievable aggregate record system in accordance with the incorporated publication, Prevention and Control of Tuberculosis in Correctional Facilities.~~ All records required in this subsection shall be made available for inspection by the Department or the local TB control authority upon request.

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

Section 696.140 Screening for Latent Tuberculosis Infection (LTBI) and Active Tuberculosis (TB) Disease~~Screening for Tuberculosis Infection and Disease~~

~~A~~The TB screening test shall be used when screening persons for latent TB infection (LTBI). (See Appendices A, B, and C of this Part.) ~~Chest radiographs and bacteriologic examinations can be used when screening certain persons for disease. (See subsection (b)(2) of this Section.)~~ Persons who have signs and symptoms of active TB disease or a positive TB screening test result shall complete ~~have additional~~ diagnostic evaluation for active TB disease tests as recommended in the Centers for Disease Control and Prevention (CDC) guidelines~~incorporated publications Targeted Tuberculin Testing and Treatment of Latent Tuberculosis Infection and Guidelines for Health-Care Settings~~Treatment of TB and TB Infection and Guidelines for Health-Care Settings.

- a) Screening for Latent TB Infection~~TB Infection~~. ~~Persons in high-risk groups should be screened for tuberculosis. Local health department clients who are in high-risk groups should be screened and records maintained of TB screening test results. These screening requirements can be modified or waived in accordance with Appendix B of this Part. In addition:~~
- 1) ~~Close Contacts~~. Persons who are ~~close~~ contacts to suspected or confirmed cases of active TB disease shall be evaluated in accordance with the CDC Guidelines for the Investigation of Contact~~tested with a TB screening test to identify infection.~~ ~~Close contacts shall be retested three months after the last exposure if their reaction to the first TB screening test was negative. A high priority should be given to evaluating contacts who are children or contacts infected with HIV/AIDS.~~

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- 2) ~~Workers and clients at health care settings and other residential settings serving high-risk groups shall be screened~~~~Employees, Volunteers and Clients of High-Risk Congregate Settings and Programs Providing Alcohol and Drug Treatment. Screening shall be done~~ in accordance with this subsection ~~(a)(2), Appendices A, B, and C,~~ and the following ~~CDC guidelines~~~~incorporated publications:~~ Targeted Tuberculin Testing and Treatment of Latent Tuberculosis Infection, Guidelines for Health-Care Settings, Prevention and Control of Tuberculosis in Correctional and Detention Facilities: Recommendations from CDC~~Screening High-Risk Populations; Guidelines for Health-Care Settings; Prevention and Control of Tuberculosis in Correctional Facilities; and the OSHA Instruction.~~
- A) ~~Health care workers and workers in other residential care settings serving high-risk groups~~~~All employees and volunteers in high-risk congregate settings and programs providing alcohol and drug treatment~~ shall obtain a TB screening test within seven days after being employed. If Mantoux skin testing is used, ~~two-step testing shall be done, with the first test placed within seven days after employment.~~ However, a second skin test is not needed if ~~the worker has a documented skin test result from any time during the previous 12 months.~~ The need for routine periodic screening shall be determined by a risk assessment.~~should be done.~~ ~~Employees and volunteers who are part of a routine, periodic screening program shall initially be screened by TB screening tests.~~
- B) All clients in ~~non-acute-care residential health care settings~~~~high-risk congregate settings and clients in high-risk groups in programs providing alcohol and drug treatment~~ shall obtain a TB screening test within seven days after admission. If Mantoux skin testing is used ~~for clients with an anticipated stay longer than 30 days,~~ two-step testing ~~shall~~~~should~~ be done, with the first test placed within seven days after admission. Routine periodic screening shall be determined by a risk assessment performed in cooperation with the local TB control authority. ~~In addition:~~
- C) TB screening shall be instituted in other residential care settings serving high-risk groups as directed by the local TB control authority or the Department when a community or residential care

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setting has a higher than expected incidence of active TB disease or prevalence of LTBI.

D) Inmates and employees in correctional and detention facilities shall be screened in accordance with the CDC guideline Prevention and Control of Tuberculosis in Correctional and Detention Facilities: Recommendations from CDC.

i) Nursing home residents, persons who inject non-prescribed drugs and other substance users in locally identified high-risk groups (e.g., crack cocaine users) in treatment programs, and clients of programs providing methadone maintenance therapy shall obtain a TB screening test within seven days after admission. If Mantoux skin testing is used, two-step testing shall be done.

ii) Routine, periodic screening of the homeless should be done when feasible. (See subsection (b) of this Section.)

iii) Long-term inmates in detention centers shall obtain a TB screening test within seven days after admission. If Mantoux skin testing is used, two-step testing should be done when feasible. Routine, periodic screening of long-term inmates should be done. Short-term inmates in detention centers should obtain a Mantoux skin test or another TB screening test within seven days after admission, when feasible. Regardless of TB screening test results, inmates who have HIV infection and those at risk for HIV infection but whose HIV status is unknown should have a chest radiograph as part of the initial screening. (See subsection (b) of this Section for requirements for screening short-term and long-term inmates for disease.) Inmates of detention centers shall be screened in accordance with the publications incorporated in this Part.

3) Employees, Volunteers and Clients of Other Healthcare Settings. Other healthcare settings should conduct screening programs based upon a risk assessment performed in cooperation with the local TB control authority. Screening programs should be conducted in accordance with the following

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~~incorporated publications: Guidelines for Health Care Settings and Screening High-Risk Populations.~~

- 4) ~~Employees, Volunteers and Students in a School (Pupil Attendance Center) or School District.~~
- A) ~~Initial screening of employees and volunteers in a school or a school district shall be performed using a TB screening test within seven days after beginning employment. This requirement can be modified or waived in accordance with Appendix B of this Part.~~
- B) ~~When a community, school, or school district has a higher than expected prevalence of TB infection, the local TB control authority or the Department may institute routine, periodic skin testing of school employees, volunteers and students. Any such testing program should take into consideration:~~
- i) ~~epidemiologic factors and currently accepted public health standards pertaining to the prevention and control of TB; and~~
- ii) ~~the identification and availability of necessary school, school district and local TB control authority resources and facilities.~~
- 3)5) ~~Workers in child day care and pre-school settings~~Day-Care Center Employees and Volunteers. ~~Day care center employees and volunteers shall obtain a TB screening test within seven days after being employed. If Mantoux skin testing is used, two-step testing shall be done, with the first test administered seven days after employment. Routine, periodic screening of ~~workers shall~~employees and volunteers should be determined by the child day care or pre-school facility's TB risk assessment ~~performed in cooperation with the local TB control authority.~~~~
- b) Screening for Active TB Disease. The following persons shall be screened for active TB disease:
- 1) ~~Checklist of Signs and Symptoms.~~ A checklist that includes but is not limited to pulmonary symptoms (productive prolonged cough, chest pain,

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~~hemoptysis) and generalized signs and symptoms (fever, chills, night sweats, easy fatigability, loss of appetite and weight loss) shall be used to screen for TB disease in the following circumstances:~~

- ~~1)A) Persons with a documented positive TB screening test result who are required to receive TB screening tests, regularly and periodically shall, instead of receiving such screening tests, complete a signs and symptoms checklist. A checklist takes the place of a TB screening test for these persons. Repeat screening tests are not needed or required. Routine, periodic chest radiographs should not be done. Chest radiographs do not take the place of a TB screening test or checklist.~~
- ~~2)B) Clients admitted to health care settings and residential care settings serving high-risk groups, high-risk congregate settings and programs providing alcohol and drug treatment shall be screened for current disease status with a signs and symptoms checklist in addition to meeting other screening requirements for infection.~~
- ~~3) Inmates in correctional and detention facilities, who shall be screened for active TB disease in accordance with Prevention and Control of Tuberculosis in Correctional and Detention Facilities: Recommendations from CDC.~~
- ~~2) Chest Radiography or Bacteriologic Examinations. The use of chest radiography or bacteriologic examinations should be considered in certain instances in addition to a signs and symptoms checklist.
 - ~~A) Chest radiography may be the best screening method in jails, homeless shelters, and single room occupancy facilities that house the homeless for more than one night. Also, inmates who either have HIV infection or are at risk for HIV infection, but whose HIV status is unknown, should receive a chest radiograph as part of the initial screening, regardless of TB screening test results.~~
 - ~~B) Screening for disease among the homeless may also include sputum smears and cultures.~~~~

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

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**Section 696.150 Management of Persons with Latent Tuberculosis Infection (LTBI)
~~Management of Persons with Tuberculosis Infection~~**

- a) ~~Treatment for LTBI~~Preventive Therapy. Persons~~Before therapy is started,~~
~~persons~~ with a positive TB screening test result shall ~~complete~~receive a diagnostic
evaluation for active TB disease. ~~See Appendix C for information on how to~~
~~interpret skin test results.~~ If there is no evidence of active TB disease, persons
with LTBI ~~shall~~TB infection should be considered for ~~treatment~~preventive
therapy. Treatment for LTBI~~Preventive therapy~~ shall be conducted in accordance
with the CDC guidelines~~incorporated publication, Targeted Tuberculin Testing~~
and Treatment of Latent TB Infection~~Treatment of TB and TB Infection.~~
- 1) ~~The following persons with positive TB screening test results should be~~
~~considered for preventive therapy regardless of age:~~
- A) ~~Persons with HIV/AIDS and persons with risk factors for~~
~~HIV/AIDS whose HIV infection status is unknown;~~
 - B) ~~Close contacts of persons with newly diagnosed infectious~~
~~tuberculosis;~~
 - C) ~~Recent tuberculin skin test converters (equal to or greater than a 10~~
~~mm increase within a two-year period for persons younger than 35~~
~~years of age; equal to or greater than a 15 mm increase for persons~~
~~35 years of age or older);~~
 - D) ~~All infants and children younger than four years of age with a skin~~
~~test reaction equal to or greater than 10 mm;~~
 - E) ~~Persons with medical risk factors that may increase the risk of~~
~~tuberculosis (e.g., diabetes mellitus, prolonged therapy with~~
~~adrenocorticosteroids, immunosuppressive therapy, some~~
~~hematologic and reticuloendothelial diseases such as leukemia or~~
~~Hodgkin's disease), injection drug users known to be HIV-~~
~~seronegative, end-stage renal disease, and clinical situations~~
~~associated with substantial rapid weight loss or chronic~~
~~undernutrition;~~
 - F) ~~Adults with positive results from a TB screening test with~~

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~~abnormal chest radiographs that show fibrotic lesions likely representative of old healed tuberculosis and adults diagnosed with silicosis. These persons should usually receive 4-month multiple-drug chemotherapy. Alternatively, such persons may receive 12 months of isoniazid preventive therapy.~~

~~G) Persons converting from a negative to a positive TB screening test result, other than a Mantoux skin test.~~

2) ~~In the absence of risk factors listed in subsections (a)(1)(A) through (G) of this Section, the following persons younger than 35 years of age with a positive TB screening test result should be considered for preventive therapy:~~

~~A) Foreign-born persons from high-prevalence countries including those in Latin America, Asia, and Africa;~~

~~B) Medically underserved low-income populations, including high-risk racial or ethnic minority populations, especially blacks, Hispanics and Native Americans;~~

~~C) Residents of high-risk congregate settings; and~~

~~D) Persons with no risk factors.~~

3) ~~The following persons with a negative TB screening test result should be considered for preventive therapy:~~

~~A) Children who have been close contacts to infectious cases within the last three months. If the TB screening test remains negative after 12 weeks and there has been no continued exposure, preventive therapy need not be continued; and~~

~~B) Anergic HIV-infected adults.~~

4) ~~All persons in high-risk groups, with a positive TB screening test result, should be considered for preventive therapy. (See Appendix C and the incorporated publications, Screening High-Risk Populations and Treatment of TB and TB Infection.)~~

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- b) ~~BCG Vaccine and Preventive Therapy. A diagnosis of TB infection and the use of preventive therapy should be considered for any BCG-vaccinated person with a positive TB screening test result. (See the incorporated publication, The Role of BCG Vaccine.)~~
- e) ~~Directly Observed Preventive Therapy (DOPT). In settings where DOPT can be given by a responsible and trained employee or volunteer, twice-a-week DOPT should be considered. DOPT should especially be considered for persons who are at high risk for TB disease, or at high risk of nonadherence to preventive therapy.~~
- b)d) Monitoring for Adverse Reactions. At a minimum, patients ~~shall~~should be ~~monitored~~seen monthly during therapy and evaluated for adverse drug reactions.

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

Section 696.160 Diagnosis and Management of Persons with Suspected or Confirmed Active Tuberculosis Disease

- a) Diagnostic Evaluation. The evaluation of persons with suspected or confirmed TB disease shall include but not be limited to:
- 1) Medical ~~history~~History;
 - 2) Physical ~~examination~~Examination;
 - 3) TB ~~screening test~~Screening Test;
 - 4) Chest ~~radiograph~~Radiograph; ~~and~~
 - 5) Bacteriologic ~~examinations on available specimens; and~~Examinations on Available Specimens (e.g., smears, cultures and other tests for M. tuberculosis, and drug-susceptibility tests).
 - 6) Assessment of risk for HIV infection and testing, and counseling as indicated.

~~AGENCY NOTE: TB is sometimes overlooked in the differential diagnosis of pulmonary conditions (e.g., pneumonia), especially in the elderly.~~

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- b) Clinical Management of Persons with Suspected or Confirmed Active TB Disease:
- 1) Infection Control Measures. If infectious TB disease is suspected, precautions shall be taken to prevent transmission in accordance with the ~~incorporated publications:-~~ Guidelines for Health-Care Settings ~~and OSHA Instruction.~~
- A) In settings that serve infectious TB patients, precautions that shall be implemented include early identification and airborne infection isolation of patients with suspected or confirmed active TB disease. Infection control measures shall be maintained until the patient is determined to be non-infectious~~that the patient is not infectious.~~
- i) ~~Precautions shall include the use of ventilation systems in TB isolation rooms to maintain negative pressure and to exhaust air in such a manner to prevent transmission of M. tuberculosis.~~
- ii) ~~Personal respirators that meet the requirements in the incorporated publication, OSHA Instruction, shall be used by workers in areas (e.g., TB isolation rooms, rooms where cough-inducing procedures are done) where exposure cannot be avoided or there is an increased risk of exposure. Patients may be masked with a surgical mask if they must leave the isolation room while they are infectious and coughing.~~
- iii) ~~In in-patient settings, continuous isolation should be considered for patients with multiple drug-resistant TB.~~
- B) ~~Infectious TB patients may be confined to their homes in order to prevent transmission of disease. Personal respirators that meet the requirements in the incorporated publication, OSHA Instruction, shall be used by workers when in the homes of patients with infectious TB and when transporting infectious patients.~~

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~~B)C)~~ Once determined to be infectious, a ~~patient~~person is considered infectious until medically determined to be ~~non-infectious~~not infectious and not likely ~~not~~ to become infectious again, ~~as evidenced by compliance with a multiple drug treatment regimen to which the organisms are susceptible.~~ When a consensus cannot be reached concerning the infectious or ~~non-infectious~~not infectious status of a patient with a suspected or confirmed case of TB, the Department will make a final decision of infectiousness ~~will be made only by the Department.~~ Determination of infectiousness for patients with positive AFB sputum smear results with pending or negative AFB sputum cultures, and for patients with multi-drug resistant (MDR) TB, shall be made in consultation with the Department.

- 2) Treatment of Suspected or Confirmed Active TB Disease. Patients with suspected~~Suspected~~ or confirmed active TB disease shall be treated ~~with multiple drugs~~ in accordance with ~~the incorporated publication, Treatment of Tuberculosis~~Treatment of TB and TB Infection.

~~Agency Note: TB disease in infants and children younger than four years of age and in immunosuppressed individuals (such as HIV/AIDS patients) is more likely to spread throughout the body and progress rapidly with severe consequences; prompt and vigorous treatment is appropriate as soon as TB is suspected.~~

A) Treatment Regimen. Persons with suspected or confirmed active TB disease shall be treated with a multi-drug regimen in accordance with Treatment of Tuberculosis.

B)A) Adherence to Treatment. Health care providers shall use strategies such as directly observed therapy (DOT) and patient-centered case management to assure successful completion of treatment. Directly Observed Therapy (DOT). Treatment of all patients with TB should be conducted by DOT.

C)B) Monitoring for Response to ~~Therapy~~Antituberculosis Chemotherapy. Patients shall be monitored for response to treatment in accordance with Treatment of Tuberculosis. Persons with M. tuberculosis identified in sputum shall be monitored by

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~~sputum smears and cultures until conversion is documented. Drug susceptibility testing shall be done initially on culture positive specimens.~~

- ~~i) Sputum smears should be repeated until three consecutive negative sputum smear results are obtained from sputum collected on different days.~~
- ~~ii) Sputum cultures should be monitored at least monthly until negative cultures are obtained. Patients whose cultures have not become negative or whose symptoms do not resolve after two months of therapy shall be reevaluated for drug-resistant disease, as well as for failure to adhere to the regimen. For patients receiving self-administered therapy, the remainder of treatment should be directly observed.~~
- ~~iii) In patients with multiple drug-resistant disease, sputum cultures should be monitored monthly for the entire course of treatment.~~

~~D) Monitoring for Adverse Reactions. Patients shall be monitored for adverse drug reactions in accordance with Treatment of Tuberculosis. Adults treated for TB disease should have baseline tests to detect any abnormality that would complicate treatment or require a modified regimen. Baseline tests, except visual acuity, are unnecessary in children unless a complicating condition is known or clinically suspected. At a minimum, patients should be seen monthly during treatment and evaluated for adverse reactions. If symptoms suggesting drug toxicity occur, then appropriate laboratory testing should be performed to confirm or exclude such toxicity. (See the incorporated publication, Treatment of TB and TB Infection.)~~

- ~~c) The Department of Public Health shall investigate the causes of contagious, or dangerously contagious, or infectious diseases, especially when existing in epidemic form, and take means to restrict and suppress the same, and whenever such disease becomes, or threatens to become, epidemic in any locality and the local board of health or local authorities neglect or refuse to enforce efficient measures for its restriction or suppression or to act with sufficient promptness or~~

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efficiency, or whenever the local board of health or local authorities neglect or refuse to promptly enforce efficient measures for the restriction or suppression of dangerously contagious or infectious diseases, the Department of Public Health may enforce such measures as it deems necessary to protect the public health, and all necessary expenses so incurred shall be paid by the locality for which services are rendered. (Section 2(a) of the Act)

- 1)e) Contact Investigation. The local TB control authority is responsible for assuring that a contact investigation, including identification, prioritization and evaluation of contacts, is completed for each case of active TB disease of the respiratory tract. ~~Contacts Close contacts to suspected or confirmed cases of TB disease~~ shall obtain an evaluation, including screening for signs and symptoms of active TB disease and a TB screening test, to identify latent TB infection. ~~Contacts Close contacts~~ shall be retested eight to 10 weeks~~three months~~ after the last exposure if their reaction to the first TB screening test was negative. (See Guidelines for the Investigation of Contacts. Contacts who have signs and symptoms of active TB disease or a positive TB screening test result shall complete a diagnostic evaluation for active TB disease as recommended in the Targeted Tuberculin Testing and Treatment of Latent Tuberculosis Infection, and Guidelines for Health-Care Settings. A high priority should be given to evaluating contacts who are children or contacts infected with HIV/AIDS. (See Section 696.150(a)(3) for information regarding preventive therapy.)
- 2) When cases of active TB disease occur in any business, organization, institution or private home, the business owner, the person in charge of the establishment or the homeowner shall cooperate with local TB control authorities in the investigation, including, but not limited to, release of name and other pertinent information about employees, customers, passengers, travelers, transportation crews and/or guests as the information relates to the investigation.
- 3) Entering a place of employment for the purpose of conducting investigations of those processes, conditions, structures, machines, apparatus, devices, equipment, records, and materials within the place of employment that are relevant, pertinent, and necessary to the investigation. Investigations shall be conducted during regular business hours, if possible, and with such notice as is possible under the circumstances.

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- 4) School, child care facility, and college/university authorities shall handle contacts of infectious disease cases in the manner prescribed in this Part, or as recommended by the local health authority.

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

Section 696.170 Reporting

Health care professionals listed in subsection (a)(1) shall report suspected and confirmed cases of active TB disease to the local TB control authority or, in the absence of a local TB control authority, to the ~~TB Control Section of the~~ Department. The reports shall be submitted electronically through the Illinois National Electronic Disease Surveillance System (I-NEDSS) or other authorized web-based system, or by mail or facsimile, and followed up with a telephone call to the local TB control authority in whose jurisdiction the reporter is located. Reports by mail or facsimile shall be made on forms available from the local TB control authority or the Department. The local TB control authority shall report to the Department.

a) Reports to the Local TB Control Authority.

- 1) Health Care Professionals Required to Report. Health care professionals such as ~~Reports shall be made by~~ physicians, physician assistants, nurses, dentists, coroners, medical examiners, laboratory personnel and the health ~~coordinator~~seordinator of health care settings shall report serving high-risk groups to the local TB control authority or, in the absence of a local TB control authority, to the ~~TB Control Section of the~~ Department.
- 2) ~~Report Forms and Transmission of Reports. Reports of suspected and confirmed cases of TB shall be made on forms available from the local TB control authority or the Department. To facilitate prompt reporting, telephone or facsimile reports are acceptable if followed by a written report sent through the mail.~~
- 2)3) Reports of Suspected and Confirmed Cases of TB. Persons required to report under subsection (a)(1) of this Section (except for laboratory personnel) shall, within seven calendar days after the diagnosis of a suspected or confirmed case of TB, notify the local TB control authority of the following:
- A) Diagnosis. Information shall be provided about the diagnosis of a

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suspected or confirmed case of TB, including the dates and results of TB screening tests (Mantoux skin test results shall be recorded in millimeters) and the results of bacteriologic examinations and chest radiographs. ~~When an apparent occurrence of TB does not have laboratory confirmation or meet the clinical case definition, the local TB control authority should consult with the Department.~~

- B) Clinical Management Information. Information shall be provided about the clinical management of a suspected or confirmed case of TB, including the determination of the infectious or ~~non-infectious~~not infectious status, isolation precautions taken, treatment regimen and severe adverse reactions to medication; ~~whether the client is at high-risk for nonadherence to a prescribed treatment regimen, and past or present behavior that indicates a substantial likelihood of not cooperating with prevention and control measures.~~
- C) Surveillance Information. Reportable demographic and locating information regarding the suspected or confirmed case of TB ~~shall~~should include the name, address, date of birth, gender, race, ethnic origin, country of origin, month and year the person arrived in the United States (if applicable), non-prescribed drug use and excess alcohol use within the year before the date of submission, occupation, address changes, names and addresses of close contacts, and other information required to complete the tuberculosis reporting form of the Department and the Centers for Disease Control and Prevention, the Report of Verified Case of TB (RVCT) form.
- D) Other Information. Any other relevant information requested by the local TB control authority or the Department should be provided. ~~The~~Such information may include hospital discharge plans for out-patient follow-up and the names, locating information, test results and treatment information of all persons considered during a contact investigation for persons with TB infection.
- b) Reports to the Department from Local TB Control Authorities. Local TB control authorities shall report to the Department on the diagnosis, clinical management

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and surveillance of suspected and confirmed cases of TB and the investigation of contacts, as follows. The local TB control authority shall make ~~its~~their records available for inspection by the Department when requested ~~in order~~ to carry out the provisions of this Part.

- 1) Reports of Suspected or Confirmed Cases of TB. Within seven calendar days after a local TB control authority's receipt of a report of a suspected or confirmed case of TB, ~~the local TB control authority shall report available information to~~ the Department ~~electronically through the I-NEDSS or other authorized web-based system. If the local TB control authority is unable to report electronically, reports shall be made by telephone, facsimile or mail on forms available from the Department~~shall receive available information on an RVCT form.
- 2) Reports ~~of Follow-up Information Due Within 30 Calendar Days After the Department's Request for Information.~~ The Department shall be notified of the status of drug susceptibility test results, contact investigation information, case completion of therapy and other relevant information within 30 calendar days after the Department's request for information. ~~The information shall be reported electronically through the I-NEDSS or other authorized web-based system. If the local TB control authority is unable to report electronically, reports shall be made by telephone, facsimile or mail.~~
- c) Reports from Laboratories. Within one calendar day after obtaining results, laboratories shall report ~~to the person who requested the test, to the local TB control authority and to the Department~~ smears positive for acid-fast bacilli, cultures or other tests positive for ~~M. tuberculosis~~M. tuberculosis, ~~any culture result associated with an AFB-positive smear (even if negative for M. tuberculosis complex (MTB complex)), and drug susceptibility test results as follows: by telephone followed by mail, facsimile or approved electronic reporting format to the person who requested the test; to the local TB control authority; and by mail, facsimile or approved electronic format to the Department.~~and drug susceptibility test results.
- d) ~~Isolates to State Public Health Laboratory. Laboratories shall send one isolate for each person to the State Public Health Laboratory within seven days after culture results are positive for MTB complex. If specimens are submitted to an out-of-~~

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state reference laboratory, the submitter shall ensure that the isolate is sent to the State Public Health Laboratory.

- e) Reports Between Jurisdictions. Reports, such as laboratory reports and other pertinent reports, shall be made by one local TB control authority to another local TB control authority when more than one jurisdiction is involved with a case or their contacts, i.e., when the party submitting a specimen for diagnosis is in a different jurisdiction from that in which the patient resides or when a patient or contact resides, works or attends school in, or moves to, a different jurisdiction. Local TB control authorities receiving reports of persons with suspected or active TB being discharged or transferred to another jurisdiction shall notify the receiving jurisdiction by telephone, followed by facsimile or mail, prior to the planned discharge or transfer.
- f) Reports of Discharge or Transfer. Institutional settings, such as hospitals, long-term care facilities and correctional settings, shall report by telephone to the local TB control authority in whose jurisdiction the reporter is located its plans to discharge or transfer persons with suspected or active TB prior to discharge or transfer.
- g)d) Confidentiality. Confidentiality of information shall be maintained in accordance with 77 Ill. Adm. Code 690.200(d).
- 1) ~~It is the policy of the Department to maintain the confidentiality of information that would identify individual patients.~~
- 2) ~~Whenever any statute of this State or any ordinance or resolution of a municipal corporation or political subdivision enacted pursuant to statute or any rule of an administrative agency adopted pursuant to statute requires medical practitioners or other persons to report cases of tuberculosis to any governmental agency or officer, such reports shall be confidential, and any medical practitioner or other person making such report in good faith shall be immune from suit or slander or libel based upon any statements contained in such report. The identity of any individual contained in a report of tuberculosis or an investigation conducted pursuant to a report of tuberculosis shall be confidential and such identity shall not be disclosed publicly in any action of any kind in any court or before any tribunal, board or agency. (Communicable Disease Report Act [745 ILCS 45])~~

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- h) Identifiable data may be released to the extent necessary for the treatment, control, investigation and prevention of diseases and conditions dangerous to the public health. Identifiable data can be shared in special circumstances, e.g., as permitted by the Privacy Rule, the Medical Studies Act, and the Illinois Health Statistics Act. As described in the Illinois Health Statistics Act, a Department-approved Institutional Review Board or its equivalent on the protection of human subjects in research shall review and approve requests from researchers for individually identifiable data.

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

SUBPART C: ENFORCEMENT OF TUBERCULOSIS PREVENTION
AND CONTROL MEASURES

Section 696.180 Role of the Department or Local TB Control Authority in Enforcement and Control

~~The~~After providing an opportunity for a patient to present information to support his or her position at a hearing, the Department or local TB control authority may issue directives, ~~and~~ seek court orders or issue emergency orders, as necessary to protect the public health, safety and welfare.

- a) ~~Opportunity to be Heard. Prior to issuance of any directive, the Department shall notify the prospective recipient of the directive of the intent to issue a directive and shall offer the recipient an opportunity to be heard before the Director or a designee, provided that within 7 days after receipt of the notice the recipient makes written request for hearing. The notice shall be in writing, shall be served in person or by certified mail, and shall include a brief description of the reasons for issuance of a directive and of the type of directive that may be issued. Any hearing under this Section shall be promptly scheduled and determined.~~
- a)b) Directives. When ~~it is~~ necessary to protect the public health, safety and welfare, the Department or local TB control authority may ensure prevention and control measures by issuing Department or local TB control authority directives. A directive is a letter that informs recipients what is required of them ~~in order~~ to be in compliance with this Part and the consequences of noncompliance. ~~A directive may include one or more types of directives, as appropriate to the case. (See Sections 696.200 and 696.210.)~~

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- b) The Department or local TB control authority shall implement matters of quarantine, isolation and closure in accordance with 77 Ill. Adm. Code 690. Subpart H.
- e) ~~Court Orders. The Department may seek court orders for diagnostic evaluation, preventive therapy, DOPT, disease treatment, DOT and isolation.~~

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

Section 696.190 Role of the Local Tuberculosis Control Authority in Enforcement
(Repealed)

~~After providing an opportunity for a patient to present information to support his or her position at a hearing, the local TB control authority may issue directives and seek court orders, as necessary to protect the public health, safety and welfare.~~

- a) ~~Opportunity to be Heard. Prior to issuance of any directive, the local TB control authority shall notify the prospective recipient of the directive of the intent to issue a directive and shall offer the recipient an opportunity to be heard before the administrator of the local TB control authority or a designee, provided that within 7 days after receipt of the notice the recipient makes written request for hearing. The notice shall be in writing, shall be served in person or by certified mail, and shall include a brief description of the reasons for issuance of a directive and of the type of directive which may be issued. Any hearing under this Section shall be promptly scheduled and determined.~~
- b) ~~Directives. When it is necessary to protect the public health, safety and welfare, the local TB control authority may ensure prevention and control measures by issuing directives. A directive is a letter that informs recipients what is required of them in order to be in compliance with this Part and the consequences of noncompliance. A directive may include one or more types of directives, as appropriate to the case. (See Sections 696.200 and 696.210.)~~
- e) ~~Court Orders. The local TB control authority may seek court orders for diagnostic evaluation, preventive therapy, DOPT, disease treatment, DOT and isolation.~~
- d) ~~Notification. The local TB control authority shall inform the Department~~

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~~regarding persons in their jurisdiction meeting the description of potential recipients of directives, as specified in Section 696.210.~~

- e) ~~Documentation. The local TB control authority shall document evidence (e.g., appointment logs, patient records) concerning the circumstances, as specified in Section 696.210, that make it necessary to seek directives or court orders. Upon the request of the Department, the local TB control authority shall provide such evidence to the Department.~~

(Source: Repealed at 36 Ill. Reg. _____, effective _____)

Section 696.200 Types of Directives (Repealed)

- a) ~~Initiation or Completion of the Diagnostic Evaluation. This directive requires the initiation or completion of the diagnostic evaluation for TB infection or disease in accordance with the following incorporated publication: Guidelines for Healthcare Facilities. The diagnostic evaluation may include, but is not limited to, a medical history, physical examination, TB screening test, chest radiograph and bacteriologic examinations.~~
- b) ~~Preventive Therapy or Disease Treatment. This directive requires completion of a prescribed course of preventive therapy for TB infection or a prescribed course of treatment for TB disease, and bacteriologic or other tests needed to monitor response to treatment or adverse reactions in accordance with the following incorporated publication: Treatment of TB and TB Infection.~~
- e) ~~DOPT or DOT. This directive requires completion of a course of preventive therapy by DOPT for infection or treatment by DOT for disease, in accordance with the following incorporated publications: Guidelines for Healthcare Facilities and Treatment of TB and TB Infection.~~
- d) ~~Isolation. This directive requires isolation, in accordance with Section 696.160(b)(1) and the incorporated publications: Guidelines for Health-Care Settings, and the OSHA Instruction, for any person with suspected or confirmed TB disease who is considered to be infectious or likely to become infectious, according to the definitions in this Part.~~

(Source: Repealed at 36 Ill. Reg. _____, effective _____)

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Section 696.210 Potential Recipients of Directives (Repealed)

~~The local TB control authority shall document information used to identify potential recipients of directives. The local TB control authority or the Department may identify potential recipients of directives. The local TB control authority may seek the cooperation of the Department to identify potential recipients of directives.~~

- a) ~~Potential Recipients Based Upon Past or Present Behavior. A potential recipient shall be any person who has, or is suspected of having, TB infection or disease and who has demonstrated, in the opinion of the local TB control authority or the Department, through past or present behavior that he or she has a substantial likelihood of:~~
- ~~1) not initiating or completing a diagnostic evaluation to determine if TB infection or disease is present;~~
 - ~~2) transmitting, or being able to transmit, disease to others;~~
 - ~~3) not participating in DOPT for TB infection;~~
 - ~~4) not participating in DOT for treatment of disease; or~~
 - ~~5) not following disease isolation procedures.~~
- b) ~~Potential Recipients Based Upon Not Completing Treatment. A potential recipient shall be any person who has been reported to the local TB control authority or the Department as having TB disease and as not completing a prescribed course of treatment.~~
- c) ~~Potential Recipients Based Upon Being High-Risk for Nonadherence to a Prescribed Treatment Regimen. A potential recipient shall be any person who has a history of treatment nonadherence; whose treatment has failed (treatment failure); whose disease has relapsed; who uses alcohol or controlled substances; who has mental, emotional, or physical impairments that interfere with the ability to self-administer medications; who is a child or adolescent.~~

(Source: Repealed at 36 Ill. Reg. _____, effective _____)

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Section 696.APPENDIX A Mantoux Skin Testing Procedures (Repealed)

~~Mantoux Skin Test. The Mantoux skin test or other TB screening test shall be used when identifying persons with infection, regardless of whether a BCG vaccination was received in the past. (See the incorporated publication, The Role of BCG Vaccine.) Multiple puncture tuberculin tests should not be used to determine whether a person has TB infection. The following applies to Mantoux skin testing only:~~

- ~~a) Administration. A trained person shall administer the Mantoux skin test in accordance with the incorporated publication, Core Curriculum.~~
- ~~b) Reading Reactions. Mantoux skin test reactions should be read 48 to 72 hours after administration in accordance with Appendix C and the incorporated publication Core Curriculum, and recorded in millimeters of induration. A positive reaction can be documented up to seven days after the skin test was performed. A negative reaction shall not be documented beyond 72 hours after the skin test was performed. A trained person shall read the test. The recipient of a skin test should not read his or her own skin test, even if the recipient is a trained health care worker.~~
- ~~c) Interpreting Reactions. The millimeter reading for defining a positive reaction shall depend on a person's risk factors for TB. (See Appendix C and the incorporated publications, Screening for High-Risk Populations and Treatment of TB and TB Infection, for further information about interpreting reactions in specific groups.)
AGENCY NOTE: Anergy. The absence of a reaction to the tuberculin skin test does not rule out the diagnosis of TB infection or disease. Anergy should be considered in immunosuppressed persons who have no reaction to the skin test.~~
- ~~d) Two-Step Testing. Testing of persons who will be retested periodically (such as persons at high risk of exposure to TB) and who do not have a documented negative skin test reaction during the preceding 12 months shall be done by two-step testing, except as provided for in Section 696.140(a)(2)(B). The first Mantoux skin test in two-step testing can be read from 48 hours to seven days after the test is administered. If the reaction to the first test is positive, a person shall be considered infected. If the reaction to the first skin test is negative, a second test shall be administered seven to 21 days after the first test was administered. The second test shall be read 48 to 72 hours after administration. (See Appendix B.)~~

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(Source: Repealed at 36 Ill. Reg. _____, effective _____)

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Section 696.APPENDIX B Waivers for Initial TB Screening Tests (Repealed)

- a) ~~Persons Who are Not Part of a Routine, Periodic Screening Program. TB screening test requirements can be waived when documentation is available of a TB screening test result read within 90 days before employment.~~
- b) ~~Persons Who are Part of a Routine, Periodic Screening Program. TB screening test requirements can be waived with documentation of:~~
 - 1) ~~Two or more negative Mantoux skin test results read within one year before employment/admission, with the most recent Mantoux skin test read within 90 days before employment/admission; or~~
 - 2) ~~A negative TB screening test result read within one year before employment/admission, provided that the employee shall then receive an additional TB screening test within seven days after employment/admission; or~~
 - 3) ~~Negative Mantoux two-step testing or other TB screening test results read within 90 days before employment/admission; or~~
 - 4) ~~Negative Mantoux two-step testing or other TB screening test results read within one year before employment/admission, followed by a negative Mantoux skin test result read within 90 days before employment/admission; or~~
 - 5) ~~Negative two-step testing results read within one year before employment/admission, provided that the employee shall then receive an additional Mantoux skin test within seven days after employment/admission.~~
- e) ~~Employees Re-hired or Clients Re-admitted Within a 12-Month Period. Employees and clients sometimes leave a facility for a period of time and later return to that facility. These employees and clients, who have previously met TB screening test requirements, may have such requirements for new hires or new admissions waived if indicated by a risk assessment and, in the judgement of the facility's medical director, these persons were at low risk of exposure to tuberculosis during their absence from the facility. Consultation should be obtained from the local TB control authority as necessary. A waiver signed by~~

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~~the facility's medical director shall be included in the employees' files.~~

- d) ~~Persons with Documentation of a Previous Positive TB Screening Test Result. Repeat skin testing is not needed or required for persons with documentation of a previous positive test result. (See Section 696.140(b) for screening procedures for persons with documentation of a previous positive result.)~~
- e) ~~Volunteers. At workplaces, screening requirements for volunteers may be waived based on the results of a risk assessment performed by the local TB control authority. Documentation of such waiver shall be kept on file at the facility.~~

(Source: Repealed at 36 Ill. Reg. _____, effective _____)

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**Section 696.APPENDIX C Summary of the Interpretation of Tuberculin Skin Test Results
(Repealed)**

1. ~~An induration equal to or greater than 5 mm is classified as positive in the following:~~
 - ~~•Persons who have had recent close contact with persons who have active TB.~~
 - ~~☐Persons who have been diagnosed with HIV infection or who have risk factors for HIV infection but whose HIV status is unknown.~~
 - ~~•Persons who have fibrotic chest radiographs consistent with healed TB.~~

2. ~~An induration equal to or greater than 10 mm is classified as positive in all persons who do not meet any of the above criteria, but who belong to one or more of the following groups having high risk for TB:~~
 - ~~•Injecting drug users known to be HIV seronegative;~~
 - ~~☐Persons who have other medical conditions that have been reported to increase the risk for progressing from latent TB infection to active TB disease. These medical conditions include diabetes mellitus, conditions requiring prolonged high-dose corticosteroid therapy and other immunosuppressive therapy (including bone marrow and organ transplantation), chronic renal failure, some hematologic disorders (e.g., leukemia and lymphomas), other specific malignancies (e.g., carcinoma of the head or neck), weight loss equal to or greater than 10% below ideal body weight, silicosis, gastrectomy, jejunioileal, bypass;~~
 - ~~☐Residents and employees of high-risk congregate settings; prisons and jails, nursing homes and other long-term residential facilities for the elderly, health-care facilities (including some residential mental health facilities), and homeless shelters;~~
 - ~~☐Foreign-born persons who have recently arrived (i.e., within the last 5 years) from countries having a high prevalence or incidence of TB;~~
 - ~~☐Some medically underserved, low-income populations, including migrant farm workers and homeless persons;~~

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- ~~•High risk racial or ethnic minority populations, as defined locally; and~~
- ~~☐Children less than 4 years of age, or infants, children, and adolescents exposed to adults in high risk categories.~~

3. ~~An induration equal to or greater than 15 mm is classified as positive in persons who do not meet any of the above criteria.~~

(Source: Repealed at 36 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

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- 1) Heading of the Part: Public Use of the Capitol Complex and Springfield Facilities
- 2) Code Citation: 71 Ill. Adm. Code 2005
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
2005.10	Amendment
2005.30	Amendment
2005.40	Amendment
2005.50	Amendment
2005.60	Amendment
2005.70	Amendment
- 4) Statutory Authority: Implementing and authorized by the Secretary of State Act [15 ILCS 305/5]
- 5) Complete Description of the Subjects and Issues Involved: The proposed amendments will update the administrative rules for the use of the Capitol grounds.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: These rulemakings will not require expenditures by local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Texts of the proposed amendments are posted on Secretary of State's web site, www.sos.state.il.us/departments/index/home as part of the Illinois Register. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

SECRETARY OF STATE

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Cynthia Grant
Assistant General Counsel
298 Howlett Building
Springfield, Illinois 62756

or
217/785-3094
cgrant@ilsos.net

The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the most recent regulatory agendas because: SOS did not anticipate this rulemaking at the time the agendas were filed.

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 71: PUBLIC BUILDINGS, FACILITIES AND REAL PROPERTY
CHAPTER IV: SECRETARY OF STATE

PART 2005

PUBLIC USE OF THE CAPITOL COMPLEX AND SPRINGFIELD FACILITIES

Section	
2005.10	Applicability
2005.20	Definitions
2005.30	Business Hours and Public Access
2005.40	Prohibited Activities
2005.50	Demonstrations
2005.60	Use of Buildings for Non-Demonstration Activity or Fund Raising Events
2005.70	Distribution of Leaflets and Solicitation of Funds
2005.80	Secretary of State Police Department
2005.90	Severability

AUTHORITY: Implementing and authorized by Section 5 of the Secretary of State Act [15 ILCS 305/5].

SOURCE: Adopted at 14 Ill. Reg. 7282, effective May 1, 1990; emergency amendment at 21 Ill. Reg. 6927, effective May 21, 1997, for a maximum of 150 days; emergency expired October 17, 1997; amended at 21 Ill. Reg. 14563, effective October 23, 1997; emergency amendment at 25 Ill. Reg. 15259, effective November 7, 2001, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 25 Ill. Reg. 15656, effective November 27, 2001; emergency amendment at 25 Ill. Reg. 15658, effective November 27, 2001, for a maximum of 150 days; emergency expired April 25, 2002; amended at 26 Ill. Reg. 9948, effective June 24, 2002; amended at 36 Ill. Reg. _____, effective _____.

Section 2005.10 Applicability

This Part is applicable to the use of the Stratton Building, the Visitors' Center, the Supreme Court Building, the Capitol Building, the Willard Ice Revenue Building, the Department of Driver Services Building, the Howlett Building, the State Library and their grounds, the Archives Building, Driver's License Facility Mechanical Services Building at 316 North Klein, Klein and Mason Warehouse, Power Plant at 315 North Klein, Court of Claims, ~~Waterways Building~~/Appellate Court at 201 West Monroe, the Warehouses at 3701, ~~3710~~ and 3765 Winchester Road, the Index Division at 111 East Monroe, the Emergency Services at 110 East Adam, the Securities Department at ~~300 West Jefferson, Suite 300520 South Second Street~~, the

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Secretary of State Police at ~~110322~~ East Adams, Internal Audits at ~~222 South College~~~~324 West Monroe~~, the Herndon Building at 421 East Capitol, and ~~the~~ Property Control ~~at 319 North Klein/Literacy Division at 4th and Jackson~~, pursuant to Section 5 of the Secretary of State Act [15 ILCS 305/5].

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

Section 2005.30 Business Hours and Public Access

- a) The public business hours of the Capitol Complex Buildings are ~~87~~ a.m. to ~~56~~ p.m., unless otherwise posted, Monday through Friday, except holidays declared by the Governor pursuant to Section 5-635 of the Civil Administrative Code of Illinois [20 ILCS 5/5-635], and on weekends and holidays between 9 a.m. and 4 p.m. for purposes of public tours only. When the General Assembly is in session, and the start of a committee meeting or session is sooner or later than the limits listed in this subsection, the public hours shall be one hour before the earliest committee meeting or session of either house for the opening time, and one hour after the adjournment of the last committee meeting or session of either house for the closing time in the Capitol Building or in whatever building the legislative function is held.
- b) Entrance to any building during times other than ~~the times~~ stated in subsection (a) of this Section is prohibited, except for the following persons who shall be admitted to office areas assigned to them for their use in carrying out their official duties:
 - 1) members of the General Assembly;
 - 2) employees of the General Assembly;
 - 3) employees of the executive departments whose offices are in the building;
 - 4) representatives of news media who have offices in the Capitol Building;
 - 5) any authorized maintenance, repairer, contractor or other service employee, while performing duties which have been arranged for by the Department of Physical Services; and
 - 6) any person who is specifically requested to enter into any building or

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office by an authorized individual listed in subsections (b)(1) to (4) of this Section.

- c) Proper identification of all persons, such as a press pass, government photo identification card, a driver's license or other document which shows the identity of the person, may be demanded by security personnel, and ~~employees may~~ persons will be required to sign in and out of a building after 5 p.m. and before 7 a.m. Only one entrance shall be open after the public business hours. Factors to be considered in which identification may be requested include, but are not limited to: the security guard or investigator does not recognize the individual; the behavior of the individual; and accessibility to office areas, work areas and restricted access areas. All persons entering into the buildings of the Capitol Complex may be required to wear their government photo identification card outside their clothing at all times when it has been determined by the Director of the Department of Police that security concerns warrant such display. All visitors to the Capitol Complex who do not possess a government photo identification card will be required to submit themselves to security screening measures prior to entry, sign a logbook as they enter the buildings. ~~Visitors will be issued a visitor badge.~~ Lobbyists, vendors and their employees and employees of State agencies that do not issue photo identification cards ~~may~~ shall be issued photo identification cards by the Secretary of State Department of ~~Police~~ Physical Services.
- d) All persons and vehicles entering into the Capitol Complex and its buildings may be subject to search, including, but not limited to, inspection of vehicles, trunks, parcels and packages, metal detector screening, X-Ray scans and inspection of bulky personal items brought into the Capitol Complex.
- e) Firearms, firearm ammunition, knives with a blade exceeding 3 inches, explosive devices, flammable, corrosive or explosive compounds, incendiary devices, irritants or noxious compounds (i.e., tear gas or pepper spray), and toy or dummy weapons, all contraband and any other items deemed to be inappropriate or that could be used as a weapon shall be prohibited. ~~The fixed blade knives and knives with a blade exceeding 4 inches in length are prohibited in the Capitol Complex, except those possessed by law enforcement personnel in the performance of their official duties, or unless previously authorized by the~~ Director of the Department of Police may permit exemptions to these prohibitions for law enforcement, military and ceremonial personnel who are performing their official duties.
- f) Emergency responders who are responding to a bonafide emergency situation

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within the Capitol Complex are not subject to screening or searches.

- gf) Public access to any building or area of the grounds may be restricted, if it is determined by the Director of the Department of Police that a situation has arisen that threatens the security of persons and buildings within the Capitol Complex.

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

Section 2005.40 Prohibited Activities

- a) No animals, except guide dogs to assist ~~persons with disabilities~~~~handicapped persons~~, or dogs utilized by police officers and firefighters in the performance of their official duties, shall be permitted in the buildings in the Capitol Complex.
- b) No person or organization shall camp, erect a tent, monument (except as authorized by the Secretary of State to commemorate a deceased public official or a historical event), structure, portable toilet, platform, sign, or similar device on the grounds of or within the State Capitol, Visitors' Center, the State Library, the Howlett Building, or the Stratton Building, except as provided in subsection (i) of this Section.
- c) No person or organization shall block, obstruct, or impede any doorway, stairway, corridor, or elevator in the Capitol Complex.
- d) No demonstrations are allowed above the first floor of the Capitol Building; this includes singing, chanting or shouting in a loud voice of the type that could interfere with the business conducted in the building.
- e) No banners, posters, placards, signs or symbols may be carried above the first floor of the Capitol Building. No sticks, poles, or laths may be used to carry any sign or placard into the buildings. No chains or ropes may be carried into the buildings, except by authorized workers and State employees, with the permission of the Director.
- f) No person or group of persons shall use any electronic loudspeaker, bullhorn, or other amplifying device within the Capitol Complex buildings or grounds, unless prior permission of the Director is obtained pursuant to Section 2005.50(d) of this Part. Permission will be granted for demonstration only.

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- g) No banners, posters, placards, signs, or symbols may be affixed in any way by any person to the railing of the second, third or fourth floor of the State Capitol Building. No banners, posters, placards, signs or symbols for demonstration purposes may be affixed in any way to the walls, railings, floors, or ceilings of any of the buildings in the Capitol Complex.
- h) No banners, posters, placards, signs or symbols may be displayed for more than two weeks within a six month period.
- i) No displays or structures (including tents) in the buildings or on the grounds may be erected without the permission of the Director pursuant to Section 2005.50(d) of this Part. Permission shall be granted only if the display structure is part of symbolic expression in the exercise of free speech guaranteed by the First Amendment to the United States Constitution and Article I, Sections 4 and 5 of the 1970 Illinois Constitution. No more than 2 tents or small structures may be erected at the location designated by the Director, which location will not impede pedestrian or vehicular traffic or substantially damage the Capitol grounds i.e., damage to grass or grounds which would require replacement. The only locations which are authorized for structures and displays shall be the paved areas between the Howlett Building and the Capitol Building, in the north front of the Howlett Building and between the Stratton Building and the Archives Building. No structures or displays will be placed on grass areas which have an underground watering system on them.
- j) The display of commercial signs, placards, or other forms of advertisement, or the sale, display, or vending of commercial products or articles in the buildings or on the grounds is prohibited, except pursuant to contract with the State Government.
- k) The noise level from demonstrators, picketers, and protesters of any group or groups, or as individuals within the Capitol Building rotunda shall not exceed a decibel level of 75dB. If the noise level from these persons exceeds this limit, the Director shall direct all persons to decrease the noise or to reduce the numbers of people within the Capitol Building to lower the noise level to the specified level, which shall not exceed 75dB(A).
- l) No person or organization shall damage, destroy, remove, deface, defile, tarnish, or injure in any way State property within the buildings or on the grounds thereof. All persons and organizations engaging in this type of prohibited activity will be responsible for all costs, expenses, damages, and liability resulting from their own

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actions or the actions of persons or organizations controlled or directed by them at the time of the damage to state property.

- m) ~~No smoking is permitted in any building in the Capitol Complex~~
~~No smoking in the public areas of all buildings, unless in a designated smoking area.~~
- n) No skateboard riding, rollerblading, or skating is allowed in the Capitol Complex.

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

Section 2005.50 Demonstrations

- a) The holding or conducting of any demonstration, public meeting, gathering, or parade on or in the buildings or their grounds is prohibited unless a permit for such activity is issued by the Director. A Special Events form addressed to the Department of Physical Services, Special Events Division, must be submitted at least 48 hours in advance of the event to be scheduled, unless the requestor can show by the preponderance of the evidence, that the cause or reason for the requested demonstration, meeting, gathering or parade was not known, contemplated, reasonably foreseeable, resulted from changed circumstances, or in existence within those 48 hours, except that no such request shall take precedence over an activity which was previously scheduled by the Director.
- b) The Special Events form shall state the name of the individual, organization, corporation, association, society, fraternity, sorority, club, or group ~~of whatever kind or nature~~ seeking to use the building or the grounds. The request shall ~~also~~ list the ~~event contact person, telephone numbers and address. Additionally, names and addresses of all officers or leaders,~~ the particular facility desired to be used, the dates and times sought, equipment to be used, or supplied, and the estimated number of the participants ~~shall be provided by the applicant. The permit shall only be valid for the date and time approved by the Director and does not allow the group to demonstrate at any date or time other than what has been approved.~~
- c) Any group seeking a permit under this Section shall have one marshal per 25 participants. Marshals will be identified by insignia and their identities disclosed to security and/or police officials prior to the demonstration. The marshals' duties shall include making certain, to the best of his/her ability under the circumstances, that the conditions of the permit are met, that compliance with the rules occurs, that the demonstration remains peaceful and orderly and the participants remain

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within the physical boundaries of the permit.

- d) The Director will issue a permit to an applicant unless he or she finds that the intended activity will:
- 1) Unreasonably interfere with the movement of vehicular traffic in the parking lots of the Capital Complex, or persons within the buildings or on the grounds;
 - 2) Not occur in the area designated and will create or cause a health and/or safety hazard and will impede substantially the performance of public business to be conducted in the area;
 - 3) Endanger the health and safety of the permit applicants or other persons;
 - 4) Be a commercial activity; ~~or~~
 - 5) Conflict in date, time, and place with a previously scheduled activity of another applicant or a government agency. All Special Events forms are date and time stamped upon receipt and permits are issued on a first-come, first-served basis; ~~or-~~
 - 6) [Groups may be subject to time changes or cancellation if it is determined that the scheduled activity will unreasonably interfere with legislative process.](#)
- e) Applicants may also be denied a permit if past demonstrations involving their particular organization/individuals have resulted in removal, arrest, or other violation of this Part.
- f) Applicants denied a permit may modify their request to meet the objection and concerns of the Director and may resubmit their application for consideration.
- g) A Special Events form addressed to the Department of Physical Services, Special Events Division shall be considered an application. A written response from the Director approving part or all of the application shall be considered the permit. The written response shall state the reasons for denying in whole or in part the request. The Director is required to show by the preponderance of the evidence that an unreasonable interference will occur or is occurring when he denies the

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request in whole or in part.

- h) A person or organization denied a permit in whole or in part, may appeal the denial to the Secretary of State. The appeal shall be in writing, stating the specific reasons why the Director's decision was incorrect and what relief is sought. The appeal must be submitted at least 24 hours prior to the time of the requested demonstration, to allow the Secretary time within which to consider and decide the appeal. The Secretary's decision shall be in writing, and shall be made at least 2 hours prior to the requested demonstration's time of starting. The Secretary's decision shall be final for the purposes of the Administrative Review Act [735 ILCS 5/Art. III].
- i) Permitted demonstrations may be canceled without prior notice by the Director of the Department of Police, if security concerns warrant such an action.

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

Section 2005.60 Use of Building for Non-Demonstration Activity or Fund Raising Events

- a) ~~Not-for-profit organizations~~ ~~Organizations~~ that apply to sell baked goods, ~~cards~~, or other items with a price not to exceed \$50.00 in the buildings specified in Section 2005.10 of this Part shall submit a Special Events form to the Department of Physical Services, Special Events Division at least 48 hours in advance of the desired start of their sale. The application shall state the name of the organization, the date requested for the sale or activity, the location requested, and any alternative dates and locations.
 - 1) Only one activity at a time will be approved by the Director for each location.
 - 2) The only locations allowed for such sales are the northwest lobby of the Howlett Building, the area on the south side of the Stratton Building Cafeteria, and the designated first floor hallway area at the Department of Driver Services Building at 2701 South Dirksen Parkway.
 - 3) Sales may occur during the public business hours.
 - 4) The Director will only approve applications to sell submitted by not-for-profit organizations, who must submit a copy of the organization's tax

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exempt number form. No organization without a tax exempt number will be allowed to sell in the areas designated.

- b) No commercial activity, including but not limited to such as selling real estate, automobiles, or insurance, is allowed in the buildings specified in Section 2005.10 of this Part.
- c) No alcohol or alcoholic beverages are allowed to be sold, consumed, delivered, or used in the buildings specified in Section 2005.10 of this Part, except as permitted by Section 6-15 of the Liquor Control Act of 1934 [235 ILCS 5/6-15].
- d) All organizations that are permitted to use the Capitol Complex buildings or the buildings specified in Section 2005.10 of this Part shall indemnify the State and the Secretary of State from any injury or damage caused by their members' or participants' negligence or willful misconduct. The members who cause the damage or injury are primarily responsible. Such organization shall also restore the used areas to their pre-use appearance and condition, less reasonable wear and tear, and the Director shall be the final decision-maker on the clean-up of the used area. This subsection applies to those organizations listed in subsection (a) of this Section and any other organization receiving permission from the Director to use the specified buildings for meetings or parties.
- e) All Special Events forms requesting use of the buildings specified in Section 2005.10 of this Part or the Capitol Complex will be submitted to the Department of Physical Services, Special Events Division at least 48 hours in advance of the proposed starting time of the activity.
- f) Nothing in this Section shall give the Director authority over the use of the Chambers, meeting rooms, or committee rooms of the General Assembly. The use of each room shall be decided according to legislative rules.
- g) Decorations cannot be applied by tape, glue or any type of adhesive material to any part of the building, unless special arrangements have been made and approved by the Special Events Coordinator. No candles, confetti or balloons are allowed. No smoke/fog machines are permitted. Any other special effects equipment must have prior approval of the Special Events Division.
- h) No on-site cooking, such as grilling, is permitted in the Capital Complex or on the grounds.

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- i) Permitted uses of the Capitol Complex may be canceled without prior notice by the Director of the Department of Police, if security concerns warrant such an action.

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

Section 2005.70 Distribution of Leaflets and Solicitation of Funds

- a) No organization, including charitable organizations and political parties or candidates, shall distribute leaflets to, ~~or solicit and collect funds from,~~ persons entering or in the buildings specified in Section 2005.10 of this Part, except from public sidewalks, walkways within the Capitol Complex, or on the north plaza of the Howlett Building.
- b) No such distribution ~~or solicitation~~ shall be allowed in any automobile parking area under the control of the Director in Springfield, or within business areas in the buildings specified in Section 2005.10 of this Part.
- c) Activities included in subsection (a) of this Section shall not be allowed without the written permission of the Director, which shall not be withheld if the request pertains to political activity or charitable solicitation. All requests to engage in this activity must be submitted in writing at least 48 hours in advance of the activity, unless the criteria for requests within less than 48 hours set forth in Section 2005.50(a) are met.
- d) No contributions may be intentionally solicited, accepted, offered or made in the buildings or on the grounds of the buildings set forth in Section 2005.10.
- d) ~~All requests to engage in such activity must be submitted in writing at least 48 hours in advance of the activity, unless the criteria for requests within less than 48 hours set forth in Section 2005.50(a) of this Part are met.~~

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

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- 1) Heading of the Part: Certificates of Title, Registration of Vehicles
- 2) Code Citation: 92 Ill. Adm. Code 1010
- 3) Section Number: 1010.245 Proposed Action:
Amendment
- 4) Statutory Authority: Chapter 3 of the Illinois Vehicle Code (625 ILCS 5/3-100.3) and authorized by Section 2-104(b) of the Illinois Vehicle Code
- 5) Complete Description of the Subjects and Issues Involved: The proposed rule will require all new vehicle dealers to utilize the Electronic Registration and Titling (ERT) Program to submit title and registration documents to the Secretary of State's Office. The rule also increases the bond amount required for ERT service providers and increases the amount to be paid by the ERT service provider for unaccounted for inventory.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 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 proposed rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not require expenditures by local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Texts of the proposed amendments are posted on Secretary of State's web site, www.sos.state.il.us/departments/index/home as part of the *Illinois Register*. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

Cynthia Grant
Assistant General Counsel
298 Howlett Building

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Springfield, Illinois 62756

or

217/785-3094

cgrant@ilsos.net

The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Any small business who is an ERT service provider.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not anticipated at the time of the last regulatory agenda.

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

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1010
CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

SUBPART A: DEFINITIONS

- Section
1010.10 Owner – Application of Term
1010.20 Secretary and Department

SUBPART B: TITLES

- Section
1010.110 Salvage Certificate – Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate
1010.120 Salvage Certificate – Assignments and Reassignments
1010.130 Exclusiveness of Lien on Certificate of Title
1010.140 Documents Required to Title and Register Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards
1010.150 Transferring Certificates of Title Upon the Owner's Death
1010.160 Repossession of Vehicles by Lienholders and Creditors
1010.170 Junking Notification
1010.180 Specially Constructed Vehicles – Defined
1010.185 Specially Constructed Vehicles – Required Documentation for Title and Registration
1010.190 Issuance of Title and Registration Without Standard Ownership Documents – Bond

SUBPART C: REGISTRATION

- Section
1010.200 Homemade Trailers – Title and Registration
1010.210 Application for Registration
1010.220 Vehicles Subject to Registration – Exceptions
1010.230 Refusing Registration or Certificate of Title
1010.240 Registration Plates To Be Furnished by the Secretary of State

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- 1010.245 Electronic Registration and Titling (ERT) Program Provisions
1010.250 Applications For Reassignment

SUBPART D: REVOCATION, SUSPENSION AND
CANCELLATION OF REGISTRATION

Section

- 1010.300 Operation of Vehicle after Cancellation, Suspension, or Revocation of any
Registration
1010.310 Improper Use of Evidences of Registration
1010.320 Suspension, Cancellation or Revocation of Illinois Registration Plates and Cards
and Titles
1010.330 Operation of Vehicle Without Proper Illinois Registration
1010.350 Suspension or Revocation
1010.360 Surrender of Plates, Decals or Cards

SUBPART E: SPECIAL PERMITS AND PLATES

Section

- 1010.410 Temporary Registration – Individual Transactions
1010.420 Temporary Permit Pending Registration In Illinois
1010.421 Issuance of Temporary Registration Permits by Persons or Entities Other Than the
Secretary of State
1010.425 Non-Resident Drive-Away Permits
1010.426 Five Day Permits
1010.430 Registration Plates for Motor Vehicles Used for Transportation of Persons for
Compensation and Tow Trucks
1010.440 Title and Registration of Vehicles with Permanently Mounted Equipment
1010.450 Special Plates
1010.451 Purple Heart License Plates
1010.452 Special Event License Plates
1010.453 Retired Armed Forces License Plates
1010.454 Gold Star License Plates
1010.455 Collectible License Plates
1010.456 Sample License Plates For Motion Picture and Television Studios
1010.457 Korean War Veteran License Plates
1010.458 Collegiate License Plates
1010.460 Special Plates for Members of the United States Armed Forces Reserves
1010.465 Requests for General Issuance Specialty License Plates

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- 1010.470 Dealer Plate Records
- 1010.480 State of Illinois In-Transit Plates

SUBPART F: FEES

- Section
- 1010.510 Determination of Registration Fees
- 1010.520 When Fees Returnable
- 1010.530 Circuit Breaker Registration Discount
- 1010.540 Fees
- 1010.550 Determining Age of Vehicle

SUBPART G: MISCELLANEOUS

- Section
- 1010.610 Unlawful Acts, Fines and Penalties
- 1010.620 Change of Engine

SUBPART H: SECOND DIVISION VEHICLES

- Section
- 1010.705 Reciprocity
- 1010.710 Vehicle Proration
- 1010.715 Proration Fees
- 1010.720 Vehicle Apportionment
- 1010.725 Trip Leasing
- 1010.730 Intrastate Movements, Foreign Vehicles
- 1010.735 Interline Movements
- 1010.740 Trip and Short-term Permits
- 1010.745 Signal 30 Permit for Foreign Registration Vehicles (Repealed)
- 1010.750 Signal 30-Year-round for Prorated Fleets of Leased Vehicles (Repealed)
- 1010.755 Mileage Tax Plates
- 1010.756 Suspension or Revocation of Illinois Mileage Weight Tax Plates
- 1010.760 Transfer for "For-Hire" Loads
- 1010.765 Suspension or Revocation of Exemptions as to Foreign Registered Vehicles
- 1010.770 Required Documents for Trucks and Buses to detect "intrastate" movements
- 1010.775 Certificate of Safety

- 1010.APPENDIX A Uniform Vehicle Registration Proration and Reciprocity Agreement

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1010.APPENDIX B	International Registration Plan
1010.APPENDIX C	Affirmation Supporting Salvage Certificate
1010.APPENDIX D	Specialty License Plates Request Form

AUTHORITY: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 3 and 2-104(b)].

SOURCE: Filed and effective December 15, 1970; emergency amendment at 2 Ill. Reg. 25, p. 119, effective June 14, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency amendment at 4 Ill. Reg. 21, p. 99, effective May 14, 1980, for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 3358, effective March 1, 1985; amended at 9 Ill. Reg. 9176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 9 Ill. Reg. 14711, effective September 13, 1985; amended at 10 Ill. Reg. 1243, effective January 6, 1986; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at 10 Ill. Reg. 14308, effective August 19, 1986; recodified at 11 Ill. Reg. 15920; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 15193, effective September 15, 1988; amended at 13 Ill. Reg. 1598, effective February 1, 1989; amended at 13 Ill. Reg. 5173, effective April 1, 1989; amended at 13 Ill. Reg. 7965, effective May 15, 1989; amended at 13 Ill. Reg. 15102, effective September 15, 1989; amended at 14 Ill. Reg. 4560, effective March 1, 1990; amended at 14 Ill. Reg. 6848, effective April 18, 1990; amended at 14 Ill. Reg. 9492, effective June 1, 1990; amended at 14 Ill. Reg. 19066, effective November 15, 1990; amended at 15 Ill. Reg. 12782, effective August 15, 1991; amended at 16 Ill. Reg. 12587, effective August 1, 1992; amended at 19 Ill. Reg. 11947, effective August 1, 1995; amended at 19 Ill. Reg. 16289, effective November 27, 1995; amended at 20 Ill. Reg. 11349, effective August 1, 1996; amended at 21 Ill. Reg. 8408, effective June 23, 1997; amended at 21 Ill. Reg. 13372, effective September 17, 1997; amended at 22 Ill. Reg. 8521, effective April 28, 1998; amended at 22 Ill. Reg. 22059, effective January 1, 1999; amended at 25 Ill. Reg. 7731, effective June 6, 2001; emergency amendment at 25 Ill. Reg. 14201, effective October 22, 2001, for a maximum of 150 days; emergency expired March 20, 2002; amended at 26 Ill. Reg. 14282, effective September 16, 2002; amended at 27 Ill. Reg. 4790, effective February 27, 2003; amended at 29 Ill. Reg. 8915, effective June 10, 2005; amended at 31 Ill. Reg. 2668, effective January 29, 2007; amended at 32 Ill. Reg. 17253, effective October 15, 2008; amended at 32 Ill. Reg. 17590, effective October 16, 2008; amended at 34 Ill. Reg. 3673, effective March 5, 2010; amended at 34 Ill. Reg. 10202, effective June 29,

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2010; amended at 35 Ill. Reg. 1652, effective January 13, 2011; amended at 35 Ill. Reg. 8240, effective May 16, 2011; amended at 36 Ill. Reg. _____, effective _____..

SUBPART C: REGISTRATION

Section 1010.245 Electronic Registration and Titling (ERT) Program Provisions

- a) The Secretary may, in his or her discretion, establish a program for the electronic registration and titling (ERT) of motor vehicles. Transactions that may be conducted pursuant to an ERT program may include transmitting applications for titles and registration of motor vehicles, renewal of motor vehicle registrations, creating and removing liens from motor vehicle records, applying for salvage or junking certificates, and issuing registration plates and stickers by motor vehicle dealers, financial institutions and retail merchants, except that licensees under the Sales Finance Agency Act [205 ILCS 660] and the Consumer Installment Loan Act [205 ILCS 670] shall only be authorized to apply for titles and create and remove liens from motor vehicle records. Insurance companies shall only be permitted to apply for salvage or junking certificates and retail merchants shall only be authorized to issue registration renewal stickers.
- b) Upon the establishment of an ERT program, the Secretary may enter into agreements with ERT service providers to serve as intermediaries between the Secretary of State's office and motor vehicle dealers, financial institutions and retail merchants (collectively referred to in this Section as "vendors"). For the purposes of this Section, the term "financial institution" shall mean any federal or state chartered bank, savings and loan, credit union, and armored carrier, and any currency exchange, either directly or indirectly through an armored carrier. The term shall also include insurance companies and licensees under the Sales Finance Agency Act and the Consumer Installment Loan Act. The term "retail merchant" shall mean a business that is engaged in the sale of goods or services to the general public and that has one or more permanently established places of business in Illinois.
- c) The ERT service provider shall be responsible for the following:
 - 1) establishing a computerized communication link between the vendors and the Secretary of State for the transmission of titling, registration, registration renewal and lien information, in compliance with all specifications of the Secretary of State's office. The communication link

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must provide for the secure transmission of information as required under this Section without permitting access to the vendor's confidential information by any entity that is not authorized by the vendor and the Secretary of State. Any entity that is authorized to access a vendor's information system, software, data or network must preserve its confidentiality and integrity. This provision does not limit or prohibit the Secretary of State from accessing confidential information;

- 2) transmitting all fees associated with the title and registration transactions to the Secretary of State and transmitting all sales taxes due and owing for the sales of motor vehicles to the Illinois Department of Revenue;
- 3) maintaining an inventory of registration plates and stickers at a secure location that is subject to inspection by the Secretary of State, distributing those plates and stickers to vendors as necessary, receiving unused, expired, damaged and voided plates and stickers and reports of lost or stolen plates and stickers from vendors, and forwarding those reports and returning those unused, expired, damaged and voided plates and stickers to the Secretary of State warehouse monthly. For purposes of this Section, the term "plates" shall mean vehicle registration license plates, and the term "sticker" shall mean the adhesive sticker affixed to license plates and the form, with a pre-printed control number and barcode, to which the sticker is attached when shipped and printed. When this Section provides for shipping, inventory, accounting or reconciliation of, or credit for returned, stickers, the sticker must be attached to the original form or affixed to a plate and recorded as issued with that plate.
 - A) The inventory control system shall accurately track all registration plates and stickers shipped to the service provider by the Secretary, those distributed by the provider to vendors (including tracking which specific plates and stickers were shipped to individual vendors), those returned by vendors to the provider, and those returned by the provider to the Secretary. The inventory yet to be shipped and the returned inventory shall be stored separately. In addition, the inventory system shall comply with one of the following:
 - i) All inventory shall be maintained in sequential order, according to document number, including inventory being

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held for shipping to vendors and inventory returned by vendors.

- ii) The computerized inventory control system must utilize barcode readers that enable the service provider or Secretary of State employees to scan and accurately record inventory items yet to be shipped and returned inventory. Secretary of State employees must have access to a computer terminal at the service provider's site during inventory and reconciliation procedures, and the system must allow the printing of necessary inventory reports during these procedures.
- B) Real-time access to the inventory control system shall be provided to Secretary of State staff, auditors and Secretary of State Police for review, reconciliation, auditing and inventory verification to ensure compliance with rules, policies and regulations, and for locating individual registration plates and stickers and determining to which vendor the individual registration plates and stickers were issued. All electronic information shall be maintained for not less than five years after receipt of the inventory by the service provider.
- C) Bulk inventories of registration plates and stickers will be delivered by the Secretary to the service provider as needed. The service provider shall acknowledge receipt of the inventory in a manner approved by the Secretary and is responsible for the inventory upon receipt. The service provider shall store the inventory within the State of Illinois. The service provider shall distribute registration plates and stickers to vendors, as necessary, and shall accept returns from the vendors of unused, expired, damaged and voided plates and stickers.
- D) Vendors shall not return unused, expired, damaged or voided plates and stickers directly to the Secretary. The Secretary shall not be responsible for inventory incorrectly returned.
- E) Vendors who have inventory that is damaged, voided, missing, lost or stolen during a given month shall report those occurrences to the

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service provider not later than the final day of the following month. (Example: Inventory items damaged during August must be reported and returned to the service provider not later than the following September 30.) Credit for returned plates will only be granted when both plates in the set have been returned or accounted for, if the plates were of the type issued as a pair. All or as much as possible of the damaged or voided stickers must be returned to receive credit for returned inventory. When it is not possible to return any portion of a damaged or voided plate or sticker, an explanation as to the circumstances causing the plate or sticker to be voided or damaged, and the reasons no portion can be returned, must be provided. The Secretary shall have the right to determine whether the explanation will be accepted and whether inventory credit will be given for the plates or stickers not returned in whole or in part. In making this determination, the Secretary shall consider whether the vendor is able to retain and return the form on which the sticker is issued; whether matters beyond the control of the vendor may have contributed to the complete loss of the stickers (e.g., fires or industrial accidents that are accompanied by police reports, fire reports or insurance claims); and the history of the individual vendor with regard to the loss of stickers.

- F) Service providers may be relieved of responsibility for payment for plates and stickers reported as stolen only if a copy of a police report concerning the theft is provided to the Secretary.
- G) Not later than March 31 of each calendar year, vendors shall return to service providers all remaining stickers in their possession of the type and color that expire during that calendar year. (Example: During 2007, vendors sell stickers that expire during 2008, such that a sticker sold in March 2007 expires in March 2008. As of January 2008, vendors will be selling stickers of the type and color that expire in 2009. Therefore, not later than March 31, 2008, vendors shall return to the service provider all remaining stickers in their possession of the type and color that expire during 2008).
- H) On a periodic basis, but not less than monthly, the Secretary and the service provider shall reconcile their records of plates and stickers shipped by the Secretary to the service provider, plates and

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stickers issued by vendors to vehicle owners and for which the appropriate documentation and fees were received by the Secretary, plates and stickers returned by vendors to the service provider as unused, expired, damaged or voided, explanations provided by vendors for damaged or voided stickers and plates that have not been returned in whole or in part, and plates and stickers still in the actual possession of the service providers and vendors. The review and accounting of inventory and returned items shall be conducted in the manner prescribed by the Secretary. After these periodic reconciliations, the unused, expired, damaged or voided plates and stickers shall be returned to the Secretary and the Secretary shall issue the service provider a receipt for the returned inventory. A preliminary report of missing billable inventory for the preceding month shall be provided after these periodic reconciliations.

- I) Following the reconciliation after March 31, June 30, September 30 and December 31, the Secretary shall invoice the service provider for all plates or stickers unaccounted for during the preceding quarter. These reconciliations will be based on the reported inventory still in the possession of vendors. Service providers shall not receive credit for unaccounted for inventory items that are located after this quarterly reconciliation and billing.
- J) The unaccounted for inventory shall be invoiced at the following rates. For unaccounted for stickers, the rate shall be ~~\$125+00~~ per sticker. For unaccounted for plates that are intended to be sold as a set (e.g., passenger vehicle or truck plates) the rate shall be ~~\$125+00~~ per set of plates. For unaccounted for plates that are intended to be sold individually (e.g., motorcycle or trailer plates) the rate shall be ~~\$125+00~~ per plate. Payment in full must be made to the Secretary within 45 days after receipt of the notice from the Secretary of the amount due. Service providers may recover such payments from vendors pursuant to the contracts between the service providers and the vendors.
- K) Certain types of registration stickers are sold outside of the one-year process noted in subsection (c)(3)(G) (e.g., registrations of fleet vehicles). To accommodate these sales, after the return and

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reconciliation of all inventory as provided in subsections (c)(3)(H) and (I), the Secretary may re-issue preceding year stickers to service providers for the use of vendors engaging in sales of vehicles requiring these registrations. These re-issued stickers shall be tracked separately in the service provider's inventory control system. Not less than three months after these re-issued stickers may no longer be legally sold, all remaining inventory of these stickers shall be returned to the service provider by the vendor, and the stickers shall be subject to the final reconciliation and billing process set forth in subsection (c)(3)(I).

- L) The Secretary shall have the right to conduct physical inspections of the inventory of service providers and vendors during normal business hours.
 - M) The Secretary shall have the right to suspend or revoke the right of service providers and/or vendors to participate in the ERT program for failure to comply with the inventory control provisions set forth in this subsection (c)(3), or for excessive or repeated incidents of unaccounted for inventory;
- 4) complying with all requirements of the Secretary of State and the Department of Revenue concerning the security of the electronic information and funds transmissions, which shall prohibit access to a vendor's confidential information by any entity without authorization of the vendor and Secretary of State and a requirement that any entity that is authorized to access a vendor's confidential information must preserve the confidentiality and integrity of the vendor's information systems, software, data and network, the security of the registration plates and stickers, and maintaining an electronic inventory control system for the registration plates and stickers. This provision does not limit or prohibit the Secretary of State from accessing confidential information;
 - 5) retaining records of all ERT transactions as directed by the Secretary;
 - 6) posting a performance bond in an amount set by the Secretary, not to exceed \$1,000,000. Beginning July 1, 2012, a service provider must post a performance bond in the amount of \$1,500,000;

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- 7) registering as a remittance agent pursuant to 625 ILCS 5/Ch. 3, Art. IX;
 - 8) complying with all other terms and conditions set forth in the agreement between the Secretary of State and the ERT service provider;
 - 9) providing a formal process for billing and enforcement of all vendor inventory issues and pending transaction issues and designating a specific representative to communicate with the Secretary of State on all vendor inventory issues and pending transaction issues.
- d) The ERT service provider shall enter into agreements with vendors for participation in the ERT program.
- 1) All vendors must be currently licensed and in good standing with their regulatory agencies before being selected to participate in this program.
 - 2) The Secretary shall have the sole discretionary right to review and approve these agreements and shall have the right to approve, deny or revoke the right to participate in the ERT program by individual vendors. Retail merchants wishing to serve as vendors must be approved in advance by the Secretary. Any decision to deny or revoke an individual vendor's right to participate in the ERT program shall be based on:
 - A) the vendor's prior compliance with or violations of applicable statutes, rules and regulations;
 - B) the vendor's participation in the Secretary's temporary registration permit program and any violations of the rules and regulations of the temporary registration permit program found in Section 1010.421;
 - C) violations by the vendor of this Section or violations of the terms of agreements entered into by the vendor in the ERT program;
 - D) the benefit to the public to be derived by the vendor's participation in the program;
 - E) the resources of the Secretary of State's office to support the vendor's participation in the program; and

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- F) The factors set forth in Section 1010.240(b)(2)(E)-(J).
- 3) Vendors shall inform customers that utilizing the electronic registration and titling system is optional.
- 4) The ERT program shall not be used to request or obtain specialty, vanity or personalized registration plates.
- 5) Fees collected for ERT transactions are nonrefundable by the Secretary.
- 6) Registration plates and stickers may only be issued at the time an ERT transaction is processed.
- 7) Title, registration and registration renewal applications and other required documents shall be delivered to the Office of the Secretary of State within 20 days after vehicle sale, registration or registration renewal.
- e) Except as permitted by the Secretary during a transition period, no vendor may simultaneously participate in the ERT program and the Over-the-Counter Sales Program (see Section 1010.240).
- f) Beginning July 1, 2012, all franchised new motor vehicle dealers must use an ERT program to submit all titling and registration applications to the Secretary of State.

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

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- 1) Heading of the Part: Video Gaming (General)
- 2) Code Citation: 11 Ill. Adm. Code 1800
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1800.110	Amendment
1800.430	Amendment
1800.520	Amendment
1800.555	New Section
- 4) Statutory Authority: Implementing and authorized by the Video Gaming Act [230 ILCS 40/1]
- 5) Effective date of rulemaking: January 6, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an incorporation by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the principal office and is available for public inspection.
- 9) Notice of proposal published in Illinois Register: August 12, 2011; 35 Ill. Reg. 13021
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Upon review of the proposed rulemaking, the Illinois Gaming Board concluded that a revision was necessary to avert a conflict in language pertaining to the procedure for withdrawal of license applications. New Section 555 of the rulemaking (11 Ill Adm. Code 1800.555) gives the Administrator authority to approve license application withdrawals. This new provision conflicted with existing paragraph (f) of Section 520 of the video gaming rules (11 Ill. Adm. Code 520 f)), requiring Board approval for all withdrawals. To eliminate this inconsistency, the First Notice Changes made Section 520 part of the proposed rulemaking, and deleted paragraph (f) of that Section, leaving the rest of the Section unchanged.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

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13) Will this rulemaking replace any emergency rulemaking currently in effect? No. The companion emergency rulemaking expired December 25, 2011.

14) Are there any amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
1800.330	New Section	35 Ill. Reg. 15418; September 23, 2011

15) Summary and purpose of rulemaking: The present rulemaking is intended to implement the provisions of the Video Gaming Act enacted by Public Act 96-0034 and amended by Public Acts 96-0037 and 96-0038. The Video Gaming Act authorizes installation of video gaming terminals used for wagering purposes in various categories of licensed locations and provides for the distribution of specified percentages of video gaming revenues to State and local governments for designated purposes. The Illinois Gaming Board is responsible for administering and enforcing the Video Gaming Act. Specific changes made by the present amendment, and the reasons therefore, are the following:

The rulemaking adds a new Section 555 to the Video Gaming Rules (11 Ill. Adm. Code new 1800.555), entitled Withdrawal of Applications. Under this new section, an applicant for any category of licensure under the Act may request leave to withdraw the application. Generally, applications for licenses may be withdrawn under the new rule without leave of the Board, if written notification of withdrawal is received prior to Board action on licensure. If, however, the Administrator objects to withdrawal, leave of the Board will be required. Once an application for a license is withdrawn, the applicant may not reapply for a license within one year from the date withdrawal is granted without leave of the Board. There will be no refund of the application fee in the event of a withdrawal, as the Board will have already incurred investigatory expenses. The Illinois Gaming Board has received a number of requests for withdrawal of applications. The withdrawals, if allowed, will permit the Board to allocate scarce investigatory resources toward applicants that wish to pursue their license applications.

The rulemaking also amends the definition of "persons with significant influence and control" contained in Section 110, Definitions (11 Ill. Adm. Code 1800.110), by changing "and" to "or" and providing that the definition does not refer to persons with a "substantial interest." In keeping with the revised definition, the rulemaking also amends Section 430, Persons with Significant Influence or Control (11 Ill. Adm. Code 1800.430), by deleting subsection (c) (2) of that Section. Subsection (c) (2) provides that persons who hold, directly or indirectly, a "substantial interest" in an applicant or licensee (except for institutional investors holding less than 10% of the shares of a publicly traded

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company) shall be deemed persons with significant influence or control, and shall file disclosures as provided by the Illinois Gaming Board.

The term "substantial interest" is used in the Video Gaming Act solely with reference to residency requirements of licensees (Section 26 of Video Gaming Act [230 ILCS 40/26]). Under the definitions of "substantial interest" contained in Section 25 (g) of the Act [230 ILCS 40/25 (g)] and Section 110 of the Video Gaming Rules, a "substantial interest" is attained when there is a minimum level of ownership. In contrast, as defined in Sections 110 and 430 of the Video Gaming Rules, "person with significant influence or control" (hereafter referred to as "PSIC"), incorporates the requirements of influence or control. Generally, a higher standard must be met to establish a person as a PSIC than as a person holding a substantial interest. This is particularly so in the case of partnerships, as under Section 25 (g) (B) of the Act a partner is deemed to have a " 'substantial interest'... whenever the individual or his or her spouse shares in any of the profits, or potential profits, of the partnership activities[.]"

For partnerships with multiple layers of ownership, the numbers of persons with "substantial interests" can be very large, imposing onerous investigatory duties on Board agents, who are forced to treat each of these persons as PSICs. It is the Illinois Gaming Board's view that, unless a person exercises actual influence or control, a detailed personal background investigation is not necessary. Should there be any question about the necessity of an investigation, the Administrator will retain unencumbered authority to make a PSIC designation.

16) Information and questions regarding this adopted rulemaking may be addressed to:

Lynn J. Carter
General Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago, Illinois 60601

Fax No. 312/814-7253

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE D: VIDEO GAMING
CHAPTER I: ILLINOIS GAMING BOARD

PART 1800
VIDEO GAMING (GENERAL)

SUBPART A: GENERAL PROVISIONS

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Section	
1800.210	General Duties of All Video Gaming Licensees
1800.220	Continuing Duty to Report Violations
1800.230	Duties of Licensed Manufacturers
1800.240	Duties of Licensed Distributors
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1800.260	Duties of Licensed Technicians
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1800.410	Coverage of Subpart
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1800.430	Persons with Significant Influence or Control

SUBPART E: LICENSING PROCEDURES

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1800.530	Submission of Application
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1800.550	Consideration of Applications by the Board
1800.555	Withdrawal of Applications
1800.560	Issuance of License
1800.570	Renewal of License
1800.580	Renewal Fees and Dates

SUBPART F: DENIALS OF APPLICATIONS FOR LICENSURE

Section

1800.610	Coverage of Subpart
1800.615	Requests for Hearing
1800.620	Appearances
1800.625	Appointment of Administrative Law Judge
1800.630	Discovery
1800.635	Subpoenas
1800.640	Motions for Summary Judgment
1800.650	Proceedings
1800.660	Evidence
1800.670	Prohibition on Ex Parte Communication
1800.680	Sanctions and Penalties
1800.690	Transmittal of Record and Recommendation to the Board
1800.695	Status of Applicant for Licensure Upon Filing Request for Hearing

SUBPART G: DISCIPLINARY ACTIONS AGAINST LICENSEES

Section

1800.710	Coverage of Subpart
1800.715	Notice of Proposed Disciplinary Action Against Licensees
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1800.725	Appearances
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1800.735	Discovery
1800.740	Subpoenas

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1800.745	Motions for Summary Judgment
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1800.760	Evidence
1800.770	Prohibition on Ex Parte Communication
1800.780	Sanctions and Penalties
1800.790	Transmittal of Record and Recommendation to the Board

SUBPART H: LOCATION OF VIDEO GAMING TERMINALS IN
LICENSED VIDEO GAMING LOCATIONS

Section

1800.810	Location and Placement of Video Gaming Terminals
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SUBPART I: SECURITY INTERESTS

Section

1800.910	Approvals Required, Applicability, Scope of Approval
1800.920	Notice of Enforcement of a Security Interest
1800.930	Prior Registration

SUBPART J: TRANSPORTATION AND DISTRIBUTION
OF VIDEO GAMING TERMINALS

Section

1800.1010	Restriction on Sale, Distribution, Transfer, Supply and Operation of Video Gaming Terminals
1800.1020	Transportation of Video Gaming Terminals into the State
1800.1030	Receipt of Video Gaming Terminals in the State
1800.1040	Transportation of Video Gaming Terminals Between Locations in the State
1800.1050	Approval to Transport Video Gaming Terminals Outside of the State
1800.1060	Placement of Video Gaming Terminals
1800.1070	Disposal of Video Gaming Terminals

SUBPART K: STATE-LOCAL RELATIONS

Section

1800.1110	State-Local Relations
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AUTHORITY: Implementing and authorized by the Video Gaming Act [230 ILCS 40].

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SOURCE: Adopted by emergency rulemaking at 33 Ill. Reg. 14793, effective October 19, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 2893, effective February 22, 2010; emergency amendment at 34 Ill. Reg. 8589, effective June 15, 2010, for a maximum of 150 days; emergency expired November 11, 2010; amended at 35 Ill. Reg. 1369, effective January 5, 2011; emergency amendment at 35 Ill. Reg. 13949, effective July 29, 2011, for a maximum of 150 days; emergency expired December 25, 2011; amended at 36 Ill. Reg. 840, effective January 6, 2012.

SUBPART A: GENERAL PROVISIONS

Section 1800.110 Definitions

For purposes of this Part the following terms shall have the following meanings:

"Act": The Video Gaming Act [230 ILCS 40].

"Administrator": The chief executive officer responsible for day-to-day operations of the Illinois Gaming Board.

"Affiliate": An "affiliate of", or person "affiliated with", a specified person shall mean a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, such person.

"Affiliated entity": An "affiliated entity" of a person is any business entity that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with, the person.

"Applicant": A person applying for any license under the Video Gaming Act.

"Application": All material submitted, including the instructions, definitions, forms and other documents issued by the Illinois Gaming Board, comprising the video gaming license application submitted to the Illinois Gaming Board.

"Associated video gaming equipment": Ticket payout systems and validation procedures; wireless, promotional and bonusing systems; kiosks; gaming-related peripherals; hardware, software and systems; and other gaming devices and equipment for compliance with:

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Illinois laws, regulations, and requirements as codified or otherwise set forth; and

Board-approved video gaming industry standards.

"Attributed interest": A direct or indirect interest in an enterprise deemed to be held by an individual not through the individual's actual holdings but either through the holdings of the individual's relatives or through a third party or parties on behalf of the individual pursuant to a plan, arrangement, agreement or contract.

"Board": The Illinois Gaming Board.

"Business entity" or "Business": A partnership, incorporated or unincorporated association or group, firm, corporation, limited liability company, partnership for shares, trust, sole proprietorship or other business enterprise.

"Chi-square test": A statistical test used to determine if a relationship between variables exists by comparing expected and observed cell frequencies. Specifically, a chi-square test examines the observed frequencies in a category and compares them to what would be expected by chance or would be expected if there was no relationship between variables.

"Control": The possession, direct or indirect, of power to direct or cause the direction of the management and policies of an applicant or licensee through the ownership of voting securities, by contract or otherwise.

"Convenience store": A retail store that is open long hours and sells motor fuel and a limited selection of snacks and general goods.

"Credit": One, five, 10 or 25 cents.

"Distributor": An individual, partnership, corporation or limited liability company licensed under the Act to buy, sell, lease or distribute video gaming terminals or major components or parts of video gaming terminals to or from terminal operators.

"Enforce a security interest": To transfer possession of ownership or title pursuant to a security interest.

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"EPROM": An acronym for Erasable, Programmable, Read Only Memory, which is a microprocessor component that stores memory and affects payout percentage and/or contains a random number generator that selects the outcome of a game on a video gaming terminal.

"Fraternal organization": An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation and that is exempt from federal income taxation under section 501(c)(8) or (c)(10) of the Internal Revenue Code.

"Game": A gambling activity that is played for money, property or anything of value, including without limitation those played with cards, chips, tokens, vouchers, dice, implements, or electronic, electrical or mechanical devices or machines.

"Gaming": The dealing, operating, carrying on, conducting, maintaining or exposing for play of any game.

"Gaming operation": The conducting of gaming or the providing or servicing of gaming equipment.

"Gaming property collateral": Video gaming equipment subject to a security interest.

"Illinois resident":

With respect to an individual, an individual who is either:

domiciled in Illinois or maintains a bona fide place of abode in Illinois; or

is required to file an Illinois tax return during the taxable year.

With respect to a corporation, any corporation organized under the laws of this State and any foreign corporation with a certificate of authority to transact business in Illinois. A foreign corporation not authorized to transact business in this State is a nonresident of this State.

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With respect to a partnership, a partnership in which any partner is an Illinois resident, or where the partnership has an office and is doing business in Illinois.

With respect to an irrevocable trust, a trust where the grantor was an Illinois resident individual at the time the trust became irrevocable.

"Institutional investor":

A retirement fund administered by a public agency for the exclusive benefit of federal, state or local public employees;

An investment company registered under ~~section~~Section 8 of the Investment Company Act of 1940 (15 USC 80a-8);

A collective investment trust organized by a bank under Part 9 of the Rules of the Comptroller of the Currency (12 CFR 9.18);

A closed end investment trust registered with the United States Securities and Exchange Commission;

A chartered or licensed life insurance company or property and casualty insurance company;

A federal or state bank;

An investment advisor registered under the Investment Advisors Act of 1940 (15 USC 80b-1 through 80b-21); or

Such other person as the Illinois Gaming Board may determine for reasons consistent with the Act and this Part.

"License": Authorization granted by the Board permitting a licensee to engage in the defined activities of video gaming.

"Licensed establishment": Any retail establishment licensed under the Act where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises. Licensed establishment does not include a facility operated by an organization licensee, an intertrack wagering licensee, or an intertrack wagering

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location licensee licensed under the Illinois Horse Racing Act of 1975 or a riverboat licensed under the Riverboat Gambling Act.

"Licensed fraternal establishment": The location licensed under the Act where a qualified fraternal organization that derives its charter from a national fraternal organization regularly meets.

"Licensed technician": An individual who is licensed under the Act to repair, service and maintain video gaming terminals.

"Licensed terminal handler": A person, including but not limited to an employee or independent contractor working for a manufacturer, distributor, supplier, technician or terminal operator, who is licensed under the Act to possess or control a video gaming terminal or to have access to the inner workings of a video gaming terminal. A licensed terminal handler does not include an individual, partnership, corporation or limited liability company defined as a manufacturer, distributor, supplier, technician or terminal operator under Section 5 of the Video Gaming Act.

"Licensed truck stop establishment": A facility licensed under the Act that is at least a 3-acre facility with a convenience store, that has separate diesel islands for fueling commercial motor vehicles, that sells at retail more than 10,000 gallons of diesel or biodiesel fuel per month, and that has parking spaces for commercial motor vehicles. "Commercial motor vehicles" has the same meaning as defined in Section 18b-101 of the Illinois Vehicle Code [625 ILCS 5/18b-101]. The 10,000 gallon requirement may be met by showing that estimated future sales or past sales average at least 10,000 gallons per month.

"Licensed veterans establishment": The location licensed under the Act where a qualified veterans organization that derives its charter from a national veterans organization regularly meets.

"Licensed video gaming location": A licensed establishment, licensed fraternal establishment, licensed veterans establishment, or licensed truck stop establishment, all as defined in Section 5 of the Video Gaming Act and this Part.

"Liquor license": A license issued by a governmental body authorizing the holder to sell and offer for sale at retail alcoholic liquor for use or consumption.

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"Major components or parts": Components or parts that comprise the inner workings and peripherals of a video gaming terminal, including but not limited to the device's hardware, software, human interface devices, interface ports, power supply, ticket payout system, bill validator, printer and any component that affects or could affect the result of a game played on the device.

"Manufacturer": An individual, partnership, corporation or limited liability company that is licensed under the Act and that manufactures or assembles video gaming terminals.

"Net terminal income": Money put into a video gaming terminal minus credits paid out to players.

"Nominee": Any individual or business entity that holds as owner of record the legal title to tangible or intangible personal or real property, including without limitation any stock, bond, debenture, note, investment contract or real estate on behalf of another individual or business entity, and as such is designated and authorized to act on his, her or its behalf with respect to the property.

"Ownership interest": Includes, but is not limited to, direct, indirect, beneficial or attributed interest, or holder of stock options, convertible debt, warrants or stock appreciation rights, or holder of any beneficial ownership or leasehold interest in a business entity.

"Person": Includes both individuals and business entities.

"Person with significant interest and control": Any of the following:

Each person in whose name the liquor license is maintained for each licensed video gaming location;

~~Each person who holds, directly or indirectly, a substantial interest in an applicant or licensee;~~

Each person who, in the opinion of the Administrator, has the ability to influence or control the activities of the ~~corporate~~ applicant or licensee, or elect a majority of ~~its~~the board of directors ~~of that corporation~~, other than a bank or licensed lending institution that holds a mortgage or other lien, or any other source of funds, acquired in the ordinary course of business;

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~~For any applicant or licensee that is not a corporation, persons who, in the opinion of the Administrator, have the ability to control the applicant or licensee;~~

Persons having the power to exercise significant influence or control over decisions concerning any part of the applicant's or licensee's video gaming operation.

"Secured party": A person who is a lender, seller or other person who holds a valid security interest.

"Security": An ownership right or creditor relationship.

"Security agreement": An agreement that creates or provides a security interest, including but not limited to a use agreement.

"Security interest": An interest in property that secures the payment or performance of an obligation or judgment.

"Sole proprietor": An individual who in his or her own name owns 100% of the assets and who is solely liable for the debts of a business.

"Substantial interest": With respect to a partnership, a corporation, an organization, an association, a business or a limited liability company means:

When, with respect to a sole proprietorship, an individual or his or her spouse owns, operates, manages, or conducts, directly or indirectly, the organization, association or business, or any part thereof; or

When, with respect to a partnership, the individual or his or her spouse shares in any of the profits, or potential profits, of the partnership activities; or

When, with respect to a corporation, an individual or his or her spouse is an officer or director or the individual or his or her spouse is a holder, directly or beneficially, of 5% or more of any class of stock of the corporation; or

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When, with respect to a limited liability company, an individual or his or her spouse is a member, or the individual or his or her spouse is a holder, directly or beneficially, of 5% or more of the membership interest of the limited liability company; or

When, with respect to any other organization not covered in the preceding four paragraphs, an individual or his or her spouse is an officer or manages the business affairs, or the individual or his or her spouse is the owner of, or otherwise controls, 10% or more of the assets of the organization; or

When an individual or his or her spouse furnishes 5% or more of the capital, whether in cash, goods or services, for the operation of any business, association or organization during any calendar year.

For purposes of this definition, "individual" includes all individuals or their spouses whose combined interest would qualify as a substantial interest under this definition and whose activities with respect to an organization, association, or business are so closely aligned or coordinated as to constitute the activities of a single entity.

"Supplier": An individual, partnership, corporation or limited liability company that is licensed under the Act to supply major components or parts to video gaming terminals to licensed terminal operators.

"Terminal operator": An individual, partnership, corporation or limited liability company that is licensed under the Act that owns, services, and maintains video gaming terminals for placement in licensed establishments, licensed truck stop establishments, licensed fraternal establishments or licensed veterans establishments.

"Use agreement": A contractual agreement between a licensed terminal operator and a licensed video gaming location establishing terms and conditions for placement and operation of video gaming terminals by the licensed terminal operator within the premises of the licensed video gaming location.

"Veterans organization": An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation and that is exempt from federal income taxation under section 501(c)(19) of the Internal Revenue Code (26 USC 501(c)(19)).

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"Video gaming equipment": Video gaming terminals, associated video gaming equipment and major components or parts.

"Video gaming operation": As the context requires, the conducting of video gaming and all related activities.

"Video gaming terminal": Any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, line up and blackjack, as authorized by the Board utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.

(Source: Amended at 36 Ill. Reg. 840, effective January 6, 2012)

SUBPART D: LICENSING QUALIFICATIONS

Section 1800.430 Persons with Significant Influence or Control

- a) The Administrator shall identify each person that holds a position or level of influence over or control in each applicant or licensee that is significant to the regulatory concerns and obligations of the Board for the specified applicant or licensee.
- b) Each person identified as a person with significant influence or control shall comply with the following:
 - 1) Cooperate fully with any investigation conducted by or on behalf of the Board;
 - 2) Comply with the Act and this Part; and
 - 3) Submit **initial and** annual disclosure information on forms provided by the Board.
- c) Persons with significant influence **orand** control include, but are not limited, to the following:

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- 1) Each person in whose name the liquor license is maintained for each licensed video gaming location;
- ~~2) Each person who holds, directly or indirectly, a "substantial interest" in an applicant or licensee, except that an institutional investor holding less than 10% of the shares of a publicly traded company shall file disclosures as provided by the Board;~~
- ~~2)3) Each person who, in the opinion of the Administrator, has the ability to influence or control the activities of the corporate applicant or licensee or elect a majority of its~~the~~ board of directors ~~of that corporation~~, other than a bank or other licensed lending institution that holds a mortgage or other lien, ~~or any other source of funds~~, acquired in the ordinary course of business, ~~or any other source of funds approved by the Administrator~~;~~
- ~~4) For any non-corporate applicant, persons who, in the opinion of the Administrator, have the ability to control the applicant; and~~
- ~~3)5) Persons having the power to exercise significant influence or control over decisions concerning any part of the applicant's or licensee's video gaming operation.~~

(Source: Amended at 36 Ill. Reg. 840, effective January 6, 2012)

SUBPART E: LICENSING PROCEDURES

Section 1800.520 Applications

- a) Applications for licensure or renewal shall be submitted on applications and forms provided by the Board.
- b) An applicant or its affiliate may be required to submit forms or materials in addition to an application as required by subsection (a).
- c) Institutional Investor
 - 1) A business entity that qualifies as an institutional investor may submit a Video Gaming Institutional Investor Disclosure Form in lieu of a Video

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Gaming Business Entity Disclosure Form as instructed in an application if the institutional investor:

- A) submits a Video Gaming Institutional Investor Disclosure Form to the Illinois Gaming Board within 45 days after the institutional investor individually or jointly with others cumulatively acquires, directly or indirectly, 5% or more but less than 20% of any class of publicly traded securities issued by a corporate applicant, licensee, parent or subsidiary company of an applicant or licensee;
 - B) holds or controls the publicly traded securities issued by a corporate applicant, licensee, parent or subsidiary company of an applicant or licensee in the ordinary course of business for investment purposes only; and
 - C) does not exercise or intend to exercise influence or control over the affairs of the issuer of the publicly traded securities issued by a corporate applicant, licensee, parent or subsidiary company of an applicant or licensee or their affiliates.
- 2) An institutional investor's exercise in voting privileges on matters put to the vote of the outstanding security holders shall not be deemed the exercise or intent to exercise influence or control over the affairs of the issuer of those securities.
 - 3) If an institutional investor exempt from filing a Video Gaming Business Entity Disclosure Form as allowed in this subsection (c) subsequently determines to exercise influence or control over the affairs of the issuer of the publicly traded securities issued by a corporate applicant, licensee, parent or subsidiary company of an applicant or licensee or their affiliates, the institutional investor shall provide not less than 30 days notice of the intent and shall file with the Illinois Gaming Board a Video Gaming Business Entity Disclosure Form before taking any action that may influence or control the affairs of the issuer of those securities or their affiliates.
 - 4) The Video Gaming Institutional Investor Disclosure Form shall not be construed to preclude the Illinois Gaming Board from requiring an institutional investor to submit a Video Gaming Business Entity

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Disclosure Form if the Illinois Gaming Board determines that the submission is proper and in furtherance of the Act and this Part.

- 5) An institutional investor exempt from filing a Video Gaming Business Entity Disclosure Form as allowed in this subsection (c) shall certify in writing to be bound by and comply with the Video Gaming Act and this Part.

d) Application Procedures

- 1) An applicant is seeking a privilege and assumes and accepts any and all risk of adverse publicity, notoriety, embarrassment, criticism or other action, or financial loss that may occur in connection with the application process.
- 2) Any misrepresentation or omission made with respect to an application may be grounds for denial of the application.
- 3) Applications, forms, and requested materials shall be submitted in triplicate and as required by the applications and instructions.
- 4) Individuals required to submit Video Gaming Personal Disclosure Forms and licensed technician or licensed terminal handler applications shall be photographed and fingerprinted at a place and time designated by the Administrator.
- 5) An application shall be deemed filed when the completed application form, including all required documents and materials, and the application fee have been submitted.

e) Amendments and Incorporation by Reference

- 1) An application may be amended with approval by the Administrator.
- 2) The Administrator may allow information, documents, or other materials submitted by an applicant to be incorporated by reference into a subsequent application.

⌘ ~~Withdrawal of Applications~~

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- 1) ~~A manufacturer's, distributor's, supplier's, terminal operator's or licensed video gaming location's application may be withdrawn only upon leave of the Board.~~
 - A) ~~A request for leave to withdraw an application shall not be considered by the Board unless received prior to Board action on licensure.~~
 - B) ~~The Board may deny leave to withdraw an application if it determines that withdrawal of the application would not be in the best interests of the public the gaming industry, or the State.~~
- 2) ~~If a manufacturer's, distributor's, supplier's, terminal operator's or licensed video gaming location's application is withdrawn, the applicant may not reapply for a license within one year from the date withdrawal is granted, without leave of the Board.~~
- 3) ~~Applications for licensed technician and licensed terminal handler may be withdrawn without leave of the Board, if written notification of withdrawal is received prior to Board action on licensure and unless the intended withdrawal is objected to by the Administrator, in which case leave of the Board is required.~~

(Source: Amended at 36 Ill. Reg. 840, effective January 6, 2012)

Section 1800.555 Withdrawal of Applications

- a) An application for licensure under the Act may be withdrawn without leave of the Board if written notification of withdrawal is received prior to Board action on licensure under Section 1800.560 and unless the intended withdrawal is objected to by the Administrator.
- b) If the Administrator objects to withdrawal of an application for licensure, leave of the Board is required for withdrawal.
- c) If an application for licensure is withdrawn, the applicant may not reapply for a license within one year from the date withdrawal is granted, without leave of the Board.

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(Source: Added at 36 Ill. Reg. 840, effective January 6, 2012)

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- 1) Heading of the Part: Americans With Disabilities Act Grievance Procedure
- 2) Code Citation: 4 Ill. Adm. Code 250
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
250.10	Amendment
250.20	Amendment
250.30	Amendment
250.40	Amendment
250.50	Amendment
250.60	Amendment
250.70	Amendment
250.EXHIBIT A	Amendment
- 4) Statutory Authority: Implementing Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 USC 12131-12134), as specified in Title II regulations (28 CFR 35.107), and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401]
- 5) Effective Date of Rulemaking: January 3, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an incorporation by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 35 Ill. Reg. 10457; July 8, 2011
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between proposal and final version: In Section 250.20, in the definition of ADA Coordinator, first line, "persons" was changed to "person"; second line, "are" was changed to "is". The definition was moved from its earlier location to allow for alphabetical order.

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- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreement were made.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of rulemaking: 28 CFR 35.107 requires all agencies of State government employing at least 50 persons to publish rules governing the grievance procedure under the Americans With Disabilities Act (ADA). The Department of Insurance is no longer a Division of the Department of Financial and Professional Regulation, so the rule has been amended for housekeeping purposes, to revise the obsolete references. In addition, several terms were revised to be more consistent with ADA usage.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Eve Blackwell-Lewis, Staff Attorney
Department of Insurance
320 West Washington , 4th Floor
Springfield, Illinois 62767-0001

217/782-2867
217/524-9033 (fax)

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

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TITLE 4: DISCRIMINATION PROCEDURES

CHAPTER VII: DEPARTMENT OF ~~INSURANCE FINANCIAL AND PROFESSIONAL
REGULATION~~

PART 250

AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section

250.10	Purpose
250.20	Definitions
250.30	Procedure
250.40	ADA Designated Coordinator Level
250.50	Final Level
250.60	Accessibility
250.70	Case-by-Case Resolution
250.EXHIBIT A	Grievance Form

AUTHORITY: Implementing Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 USC 12131-12134), as specified in Title II regulations (28 CFR 35.107), and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

SOURCE: Adopted at 30 Ill. Reg. 2538, effective February 7, 2006; amended at 36 Ill. Reg. 860, effective January 3, 2012.

Section 250.10 Purpose

- a) This Americans With Disabilities Act Grievance Procedure is established pursuant to the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) and specifically Section 35.107 of the Title II regulations (28 CFR 35) requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. Should any individual desire to review the Act or its regulations to understand the rights, privileges and remedies afforded by it, they should contact the ~~ADA Designated~~ Coordinator of the Department of ~~Financial and Professional Regulation Division of~~ Insurance.
- b) In general, the Act requires that each program, service and activity offered by the ~~Department Division~~, when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.

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- c) It is the ~~Department's Division's~~ intention to foster open communication with all individuals requesting readily accessible programs, services and activities. The ~~Department Division~~ encourages supervisors of programs, services and activities to respond to requests for ~~reasonable accomodations modifications~~ before they become grievances.

(Source: Amended at 36 Ill. Reg. 860, effective January 3, 2012)

Section 250.20 Definitions

Act means the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.).

~~ADA Designated~~ Coordinator means the ~~person~~ persons appointed by the Director who ~~is~~ are responsible for the coordination of efforts of the ~~Department Division~~ to comply with and carry out its responsibilities under Title II of the Act, including investigation of grievances filed by complainants.

Complainant means an individual with a disability who files a grievance with the ~~Department Division~~ pursuant to the provisions of this Part.

Department means the Department of ~~Insurance Financial and Professional Regulation~~.

Director means the Director of the Department of ~~Financial and Professional Regulation Division of~~ Insurance of the State of Illinois or anyone to whom the Director's responsibilities and authority are lawfully delegated.

~~Division means the Department of Financial and Professional Regulation Division of Insurance.~~

Grievance means any complaint under the Act by an individual with a disability who meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity or service offered by the ~~Department Division~~, and believes he or she has been excluded from participation in or denied the benefits of any program, service or activity of the ~~Department Division~~, or has been subject to discrimination by the ~~Department Division~~.

Grievance Form means a ~~Department Division~~ created form (attached as Exhibit A) that, when completed by a complainant, includes, but is not limited to, the

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name, address and telephone number of the complainant; date of incidence; a short factual statement of the grievance; and the relief requested, if applicable.

Procedure means the Americans With Disabilities Act Grievance Procedure set forth in this Part.

(Source: Amended at 36 Ill. Reg. 860, effective January 3, 2012)

Section 250.30 Procedure

- a) Grievances must be submitted in accordance with and follow the procedures set forth in Section 250.40 and Section 250.50 of this Part. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement in writing by the complainant and the reviewer at the ADA Designated Coordinator and Final Levels.
- b) A complainant's failure to submit a grievance, or to submit or appeal it to the next level of procedure within the specified time limits, shall mean that the complainant has withdrawn the grievance or has accepted the last response given in the grievance procedure as the Department's Division's last response.
- c) The Department Division shall, upon being informed of that individual's desire to file a formal grievance, instruct the individual how to receive a copy of this procedure and provide a Grievance Form.

(Source: Amended at 36 Ill. Reg. 860, effective January 3, 2012)

Section 250.40 ADA Designated Coordinator Level

- a) If an individual desires to file a formal written grievance, the individual shall promptly, but no later than 180 days after the alleged discrimination, submit the grievance to the ADA Designated Coordinator in writing on the Grievance Form prescribed for that purpose. The Grievance Form must be completed in full in order to receive proper consideration by the ADA Designated Coordinator.
- b) Upon request, assistance shall be provided by the Department Division to complete the Grievance Form.

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- c) The ~~ADA~~Designated Coordinator, or his or her representative, shall investigate the grievance and shall make reasonable efforts to resolve it. The ~~ADA~~Designated Coordinator shall provide a written response to the complainant and the Director within 15 business days after receipt of the Grievance Form.

(Source: Amended at 36 Ill. Reg. 860, effective January 3, 2012)

Section 250.50 Final Level

- a) If the grievance has not been resolved at the ~~ADA~~Designated Coordinator Level to the satisfaction of the complainant, the complainant may submit a copy of the Grievance Form and ~~ADA~~Designated Coordinator's response to the Director for final review. The complainant shall submit these documents to the Director, together with a short written statement explaining the reason for dissatisfaction with the ~~ADA~~Designated Coordinator's written response, within 15 business days after receipt by the complainant of the ~~ADA~~Designated Coordinator's response.
- b) The Director shall appoint a 3-member panel to review the grievance at the Final Level. One member so appointed shall be designated chairman.
- c) The complainant shall be afforded an opportunity to appear before the panel. The complainant shall have a right to appoint a representative to appear on his or her behalf. The panel shall review the ~~ADA~~Designated Coordinator's written response and may conduct interviews and seek advice as it deems appropriate.
- d) Upon reaching a concurrence, the panel shall make recommendations in writing to the Director as to the proper resolution of the grievance. All recommendations shall include reasons for the recommendations and shall bear the signatures of the concurring panel members. A dissenting member of the panel may make a recommendation to the Director in writing and shall also sign the recommendation.
- e) Upon receipt of recommendations from the panel, the Director shall approve, disapprove or modify the panel recommendations, shall render a decision in writing, shall state the basis for the decision, and shall cause a copy of the decision to be served on the parties. The Director's decision shall be final. If the Director disapproves or modifies the panel's recommendations, the Director shall include written reasons for disapproval or modification.

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- f) The Grievance Form, the ~~ADA Designated~~ Coordinator's response, the statement of reasons for dissatisfaction, the recommendations of the panel and the decision of the Director shall be maintained in accordance with the State Records Act [5 ILCS 160] or as otherwise required by law.

(Source: Amended at 36 Ill. Reg. 860, effective January 3, 2012)

Section 250.60 Accessibility

The ~~Department Division~~ shall ensure that all stages of the procedure are readily accessible to and usable by individuals with disabilities.

(Source: Amended at 36 Ill. Reg. 860, effective January 3, 2012)

Section 250.70 Case-by-Case Resolution

Each grievance involves a unique set of factors that includes but is not limited to: the specific nature of the disability; the essential eligibility requirements, the benefits to be derived, and the nature of the service, program or activity at issue; the health and safety of others; and whether an accommodation would constitute a fundamental alteration to the program, service or activity or undue hardship on the ~~Department Division~~. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely.

(Source: Amended at 36 Ill. Reg. 860, effective January 3, 2012)

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Section 250.EXHIBIT A Grievance Form

**Grievance
Discrimination Based on Disability**

It is the policy of the Illinois Department of ~~Financial and Professional Regulation Division of~~ Insurance to provide assistance in filling out this form. If assistance is needed, please ask:

ADA Coordinator – ~~Department of FPR Division~~ of Insurance
320 West Washington Street
Springfield IL 62767-0001
(217) 782-4515 (Voice) – (217) 524-4872 (TDD)

Name: _____

Address: _____

City, State and Zip Code: _____

Telephone No.: _____

The Best Means and Time for Contacting: _____

Program, Service, or Activity to which Access was Denied or in which Alleged Discrimination Occurred: _____

Date of Alleged Discrimination: _____

Nature of Alleged Discrimination: _____

(Attach additional sheets, if necessary. If the grievance is based on a denial of requested reasonable modification, please fill out the back of this form.)

I certify that I am qualified or otherwise eligible to participate in the program, service or activity and the above statements are true to the best of my knowledge and belief.

Signature _____ Date _____

Please give to the ADA Coordinator at the address listed above.

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For Office Use Only

Date Received: _____ By: _____
(BACK OF FORM)

Please fill out this part of the form if this grievance is based upon the denial of a requested reasonable modification. A reasonable modification will be made to make programs, services and activities accessible. Reasonable ~~accommodations~~ ~~modifications~~ could include such things as providing auxiliary aides and devices and changing some policies and requirements to allow an individual with a disability to participate. This portion of the form should be filled in to the extent you know the answers. The form may be submitted even if this portion is incomplete.

Reasonable modification requested:

The date the reasonable modification was requested:

The person to whom the request was made:

The reason for denial:

Estimated cost of modification (if an assistive device, such as a TDD or optical reader, or commodity or service to which a cost is readily known):

Why is the requested modification necessary to use or participate in the program, service or activity?

Alternative ~~accommodations~~ ~~modifications~~ that may provide accessibility:

Any other information you believe will aid in a fair resolution of this grievance:

(Source: Amended at 36 Ill. Reg. 860, effective January 3, 2012)

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- 1) Heading of the Part: Corrective Orders
- 2) Code Citation: 50 Ill. Adm. Code 1250
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1250.10	Amendment
1250.15	New Section
1250.20	Amendment
1250.30	Amendment
1250.40	Amendment
- 4) Statutory Authority: Implementing Section 186.1 of the Illinois Insurance Code [215 ILCS 5/186.1] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401]
- 5) Effective Date of Rulemaking: January 3, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 35 Ill. Reg. 10466; July 8, 2011
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between proposal and final version:
 - a) Authority note: deleted "and 186.2" in two places and Ill. Rev. Stat. citations in two places.
 - b) Section 1250.15: in the first line of the definition of Actuarial Standards of Practice, changed "promulgated" to "used in keeping with current professional practice".

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- c) Section 1250.20: first line at the beginning of the sentence, changed "The" to "Depending upon an examination of the factual circumstances, applicable law and financial situation of the company involved, the"; fourth line, changed "the Director may consider" to "which could warrant the Director issuing a corrective order".
 - d) Section 1250.30(a)(2): before "consistent" added "in keeping with current professional practice,"; last line, deleted ", state laws and regulations".
 - e) Section 1250.30(a)(5): sixth line, before "the NAIC" added "in keeping with the current professional practice stated in".
 - f) Section 1250.30(b)(1): deleted "by reinsurance" after "reduce" and inserted it after "policy benefits", and deleted "its" and "/or" in the first sentence.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: The amendments revise the corrective order regulation so that the standards for determining whether an insurer is hazardous to policyholders and the public conform to those appearing in the NAIC Model Regulation To Define Standards And Commissioner's Authority For Companies Deemed To Be In Hazardous Financial Condition. To that end, the amendments provide clarification that the same standards for determining hazardousness will apply whenever the Director is allowed to make such a finding. In this regard, Illinois Insurance Code Sections 5/188(6) and 5/401.1(2), respectively concerning grounds for rehabilitation/liquidation of a domestic company and cease and desist orders, will use the same standard to determine hazardousness as those used for Section 5/186.1 corrective orders.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Tom Ratsch
Financial Regulatory Section
Department of Insurance
320 West Washington Street

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Springfield, Illinois 62767-0001

217/524-5441

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

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TITLE 50: INSURANCE
 CHAPTER I: DEPARTMENT OF INSURANCE
 SUBCHAPTER q: CORRECTIVE ORDERS

PART 1250
 CORRECTIVE ORDERS

Section

1250.10	Purpose
<u>1250.15</u>	<u>Definitions</u>
1250.20	<u>Standards</u> Criteria
1250.30	Director's Authority
1250.40	Judicial Review

AUTHORITY: Implementing Section 186.1 of the Illinois Insurance Code [215 ILCS 5/186.1] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

SOURCE: Adopted at 18 Ill. Reg. 2231, effective February 1, 1994; amended at 36 Ill. Reg. 869, effective January 3, 2012.

Section 1250.10 Purpose

- a) The purpose of this Part is to set forth the ~~standards~~~~criteria~~~~which~~ the Director ~~may~~~~shall~~ use for identifying insurers found to be in such ~~operational or financial~~ condition as to render the continuance of their businesses~~that their further transaction of insurance business would be~~ hazardous to their policyholders, ~~certificateholders~~, creditors or ~~to~~ the general public.
- b) This Part shall not be interpreted to limit the powers granted the Director to enforce any laws or parts of laws of this State, nor shall this Part be interpreted to supersede any laws or parts of laws of this State.

(Source: Amended at 36 Ill. Reg. 869, effective January 3, 2012)

Section 1250.15 Definitions

Actuarial Standards of Practice means the actuarial standards used in keeping with current professional practice by the Actuarial Standards Board (1100

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Seventeenth Street, NW, Seventh Floor, Washington DC 20036) that are to be utilized by actuaries in performance of their assignments.

Code means the Illinois Insurance Code [215 ILCS 5].

Department means the Illinois Department of Insurance.

Director means the Director of the Illinois Department of Insurance.

Insurer means any person or company subject to the Code.

NAIC means the National Association of Insurance Commissioners.

(Source: Added at 36 Ill. Reg. 869, effective January 3, 2012)

Section 1250.20 StandardsCriteria

Depending upon an examination of the factual circumstances, applicable law and financial situation of the company involved, the following standards, either singly or a combination of two or more, may be considered by the Director to~~To~~ determine whether the continued operation of any insurer transacting an insurance business in this State might be deemed to be hazardous to the policyholders, ~~certificateholders,~~ creditors or ~~to~~ the general public which could warrant the Director issuing a corrective order, ~~the Director may consider:~~

- a) adverse findings reported in financial and market conduct examination reports, audit reports, and actuarial opinions, reports or summaries;
- b) information from the ~~NAIC~~National Association of Insurance Commissioners Insurance Regulatory Information System and NAIC's other financial analysis solvency tools and its related reports, ~~the ratios of commission expense, general insurance expense, policy benefits and/or losses incurred to written premium or any other ratios used by the Department of Insurance to determine an insurer's financial condition;~~
- c) whether the insurer has made adequate provision, according to Actuarial Standards of Practice, for the anticipated cash flows required by the contractual obligations and related expenses of the insurer, when considered in light of the assets held by the insurer with respect to reserves and related actuarial items, including, but not limited to, the investment earnings on assets and the

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~~considerations anticipated to be received and retained under the insurer's policies and contracts~~the value, liquidity, and diversity of the insurer's asset portfolio when viewed in light of current economic conditions assures the company's ability to meet its outstanding obligations as they mature;

- d) ~~the ability of an assuming reinsurer to perform and whether the insurer's reinsurance program provides sufficient protection for the insurer's remaining surplus after taking into account the insurer's cash flow and the classes of business written, as well as the financial condition of the assuming reinsurer~~whether the insurer's reinsurance program provides adequate protection for the company's remaining surplus after taking into account the insurer's cash flow and the classes of business written;
- e) ~~whether the insurer's operating loss in the last 12 month period or any shorter period of time, including, but not limited to, net capital gain or loss, change in non-admitted assets, and cash dividends paid to shareholders, is greater than 50% of the insurer's remaining surplus as regards policyholders in excess of the minimum required~~the financial condition of any assuming reinsurer and its ability to meet its obligations to the insurer;
- f) ~~whether the insurer operating loss in the last 12 month period or any shorter period of time, excluding net capital gains, is greater than 20% of the insurer's remaining surplus as regards to policyholders in excess of the minimum required~~the insurer's operating loss in the last twelve month period or any shorter period of time, including but not limited to net capital gain or loss, change in non-admitted assets, and dividends paid to shareholders;
- g) ~~whether a reinsurer, obligor or any entity within the insurer's insurance holding company system~~affiliate, subsidiary or parent of the insurer is insolvent, threatened with insolvency, or delinquent in the payment of its obligations, if, in the opinion of the Director, that condition may affect the solvency of the insurer;
- h) whether contingent liabilities, pledges or ~~guarantees that~~guaranties of the insurer, either individually or collectively, involve ~~a total~~an amount that, in the opinion of the Director, may~~that will~~ affect the solvency of the insurer;
- i) whether any "controlling person" ~~of an insurer or other affiliate of the insurer, each as defined in Article VIII½ of the Illinois Insurance Code,~~ is delinquent in the transmitting to, or payment of, net premiums ~~or any other payables to the~~such

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insurer;

- j) the age and collectibility of its receivables;
- k) whether the management of an insurer, including officers, directors, or any other person who directly or indirectly controls the operation of ~~the~~such insurer, fails to possess and demonstrate the competence, fitness and reputation deemed necessary to serve the insurer in ~~that~~such position;
- l) whether management of an insurer has failed to respond to inquiries relative to~~from the Department of Insurance concerning~~ the condition of the insurer or has furnished false and misleading information concerning an inquiry;
- m) whether the insurer has failed to meet financial and holding company filing requirements in the absence of a reason satisfactory to the Director;
- nn) whether management of an insurer either has filed in any state a false or misleading sworn financial statement, or has released a false or misleading financial statement to lending institutions or to the general public, or, in the books of the insurer, has made a false or misleading entry, or has omitted an entry of material amount in the books of the insurer;
- oo) whether the insurer has grown so rapidly and to such an insurer's premium volume has increased to the extent that it lacks adequate financial and administrative capacity to meet its contractual or statutory obligations in a timely manner;
- pp) whether the insurer company has experienced or will experience in the foreseeable future cash flow and/or liquidity problems;
- qq) whether management has established reserves that do not comply with minimum standards established by State insurance laws, regulations, statutory accounting standards, sound actuarial principles and Actuarial Standards of Practice; the adequacy of the insurer's surplus as regards policyholders relative to its outstanding liabilities and its financial needs;
- rq) whether management persistently engages in material under reserving that results in adverse development; any other relevant factors.
- s) whether transactions among affiliates, subsidiaries or controlling persons for

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which the insurer receives assets or capital gains, or both, do not provide sufficient value, liquidity or diversity to assure the insurer's ability to meet its outstanding obligations as they mature;

- t) any other finding determined by the Director to be hazardous to the insurer's policyholders, creditors or general public, including those of a nonfinancial nature.

(Source: Amended at 36 Ill. Reg. 869, effective January 3, 2012)

Section 1250.30 Director's Authority

- a) For purposes of making a determination of an insurer's financial condition under this Part, the Director may:
- 1) Disregard any credit or amount receivable resulting from transactions with a reinsurer that is insolvent, impaired or otherwise subject to a delinquency proceeding ~~or which is a slow payor based on Schedule F or S of the Annual Financial Statements filed with the Department of Insurance by any Illinois licensed company having receivables due from that reinsurer;~~
 - 2) Make adjustments including disallowances, to asset values attributable to investments in or transactions with parents, subsidiaries, or affiliates, in keeping with current professional practices consistent with NAIC accounting practices and procedures;
 - 3) Refuse to recognize the stated value of accounts receivable if the ability to collect the receivables is highly speculative in view of the age of the account or the financial condition of the debtor;
 - 4) Increase the insurer's liability in an amount equal to liabilities to cover any contingent liability, pledge, or guarantee not otherwise included if there is a substantial risk that the insurer will be called upon to meet the obligation undertaken within the next 12 month period;
 - 5) Increase the company's reserves for losses, loss adjustment expenses, or unearned premium or any other liability to reflect adjustments recommended by the Department's financial examiners or actuaries or by

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the person preparing the statement of actuarial opinion as required by Section 136 of the ~~Illinois Insurance~~ Code (~~Ill. Rev. Stat. 1991, ch. 73, par. 748~~) [~~215 ILCS 5/136~~] and in keeping with the current professional practice stated in the NAIC Annual Statement Instructions for Property and Casualty Insurers;

- 6) Make any other appropriate adjustment to the company's assets and liabilities necessary to reflect the insurer's financial condition.
- b) If the Director determines that the continued operation of the insurer licensed to transact business in this State may be hazardous to its policyholders, ~~certificateholders~~, creditors or ~~to~~ the general public, the Director may, upon a determination, issue an order requiring the insurer to take any of the actions listed in this subsection (b). If the insurer is a foreign insurer, the Director's order may be limited to the extent provided by statute. The order may require the insurer to:
- 1) reduce, ~~by reinsurance~~, the total amount of ~~its~~ present and/or potential liability for policy benefits by reinsurance and loss claims;
 - 2) reduce, suspend or limit the volume of ~~direct and/or assumed~~ business being accepted or renewed;
 - 3) reduce general insurance and commission expenses by specified methods;
 - 4) increase the insurer's capital and surplus;
 - 5) suspend or limit the declaration and payment of a dividend by an insurer ~~dividends~~ to its stockholders or to its policyholders;
 - 6) file reports, in a format acceptable to the Director, concerning ~~written report indicating~~ the market value of an insurer's assets;
 - 7) limit or withdraw from certain investments or discontinue certain investment practices to the extent the Director deems necessary;
 - 8) document the adequacy of premium rates in relation to the risks insured;
 - 9) file, in addition to regular annual statements, interim ~~monthly~~ financial reports on the form adopted by NAIC or in a format promulgated by the

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Director;

- 10) correct corporate governance practice deficiencies and adopt and utilize governance practices acceptable to the Director~~suspend or limit the repurchases of any of its own outstanding shares (i.e., treasury shares);~~
 - 11) provide a business plan to the Director in order to continue to transact business in this State~~seek prior approval of the Director before entering into any affiliated transactions;~~
 - 12) notwithstanding any other provision of law limiting the frequency or amount of premium rate adjustments, adjust rates for any non-life insurance product written by the insurer that the Director considers necessary to improve the financial condition of the insurer~~provide statement of actuarial opinion prepared by an independent actuary other than that person having prepared the opinion filed by the company in conjunction with its most recent annual financial statements;~~
 - 13) disapprove the payment of any ordinary dividend or other distribution to shareholders;
 - 14) take any other action ~~which~~ the Director deems to be remedial.
- c) An insurer subject to an order under subsection (b) may request a hearing to review that order. The notice of hearing shall be served upon the insurer pursuant to Section 186.1(5) and (6) of the Code.~~Any insurer subject to an order under subsection (b) above may file a written request for an administrative hearing. The administrative hearing shall be conducted pursuant to the requirements of Section 186.1 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 798.1(5)(a) and (6)) [215 ILCS 5/186.1(5)(a) and (6)].~~

(Source: Amended at 36 Ill. Reg. 869, effective January 3, 2012)

Section 1250.40 Judicial Review

Any order or decision of the Director shall be subject to review in accordance with the Administrative Review Law~~Section 3-101 of the Code of Civil Procedure~~ (Ill. Rev. Stat. 1991, ch. 110, par. 3-101) [735 ILCS 5/Art. III-3-101] at the instance of any party to the proceedings whose interests are substantially affected.

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(Source: Amended at 36 Ill. Reg. 869, effective January 3, 2012)

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- 1) Heading of the Part: Emergency Medical Services and Trauma Center Code
- 2) Code Citation: 77 Ill. Adm. Code 515
- 3) Section Number: 515.860 Adopted Action:
New
- 4) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- 5) Effective Date of Rulemaking: January 6, 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 amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed Amendments Published in Illinois Register: July 29, 2011; 35 Ill. Reg. 12645
- 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 received during the first notice or public comment period:

1. In Section 515.860(c), add "Tier I transports are considered "expanded scope of practice." at the end of the subsection.
2. In Section 515.860(d), add "Tier II and Tier III are considered Critical Care Transports." at the end of the subsection.
3. In Section 515.860(h), change "at the Tiers described in this Section if the provider demonstrates compliance with the requirements for the Tier for which approval is being sought." to "when the provider demonstrates compliance with an

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approved EMS System's Critical Care Transport Program Plan for Tier II or Tier III transports. Only Department approved agencies may advertise as Critical Care Transport providers."

In addition, various typographical, grammatical, and form changes were made in response to the 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 rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
515.750	Amend	35 Ill. Reg. 14071; August 19, 2011
515.620	Amend	35 Ill. Reg. 18565; November 14, 2011

- 15) Summary and Purpose of Rulemaking: This rulemaking adds a new Section to implement provisions of Public Act 96-1469 (effective January 1, 2011) concerning critical care transport services. The legislation defined critical care transport and authorized the Department to promulgate rules. The proposed amendments include the statutory definition of critical care transport and a tiered system of critical care transport plans that will provide for voluntary certification at one of three levels. For each level, the criteria specified in the legislation are included: personnel staffing and licensure; education, certification, and experience; medical equipment and supplies; vehicle standards; treatment and transport protocols; and quality assurance and data collection.

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

Susan Meister
 Division of Legal Services
 Department of Public Health
 535 West Jefferson, 5th Floor
 Springfield, Illinois 62761

217/782-2043

e-mail: dph.rules@illinois.gov

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

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NOTICE OF ADOPTED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETYPART 515
EMERGENCY MEDICAL SERVICES AND TRAUMA CENTER CODE

SUBPART A: GENERAL

Section	
515.100	Definitions
515.125	Incorporated and Referenced Materials
515.150	Waiver Provisions
515.160	Facility, System and Equipment Violations, Hearings and Fines
515.170	Employer Responsibility

SUBPART B: EMS REGIONS

Section	
515.200	Emergency Medical Services Regions
515.210	EMS Regional Plan Development
515.220	EMS Regional Plan Content
515.230	Resolution of Disputes Concerning the EMS Regional Plan
515.240	Bioterrorism Grants

SUBPART C: EMS SYSTEMS

Section	
515.300	Approval of New EMS Systems
515.310	Approval and Renewal of EMS Systems
515.315	Bypass Status Review
515.320	Scope of EMS Service
515.330	EMS System Program Plan
515.340	EMS Medical Director's Course
515.350	Data Collection and Submission
515.360	Approval of Additional Drugs and Equipment
515.370	Automated Defibrillation (Repealed)
515.380	Do Not Resuscitate (DNR) Policy
515.390	Minimum Standards for Continuing Operation
515.400	General Communications

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515.410	EMS System Communications
515.420	System Participation Suspensions
515.430	Suspension, Revocation and Denial of Licensure of EMTs
515.440	State Emergency Medical Services Disciplinary Review Board
515.445	Pediatric Care
515.450	Complaints
515.455	Intra- and Inter-system Dispute Resolution
515.460	Fees
515.470	Participation by Veterans Health Administration Facilities

SUBPART D: EMERGENCY MEDICAL TECHNICIANS

Section	
515.500	Emergency Medical Technician-Basic Training
515.510	Emergency Medical Technician-Intermediate Training
515.520	Emergency Medical Technician-Paramedic Training
515.530	EMT Testing
515.540	EMT Licensure
515.550	Scope of Practice – Licensed EMT
515.560	EMT-B Continuing Education
515.570	EMT-I Continuing Education
515.580	EMT-P Continuing Education
515.590	EMT License Renewals
515.600	EMT Inactive Status
515.610	EMT Reciprocity
515.620	Felony Convictions
515.630	Evaluation and Recognition of Military Experience and Education
515.640	Reinstatement

SUBPART E: EMS LEAD INSTRUCTOR, EMERGENCY MEDICAL DISPATCHER, FIRST RESPONDER, PRE-HOSPITAL REGISTERED NURSE, EMERGENCY COMMUNICATIONS REGISTERED NURSE, AND TRAUMA NURSE SPECIALIST

Section	
515.700	EMS Lead Instructor
515.710	Emergency Medical Dispatcher
515.720	First Responder
515.725	First Responder – AED
515.730	Pre-Hospital Registered Nurse

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- 515.740 Emergency Communications Registered Nurse
515.750 Trauma Nurse Specialist
515.760 Trauma Nurse Specialist Program Plan

SUBPART F: VEHICLE SERVICE PROVIDERS

Section

- 515.800 Vehicle Service Provider Licensure
515.810 EMS Vehicle System Participation
515.820 Denial, Nonrenewal, Suspension and Revocation of a Vehicle Service Provider License
515.825 Alternate Response Vehicle
515.830 Ambulance Licensing Requirements
515.835 Stretcher Van Provider Licensing Requirements
515.840 Stretcher Van Requirements
515.845 Operation of Stretcher Vans
515.850 Reserve Ambulances
515.860 Critical Care Transport

SUBPART G: LICENSURE OF SPECIALIZED EMERGENCY
MEDICAL SERVICES VEHICLE (SEMSV) PROGRAMS

Section

- 515.900 Licensure of SEMSV Programs – General
515.910 Denial, Nonrenewal, Suspension or Revocation of SEMSV Licensure
515.920 SEMSV Program Licensure Requirements for All Vehicles
515.930 Helicopter and Fixed-Wing Aircraft Requirements
515.935 EMS Pilot Specifications
515.940 Aeromedical Crew Member Training Requirements
515.945 Aircraft Vehicle Specifications and Operation
515.950 Aircraft Medical Equipment and Drugs
515.955 Vehicle Maintenance for Helicopter and Fixed-wing Aircraft Programs
515.960 Aircraft Communications and Dispatch Center
515.965 Watercraft Requirements
515.970 Watercraft Vehicle Specifications and Operation
515.975 Watercraft Medical Equipment and Drugs
515.980 Watercraft Communications and Dispatch Center
515.985 Off-Road SEMSV Requirements
515.990 Off-Road Vehicle Specifications and Operation

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- 515.995 Off-Road Medical Equipment and Drugs
515.1000 Off-Road Communications and Dispatch Center

SUBPART H: TRAUMA CENTERS

Section

- 515.2000 Trauma Center Designation
515.2010 Denial of Application for Designation or Request for Renewal
515.2020 Inspection and Revocation of Designation
515.2030 Level I Trauma Center Designation Criteria
515.2035 Level I Pediatric Trauma Center
515.2040 Level II Trauma Center Designation Criteria
515.2045 Level II Pediatric Trauma Center
515.2050 Trauma Center Uniform Reporting Requirements
515.2060 Trauma Patient Evaluation and Transfer
515.2070 Trauma Center Designation Delegation to Local Health Departments
515.2080 Trauma Center Confidentiality and Immunity
515.2090 Trauma Center Fund
515.2100 Pediatric Care (Renumbered)
515.2200 Suspension Policy for Trauma Nurse Specialist Certification

SUBPART I: EMS ASSISTANCE FUND

Section

- 515.3000 EMS Assistance Fund Administration

SUBPART J: EMERGENCY MEDICAL SERVICES FOR CHILDREN

Section

- 515.3090 Pediatric Recognition of Hospital Emergency Departments and Inpatient Critical Care Services
515.4000 Facility Recognition Criteria for the Emergency Department Approved for Pediatrics (EDAP)
515.4010 Facility Recognition Criteria for the Standby Emergency Department Approved for Pediatrics (SEDP)
515.4020 Facility Recognition Criteria for the Pediatric Critical Care Center (PCCC)
515.APPENDIX A A Request for Designation (RFD) Trauma Center
515.APPENDIX B A Request for Renewal of Trauma Center Designation

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515.APPENDIX C	Minimum Trauma Field Triage Criteria
515.APPENDIX D	Standing Medical Orders
515.APPENDIX E	Minimum Prescribed Data Elements
515.APPENDIX F	Template for In-House Triage for Trauma Centers
515.APPENDIX G	Credentials of General/Trauma Surgeons Level I and Level II
515.APPENDIX H	Credentials of Emergency Department Physicians Level I and Level II
515.APPENDIX I	Credentials of General/Trauma Surgeons Level I and Level II Pediatric Trauma Centers
515.APPENDIX J	Credentials of Emergency Department Physicians Level I and Level II Pediatric Trauma Centers
515.APPENDIX K	Application for Facility Recognition for Emergency Department with Pediatrics Capabilities
515.APPENDIX L	Pediatric Equipment Recommendations for Emergency Departments
515.APPENDIX M	Inter-facility Pediatric Trauma and Critical Care Consultation and/or Transfer Guideline
515.APPENDIX N	Pediatric Critical Care Center (PCCC)/Emergency Department Approved for Pediatrics (EDAP) Recognition Application
515.APPENDIX O	Pediatric Critical Care Center Plan
515.APPENDIX P	Pediatric Critical Care Center (PCCC) Pediatric Equipment/Supplies/Medications Requirements

AUTHORITY: Implementing and authorized by the Emergency Medical Services (EMS) Systems Act [210 ILCS 50].

SOURCE: Emergency Rule adopted at 19 Ill. Reg. 13084, effective September 1, 1995 for a maximum of 150 days; emergency expired January 28, 1996; adopted at 20 Ill. Reg. 3203, effective February 9, 1996; emergency amendment at 21 Ill. Reg. 2437, effective January 31, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 5170, effective April 15, 1997; amended at 22 Ill. Reg. 11835, effective June 25, 1998; amended at 22 Ill. Reg. 16543, effective September 8, 1998; amended at 24 Ill. Reg. 8585, effective June 10, 2000; amended at 24 Ill. Reg. 9006, effective June 15, 2000; amended at 24 Ill. Reg. 19218, effective December 15, 2000; amended at 25 Ill. Reg. 16386, effective December 20, 2001; amended at 26 Ill. Reg. 18367, effective December 20, 2002; amended at 27 Ill. Reg. 1277, effective January 10, 2003; amended at 27 Ill. Reg. 6352, effective April 15, 2003; amended at 27 Ill. Reg. 7302, effective April 25, 2003; amended at 27 Ill. Reg. 13507, effective July 25, 2003; emergency amendment at 29 Ill. Reg. 12640, effective July 29, 2005, for a maximum of 150 days; emergency expired December 25, 2005; amended at 30 Ill. Reg. 8658, effective April 21, 2006; amended at 32 Ill. Reg. 16255, effective September 18, 2008; amended at 35 Ill. Reg. 6195, effective March 22, 2011; amended at 35 Ill. Reg. 15278, effective August 30, 2011; amended at 35 Ill. Reg. 16697, effective

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September 29, 2011; amended at 35 Ill. Reg. 18331, effective October 21, 2011; amended at 35 Ill. Reg. 20609, effective December 9, 2011; amended at 36 Ill. Reg. 880, effective January 6, 2012.

SUBPART F: VEHICLE SERVICE PROVIDERS

Section 515.860 Critical Care Transport

- a) "Critical care transport" means the pre-hospital or inter-hospital transportation of a critically injured or ill patient by a vehicle service provider, including the provision of medically necessary supplies and services, at a level of service beyond the scope of the EMT-Paramedic. When medically indicated for a patient, as determined by a physician licensed to practice medicine in all of its branches, an advanced practice nurse, or a physician's assistant, in compliance with Section 3.155(b) and (c) of the Act, critical care transport may be provided by:
- 1) Department-approved critical care transport providers, not owned or operated by a hospital, utilizing EMT-Paramedics with additional training, nurses, or other qualified health professionals; or
 - 2) Hospitals, when utilizing any vehicle service provider or any hospital-owned or operated vehicle service provider. Nothing in the Act requires a hospital to use, or to be, a Department-approved critical care transport provider when transporting patients, including those critically injured or ill. Nothing in the Act shall restrict or prohibit a hospital from providing, or arranging for, the medically appropriate transport of any patient, as determined by a physician licensed to practice medicine in all of its branches, an advanced practice nurse, or a physician's assistant. (Section 3.10(f-5) of the Act)
- b) All critical care transport providers must function within a Department-approved EMS System. Nothing in this Part shall restrict a hospital's ability to furnish personnel, equipment, and medical supplies to any vehicle service provider, including a critical care transport provider. (Section 3.10(g-5) of the Act)
- c) For the purposes of this Section, "expanded scope of practice" includes the accepted national curriculum plus additional training, education, experience, and equipment (see Section 515.360) as approved by the Department pursuant to

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Section 3.55 of the Act. Tier I transports are considered "expanded scope of practice".

- d) For the purposes of this Section, critical care transport plans are defined in three tiers of care. Tier II and Tier III are considered Critical Care Transports.
- e) Tier I
Tier I provides a level of care for patients who require care beyond the paramedic USDOT Curriculum scope of practice, up to but not including the requirements of Tiers II and III. Tier I transport includes the use of a ventilator, the use of infusion pumps with administration of medication drips, and maintenance of chest tubes.
- 1) Personnel Staffing and Licensure
- A) Licensure:
- i) Licensed Illinois Paramedic or Pre-Hospital Registered Nurse (PHRN);
- ii) Scope of practice more comprehensive than USDOT Curriculum, as approved by the Department in accordance with the EMS System Plan (see Sections 515.310 and 515.330); and
- iii) Approved to practice by the Department in accordance with the EMS System Plan.
- B) Minimum Staffing:
- i) EMT-Basic, Intermediate or Paramedic/PHRN as driver; and
- ii) Paramedic Expanded Scope of Practice credentialed individual or PHRN, who shall remain with the patient at all times.
- 2) Education, Certification, and Experience

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- A) Initial Education: Documentation of initial education and demonstrated competencies of expanded scope of practice skills as required by Tier I Level of Care and approved by the Department in accordance with the EMS System Plan.
- B) Continuing Education Requirements:
- i) Annual competencies of expanded scope of practice knowledge, equipment and procedures shall be completed; and
 - ii) The EMS vehicle service provider shall maintain documentation of competencies and provide documentation to the EMS Resource Hospital upon request.
- C) Certifications – Tier I personnel shall maintain all renewable critical care certifications and credentials in active status:
- i) Advanced Cardiac Life Support (ACLS);
 - ii) Pediatric Education for Pre-Hospital Professionals (PEPP) or Pediatric Advance Life Support (PALS); and
 - iii) International Trauma Life Support (ITLS) or Pre-Hospital Trauma Life Support (PHTLS).
- D) Experience:
- i) Minimum of one year of experience functioning in the field at an ALS level; and
 - ii) Documentation of education and demonstrated competencies of expanded scope of practice skills required for Tier I Level of Care, approved by the Department and included in the EMS System Plan.
- 3) Medical Equipment and Supplies
- A) Ventilator; and

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- B) Infusion pumps.
- 4) Vehicle Standards
Any vehicle used for providing expanded scope of practice care shall comply at a minimum with Section 515.830 (Ambulance Licensing Requirements) or Sections 515.900 (Licensure of SEMSV Programs – General) and 515.920 (SEMSV Program Licensure Requirements for All Vehicles) regarding licensure of SEMSV programs and SEMSV vehicle requirements, including additional medical equipment and ambulance equipment as defined in this Section. Any vehicle used for expanded scope of practice transport shall be equipped with an onboard alternating current (AC) supply capable of operating and maintaining the AC current needs of the required medical devices used in providing care during the transport of a patient.
- 5) Treatment and Transport Protocols shall address the following:
- A) EMS System Medical Director or Designee present at established Medical Control;
- B) Communication points for contacting Medical Control and a written Expanded Scope of Practice Standard;
- C) Written operating procedures and protocols signed by the EMS MD and approved for use by the Department in accordance with the System Plan; and
- D) Use of a ventilator, infusion pumps with administration of medication drips, and maintenance of chest tubes.
- 6) Quality Assurance Program
- A) The Tier I transport provider shall develop a written Quality Assurance (QA) Plan approved by the EMS System and the Department in accordance with subsection (e)(6)(D). The provider shall provide quarterly QA reports to the assigned EMS Resource Hospitals for the first 12 months of operation.

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- B) The EMS System shall establish the frequency of quality reports after the first year if the System has not identified any deficiencies or adverse outcomes.
- C) A Medical Director shall oversee the QA Program.
- D) The QA Plan shall evaluate all expanded scope of practice activity for medical appropriateness and thoroughness of documentation. The review shall include:
- i) Review of transferring physician orders and evidence of compliance with those orders;
 - ii) Documentation of vital signs and frequency and evidence that abnormal vital signs or trends suggesting an unstable patient were appropriately detected and managed;
 - iii) Documentation of any side effects/complications, including hypotension, extreme bradycardia or tachycardia, increasing chest pain, dysrhythmia, altered mental status and/or changes in neurological examination, and evidence that interventions were appropriate for those events;
 - iv) Documentation of any unanticipated discontinuation of a catheter or rate adjustments of infusions, along with rationale and outcome;
 - v) Review of any Medical Control contact for further direction;
 - vi) Documentation that any unusual occurrences were promptly communicated to the EMS System; and
 - vii) A root cause analysis of any event or care inconsistent with standards. The EMS System educator shall assess and carry out a corrective action plan.

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- E) The QA Plan will be subject to review as part of an EMS System site survey and as deemed necessary by the Department (e.g., in response to a complaint).
- f) Tier II
Tier II provides a level of care for patients who require care beyond the USDOT Curriculum and expanded scope of practice ALS (paramedic) transport program, and who require formal advanced education for ALS paramedic staff. Tier II transport includes the use of a ventilator, infusion pumps with administration of medication drips, maintenance of chest tubes, and other equipment and treatment, such as, but not limited to: arterial lines; accessing central lines; medication-assisted intubation; patient assessment and titration of IV pump medications, including additional active interventions necessary in providing care to the patient receiving treatment with advanced equipment and medications.
- 1) Personnel Staffing and Licensure
- A) Licensure – Licensed Illinois Paramedic or PHRN:
- i) Expanded scope of practice more comprehensive than USDOT Curriculum and expanded scope Tier I level; and
- ii) Approved to practice by the EMS System and the Department in accordance with the EMS System Plan.
- B) Minimum Staffing:
- i) Paramedic/PHRN; and
- ii) Paramedic or PHRN who is critical care prepared, who shall remain with the patient at all times.
- 2) Education, Certification and Experience
- A) Initial Advanced Formal Education:
- i) 80 hours established higher collegiate education or equivalent critical care education based on existing university program models; and

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 A) Ventilator; and

 B) Infusion pumps.

4) Vehicle Standards

Any vehicle used for providing critical care transport shall comply at a minimum with Section 515.830 (Ambulance Licensing Requirements) or Sections 515.900 (Licensure of SEMSV Programs – General) and 515.920 (SEMSV Program Licensure Requirements for All Vehicles) regarding licensure of SEMSV programs and SEMSV vehicle requirements, including additional medical equipment and ambulance equipment as defined in this Section. Any vehicle used for critical care transport shall be equipped with an onboard AC supply capable of operating and maintaining the AC current needs of the required medical devices used in providing care during the transport of a patient.

5) Treatment and Transport Protocols shall address the following:

 A) EMS System Medical Director or designee present at established Medical Control communication points and a written Expanded Scope of Practice Standard Operating Procedure signed by the EMS MD and approved for use by the Department in accordance with the System Plan;

 B) The use of a ventilator, infusion pumps with administration of medication drips, maintenance of chest tubes, and other equipment and treatment, such as, but not limited to: arterial lines, accessing central lines, and medication-assisted intubation; and

 C) Patient assessment and titration of IV pump medications, including additional active interventions necessary in providing care to the patient receiving treatment with advanced equipment and medications.

6) Quality Assurance Program

 A) The Tier II transport provider shall develop a written QA Plan approved by the EMS System and the Department in

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accordance with subsection (f)(6)(D). The participating provider shall provide quarterly reports to the assigned EMS Resource Hospitals for the first 12 months of operation.

B) The EMS System shall establish the frequency of quality reports after the first year if the System has not identified any deficiencies or adverse outcomes.

C) A Medical Director shall oversee the QA Program.

D) The QA Plan shall evaluate all expanded scope of practice activity for medical appropriateness and thoroughness of documentation. The review shall include:

- i) Review of transferring physician orders and evidence of compliance with those orders;
- ii) Documentation of vital signs and frequency, and evidence that abnormal vital signs or trends suggesting an unstable patient were appropriately detected and managed;
- iii) Documentation of any side effects/complications, including hypotension, extreme bradycardia or tachycardia, increasing chest pain, dysrhythmia, altered mental status and/or changes in neurological examination, and evidence that interventions were appropriate for those events;
- iv) Documentation of any unanticipated discontinuation of a catheter or rate adjustments of infusions, along with rationale and outcome;
- v) Review of any Medical Control contact for further direction;
- vi) Documentation that unusual occurrences were promptly communicated to the EMS System; and

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- i) Current certifications shall be maintained;
- ii) 12 hours of critical care level education shall be completed annually; and
- iii) The EMS vehicle service provider shall maintain documentation of compliance with subsections (g)(2)(B)(i) and (ii) and shall provide documentation to the EMS Resource Hospital upon request.

C) Certifications

Tier III personnel shall maintain the following renewable critical care certifications and credentials in active status:

- i) ACLS;
- ii) PEPP or PALS; and
- iii) ITLS or PHTLS.

D) Experience

- i) Minimum of two years experience functioning in the field at an ALS Level;
- ii) Documented demonstrated competencies; and
- iii) Completion of annual competencies of expanded scope knowledge, equipment and procedures.

3) Education, Certification and Experience – Nurse:A) Continuing Education Requirements

- i) 12 hours of critical care level education shall be completed annually;

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- ii) The EMS provider shall maintain documentation of compliance with subsection (g)(3)(A)(i) and shall provide documentation to the EMS Resource Hospital upon request; and
- iii) Annual competencies of expanded scope of practice knowledge, equipment and procedures shall be completed.

B) Certifications

Tier III personnel shall maintain the following renewable critical care certifications and credentials in active status:

- i) ACLS;
- ii) PALS, PEPP or ENPC;
- iii) ITLS, PHTLS, TNCC or TNS; and
- iv) ECRN or equivalent.

C) Advanced Certifications Preferred but not Required

- i) Certified Emergency Nurse (CEN);
- ii) Critical Care Registered Nurse (CCRN);
- iii) Critical Care Emergency Medical Technician-Paramedic (CCEMT-P);
- iv) Certified Registered Flight Nurse (CFRN); and
- v) Certified Transport Registered Nurse (CTRN).

D) Experience

- i) Two years of experience with demonstrated competency in a critical care setting; and
- ii) Documented demonstrated competencies.

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- 4) Medical Equipment and Supplies
Tier III transport requires nursing level treatment modalities and interventions as agreed upon by the sending physician and the accepting physician at the receiving facility. If either physician is not available for consult, the provider's Medical Director or designee shall direct care.
- 5) Vehicular Standards
Any vehicle used for providing critical care transport shall comply, at a minimum, with Section 515.830 (Ambulance Licensing Requirements) or Sections 515.900 (Licensure of SEMSV Programs – General) and 515.920 (SEMSV Program Licensure Requirements for All Vehicles) regarding licensure of SEMSV programs and SEMSV vehicle requirements, including additional medical equipment and ambulance equipment as defined in this Section. Any vehicle used for critical care transport shall be equipped with an onboard AC supply capable of operating and maintaining the AC current needs of the required medical devices used in providing care during the transport of a patient.
- 6) Treatment and Transport Protocols shall address the following:
 - A) Paramedic or PHRN: EMS Medical Director or designee present at established Medical Control communication points and written Critical Care Standard Operating procedure signed by the EMS MD and approved for use by the Department in accordance with the System Plan;
 - B) Registered Nurse: The provider's Critical Care Medical Director may establish standing medical orders for nursing personnel, or the RN may be approved to accept orders from the sending physician and/or receiving physician.
- 7) Quality Assurance Program
 - A) The Tier III transport provider shall have a written QA Plan approved by the EMS System and the Department, in accordance with subsection (g)(7)(D). The provider shall provide quarterly reports to the assigned EMS Resource Hospitals for the first 12 months of operation.

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- B) The EMS System shall establish the frequency of quality reports after the first year if the System has not identified any deficiencies or adverse outcomes.
- C) A Medical Director shall oversee the QA Program.
- D) The QA Plan shall evaluate all expanded scope of practice activity for medical appropriateness and thoroughness of documentation. The review shall include:
- i) Review of transferring physician orders and evidence of compliance with those orders;
 - ii) Documentation of vital signs and frequency and evidence that abnormal vital signs or trends suggesting an unstable patient were appropriately detected and managed;
 - iii) Documentation of any side effects/complications, including hypotension, extreme bradycardia or tachycardia, increasing chest pain, dysrhythmia, altered mental status and/or changes in neurological examination, and evidence that interventions were appropriate for those events;
 - iv) Documentation of any unanticipated discontinuation of a catheter or rate adjustments of infusions, along with rationale and outcome;
 - v) Review of any medical control contact for further direction;
 - vi) Prompt communication of unusual occurrences to the EMS System;
 - vii) A root cause analysis of any event or care inconsistent with standards. The EMS System educator shall assess and carry out a corrective action plan.

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- E) The QA Plan will be subject to review as part of an EMS System site survey and as deemed necessary by the Department (e.g., in response to a complaint).
- h) The Department will approve vehicle service providers for critical care transport when the provider demonstrates compliance with an approved EMS System's Critical Care Transport Program Plan for Tier II or Tier III transports. Only Department approved agencies may advertise as Critical Care Transport providers.
- i) The Department will suspend a vehicle service provider's approval for critical care transport if any part of the provider's QA plan is not followed or if a situation exists that poses a threat to the public health and safety. The Department will provide a notice of suspension of critical care transport approval and an opportunity for hearing. If the vehicle service provider does not respond to the notice within 10 days after receipt, approval will be revoked.
- j) The Director may summarily suspend any licensed provider's authorization to perform critical care transports under this Part if the Director or designee determines that continued critical care transport by the provider poses an imminent threat to the health or safety of the public. Any order for suspension will be in writing and effective immediately upon service of the provider or its lawful agent. Any provider served with an order of suspension shall immediately cease accepting all critical care transport cases and shall have the right to request a hearing if a written request is delivered to the Department within 15 days after receipt of the order of suspension. If a timely request is delivered to the Department, then the Department will endeavor to schedule a hearing in an expedited manor, taking into account equity and the need for evidence and live witnesses at the hearing. The Department is authorized to seek injunctive relief in the circuit court if the Director's order is violated.

(Source: Added at 36 Ill. Reg. 880, effective January 6, 2012)

ENVIRONMENTAL PROTECTION AGENCY

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- a) Part (Heading and Code Citation): Environmental Laboratory Certification Fee Rules; 35 Ill. Adm. Code 185

1) Rulemaking:

- A) Description: This rulemaking will set forth the procedures the Agency will use to determine environmental laboratory assessments under Section 17.8 of the Environmental Protection Act.
- B) Statutory authority: Implementing and authorized by Section 17.8 of the Environmental Protection Act [415 ILCS 5/17.8].
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date agency anticipates First Notice: Spring or Summer 2012
- E) Effect on small business, small municipalities or not-for-profit corporations: Any small business, small municipality, or not-for-profit corporation that requests certification for its laboratories may be affected.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Joanne M. Olson
Division of Legal Counsel
Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
joanne.olson@illinois.gov

- G) Related rulemakings and other pertinent information: None

- b) Part (Heading and Code Citation): Accreditation of Environmental Laboratories; 35 Ill. Adm. Code 186

1) Rulemaking:

ENVIRONMENTAL PROTECTION AGENCY

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- A) Description: The proposed amendments to 35 Ill. Adm. Code 186 to update the accreditation standards replacing the 2003 NELAC standards with the new 2009 TNI standards.
- B) Statutory authority: Implementing and authorized by Section 4(n) and 4(o) of the Environmental Protection Act [415 ILCS 5/4(n), (o)].
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date agency anticipates First Notice: Spring or Summer 2012
- E) Effect on small business, small municipalities or not-for-profit corporations: Any small business, small municipality, or not-for-profit corporation that requests certification for its laboratories.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Stephanie Flowers
Division of Legal Counsel
Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
stephanie.flowers@illinois.gov

- G) Related rulemakings and other pertinent information: None
- c) Part (Heading and Code Citation): Construction Permit Application Fees For Air Pollution Sources; 35 Ill. Adm. Code 250
- 1) Rulemaking:
- A) Description: The proposed new rule will set forth the procedures the Agency will use to collect construction permit application fees for air pollution sources under Section 9.12 of the Environmental Protection Act including fees for sources which emit or will emit greenhouse gases.

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- B) Statutory authority: Authorized by Section 9.12 of the Environmental Protection Act [415 ILCS 5/9.12].
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date agency anticipates First Notice: Spring or Summer 2012
- E) Effect on small business, small municipalities or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that submit construction permit applications that trigger the fee provisions would be subject to the procedures set forth in this new rule.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Annet Godiksen
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217/782-5544
annet.godiksen@illinois.gov

- G) Related rulemakings and other pertinent information: None
- d) Part (Heading and Code Citation): Clean Air Act Permit Program Procedures; 35 Ill. Adm. Code 270
- 1) Rulemaking:
- A) Description: The proposed rule will modify the current rule to address recent amendments to the Clean Air Act Permit Program (CAAPP) fee schedule. In addition, the proposed rule will make miscellaneous changes.
- B) Statutory authority: Authorized by Section 39.5 of the Environmental Protection Act [415 ILCS 5/39.5].

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- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date agency anticipates First Notice: Spring or Summer 2012
- E) Effect on small business, small municipalities or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that are subject to CAAPP fees would be subject to the proposed rule.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:
- Annet Godiksen
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217/782-5544
annet.godiksen@illinois.gov
- G) Related rulemakings and other pertinent information: None
- e) Parts (Headings and Code Citations): Procedures for Issuing Financial Assistance Awards Under the Illinois Nonpoint Source Pollution Control Grant Program; 35 Ill. Adm. Code 376
- 1) Rulemaking:
- A) Description: The proposed rule will set forth the procedures for soliciting applications for financial assistance, establishes the eligibility requirements for financial assistance and the criteria under which applications will be reviewed.
- B) Statutory authority: Authorized by Section 4 of the Environmental Protection Act [415 ILCS 5/4(k)]
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

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- D) Date agency anticipates First Notice: Spring or Summer 2012
- E) Effect on small business, small municipalities, or not-for-profit corporations: The rules will benefit these entities by creating procedures to enable these and other entities to obtain Section 319 grants for projects to control non-point source pollution.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Stefanie N. Diers
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217/782-5544
stefanie.diers@illinois.gov

- G) Related rulemakings and other pertinent information: None
- f) Parts (Headings and Code Citations): Illinois Environmental Protection Agency Public Water Supplies, Technical Policy Statements; 35 Ill. Adm. Code 651, 652, 653 and 654
- 1) Rulemaking:
- A) Description: The amendments to these Agency rules will update definitions and explanations of administrative procedures and provide current information to owners, operators, and official custodians of public water supplies. More recent design and operational criteria will be incorporated to provide information necessary for the design, operation, and maintenance of public water supplies and to facilitate the permitting process.
- B) Statutory authority: Implementing and authorized by Sections 14 through 19 of the Illinois Environmental Protection Act [415 ILCS 5/14 through 5/19].

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- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date agency anticipates First Notice: Spring or Summer 2012
- E) Effect on small business, small municipalities or not-for-profit corporations: These amendments will generally benefit small businesses, small municipalities, and not-for-profit entities by clarifying the requirements for operations and permits. There may be some additional reporting requirements. These amendments may also affect new small businesses, new small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities own or operate a "public water supply" as defined by Section 3.28 of the Act, i.e., it has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Joanne M. Olson
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217/782-5544
joanne.olson@illinois.gov

- G) Related rulemakings and other pertinent information: The Agency is preparing a rulemaking proposal to establish the requirements that must be met by public water supplies that exceed the combined radium standard or the gross alpha particle activity standard, to avoid being placed on restrictive status.
- g) Part (Heading and Code Citation): Water Supply Operator Certification; 35 Ill. Adm. Code 680
- 1) Rulemaking:

ENVIRONMENTAL PROTECTION AGENCY

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- A) Description: The Agency currently has the authority to approve a written contract between certified operator and the owner of a Community Water Supply (CWS) under the Public Water Supply Operations Act, 415 ILCS 45/0.01 *et seq.* The proposed rules will set forth criteria for Agency approval of the contracts.
- B) Statutory authority: Implementing and authorized by the Public Water Supply Operations Act [415 ILCS 45].
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date agency anticipates First Notice: Spring or Summer 2012
- E) Effect on small business, small municipalities or not-for-profit corporations: The Agency anticipates the proposed rulemaking will help small business, small municipalities or not for profit corporations that are a CWS by setting forth the criteria under which the Agency will approve a contract between a CWS and a certified operator.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:
- Joanne M. Olson
Division of Legal Counsel
Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
joanne.olson@illinois.gov
- G) Related rulemakings and other pertinent information: None
- h) Part(s) (Heading and Code Citations): Annual Testing Fees for Analytical Services; 35 Ill. Adm. Code 691
- 1) Rulemaking:

ENVIRONMENTAL PROTECTION AGENCY

JANUARY 2012 REGULATORY AGENDA

- A) Description: The Illinois EPA is planning to propose amendments to its drinking water analysis program at 35 Ill. Adm. Code 691 in response to changes made to Section 17.7 of the Environmental 415 ILCS 5/17.7 by P.A. 97-220.
- B) Statutory Authority: 415 ILCS 5/17.7
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time.
- D) Date agency anticipates First Notice: The Illinois EPA anticipates submitting its proposal in the Spring or Summer of 2012.
- E) Effect on small businesses, small municipalities or not for profit corporations: Any small business, municipality, or not for profit corporation participating in the Illinois EPA's drinking water analysis program.
- F) Agency contact person for information:
- Sara Terranova
1021 North Grand Ave. East,
PO Box 19276
Springfield, Illinois 32794
217/782-5544
Sara.Terranova@illinois.gov
217/782-9807
- G) Related rulemakings and other pertinent information: None

ILLINOIS GUARDIANSHIP AND ADVOCACY COMMISSION

JANUARY 2012 REGULATORY AGENDA

a) Part(s) (Heading and Code Citations): Fee Code for the Office of State Guardian: 59 Ill. Adm. Code 301

1) Rulemaking:

A) Description: Amendment to Section 301.20 to redefine terms of financial hardship, liquid assets, and ward.

i) Amendment to Section 301.30 to increase the amount of one-time case-opening fees, monthly guardianship services fees, guardianship petitioning fees, and real property sale fees; eliminates \$6,500 minimum threshold for fee assessments, adds hardship provision applicable to all cases, and provides for termination of fee assessments upon death of a ward.

ii) Amendment to Section 301.50 to redefine what constitutes grounds for waiving the collection of fees.

iii) Amendment to Section 301.60 to increase schedules that show the amounts of one-time case-opening fees, monthly guardianship services fees, guardianship petitioning fees, real property sale fees, personal property sale fees, income tax preparation and filing fees, personal injury causes of action settlement fees, and fees for petitioning for the establishment of trusts.

B) Statutory Authority: Implementing and authorized by the Guardianship and Advocacy Act, [20 ILCS 3955] and Section 27-1 of the Probate Act of 1975 [755 ILCS 5/27-1].

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: The date of first notice is unknown at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: We expect that these modifications to the fee assessment rules will have no significant impact on small businesses, municipalities or

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not for profit organizations as the fees are assessed against eligible wards of the Office of State Guardian.

F) Agency contact person for information:

Danielle Welliever

Director of Policy and Training

Illinois Guardianship and Advocacy Commission

160 N. LaSalle Street, Suite S-500

Chicago, IL 60601

Telephone: 312-793-5919

Fax: 312-793-4311

Email: danielle.welliever@illinois.gov

G) Related rulemakings and other pertinent information: There are no related rulemakings.

HEALTH INFORMATION EXCHANGE AUTHORITY

JANUARY 2012 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Required Standards, Procedures and Registration of Health Information Service Providers; Health Information Exchange Pricing and Patient Participation, 77 Il. Admin. Code 4000
- 1) Rulemaking:
- A) Description: The proposed rulemaking will require all Health Information Service Providers (HISPs) and Health Information Exchanges (HIEs) within Illinois to register with the Health Information Exchange Authority.
- The proposed rulemaking will adopt standards for participation agreements between the Illinois Health Information Exchange Authority and participants in the ILHIE including: health care providers, laboratories, pharmacies, health care payers, and local Health Information Exchanges (HIEs).
- The proposed rulemaking will set technical and other requirements for participants in the ILHIE, including Health Information Exchanges (HIEs) operating within Illinois, to connect to the Illinois Health Information Exchange.
- The proposed rulemaking will determine what specific patient consent requirements may be required for specific types of disclosures of patient health information involving the ILHIE.
- The proposed rulemaking would determine the nature and amount of fees, charges, costs, and/or expenses to be collected by or on behalf of the Illinois Health Information Exchange Authority from any healthcare provider or other entity in connection with the operation of the Illinois Health Information Exchange
- B) Statutory Authority: Authorized by Section 20 of the Illinois Health Information Exchange and Technology Act [20 ILCS 3860/20.2, 20.3 & 20.9].
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date agency anticipates First Notice: Spring 2012

HEALTH INFORMATION EXCHANGE AUTHORITY

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- E) Effect on small businesses, small municipalities or not for profit corporations: Any small business, small municipality, or not for profit corporation that qualifies as a HISP operating in Illinois would be subject to the registration requirement. Any small business, small municipality, or not for profit corporation that qualifies as a local HIE operating in Illinois would be subject to these procedures. Any small business, small municipality, or not for profit corporation that participates in the Illinois Health Information Exchange may be subject to fees, charges, costs, and/or expenses to be collected by or on behalf of the Illinois Health Information Exchange Authority.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:
- Mark Chudzinski
General Counsel
Illinois Health Information Exchange Authority
JRTC 100 W. Randolph, Suite 2-201
Chicago, Illinois 60601
- 312/814-1600
Mark.Chudzinski@illinois.gov
- G) Related rulemakings and other pertinent information: None

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

JANUARY 2012 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Single Family Mortgage Purchase Program, 47 Ill Adm. Code 220
- 1) Rulemaking:
- A) Description: Repeal the rule as such rule is no longer being used to run an active program at the Authority and a similar program is being run by a subsequent rule.
- B) Statutory Authority: Mortgage Subsidy Bond Tax Act of 1980 (26 U.S.C. 103A) and authorized by Sections 7.19 and 7.23 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.23].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: August, 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Amanda Carone
Illinois Housing Development Authority
401 N. Michigan Ave., Ste. 700
Chicago, IL 60611
Telephone: 312-836-5214
- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citation): Single Family Mortgage Purchase Program II, 47 Ill. Adm. Code 250
- 1) Rulemaking:
- A) Description: Repeal the rule as such rule is no longer being used to run an active program at the Authority and a similar program is being run by a subsequent rule.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

JANUARY 2012 REGULATORY AGENDA

- B) Statutory Authority: Sections 7.19 and 7.23 of the Illinois Housing Development Act (Ill. Rev. Stat. 1981, ch. 67-1/2, pars. 307.19 and 307.23) [20 ILCS 3805/7.19 and 723].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: August, 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Amanda Carone
Illinois Housing Development Authority
401 N. Michigan Ave., Ste. 700
Chicago, IL 60611
Telephone: 312-836-5214
- G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citation): Access to Public Records of the Illinois Housing Development Authority 2 Ill. Adm. Code 1976
- 1) Rulemaking:
- A) Description: Amend various sections to conform with the updated FOIA law.
- B) Statutory Authority: Section 3 of the Illinois Freedom of Information Act [5 ILCS 140/3]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: October, 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: None

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

JANUARY 2012 REGULATORY AGENDA

F) Agency contact person for information:

Amanda Carone
Illinois Housing Development Authority
401 N. Michigan Ave., Ste. 700
Chicago, IL 60611
Telephone: 312-836-5214

G) Related rulemakings and other pertinent information: Access to Public Records of the Illinois Housing Development Authority 2 Ill. Adm. Code 1976d) Part(s) (Heading and Code Citation): Homeownership Mortgage Loan Program 47 Ill. Adm. Code 3001) Rulemaking:

A) Description: Adopt rules to govern the Illinois Housing Development Authority's homeownership mortgage loan program funded by its Homeowner Mortgage Revenue Bonds and from other sources of funds available to the Authority to accomplish the general purpose of the Illinois Housing Development Act and in particular the purchasing and making of loans in accordance with the program to achieve the program objectives.

B) Statutory Authority: Section 7.19 of the Illinois Housing Development Act [20 ILCS 3805/7.19] and Section 7.23 of the Illinois Housing Development Act [20 ILCS 3805/7.23].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: March, 2012

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Amanda Carone

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

JANUARY 2012 REGULATORY AGENDA

Illinois Housing Development Authority
401 N. Michigan Ave., Ste. 700
Chicago, IL 60611
Telephone: 312-836-5214

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Abandoned Properties Program 47 Ill. Adm. Code 381

1) Rulemaking:

A) Description: Adopt the rules for the administration, operation, and maintenance of the Abandoned Properties Program whereby grants will be made to municipalities to assist with removal costs and securing or enclosing costs incurred by the municipality pursuant to Section 11-20-15.1 of the Illinois Municipal Code, as approved by the Authority under the program."

B) Statutory Authority: Section 7.19 of the Illinois Housing Development Act [20 ILCS 3805/7.19] and Section 7.31 of the Illinois Housing Development Act [20 ILCS 3805/7.31].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: March, 2012

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Amanda Carone
Illinois Housing Development Authority
401 N. Michigan Ave., Ste. 700
Chicago, IL 60611
Telephone: 312-836-5214

G) Related rulemakings and other pertinent information: None

OFFICE OF THE LIEUTENANT GOVERNOR

JANUARY 2012 REGULATORY AGENDA

a) Part(s) (Heading and Code Citations): Freedom of Information, 2 Ill. Adm. Code 526

1) Rulemaking:

A) Description: These rules will be amended to comply with the Freedom of Information Act and the Illinois Administrative Procedure Act. Technical changes will be made to ensure the rules reflect the appropriate contact information, functions, and organization of the Office of the Lieutenant Governor.

B) Statutory Authority: Implementing and authorized by the Freedom of Information Act [5 ILCS 140] and the Illinois Administrative Procedure Act [5 ILCS 100]

C) Scheduled meeting/hearing dates: TBD

D) Date agency anticipates First Notice: February 2012

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:
Mark Schauerte, General Counsel and Deputy Chief of Staff
Office of the Lieutenant Governor
100 W. Randolph, JRTC Suite 15-200
Chicago, IL 60606

312/814-3309

Mark.Schauerte@Illinois.gov

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citations): Office of the Lieutenant Governor's Procurement Rules, 44 Ill. Admin. Code 1600

1) Rulemaking:

OFFICE OF THE LIEUTENANT GOVERNOR

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- A) Description: The Office of the Lieutenant Governor's Procurement Code will be repealed and amended as necessary to reflect amendments made to the Illinois Procurement Code.
- B) Statutory Authority: The Illinois Procurement Code [30 ILCS 500].
- C) Scheduled meeting/hearing dates: TBD
- D) Date agency anticipates First Notice: March 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Mark Schauerte, General Counsel and Deputy Chief of Staff
Office of the Lieutenant Governor
100 W. Randolph, JRTC Suite 15-200
Chicago, IL 60606

312/814-3309
Mark.Schauerte@Illinois.gov
- G) Related rulemakings and other pertinent information: None

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a) Part(s) (Heading and Code Citations): Income Tax, 86 Ill. Adm. Code 100

1) Rulemaking:

- A) Description: New rules will be added to Part 100 concerning the tax credit for Tech Prep Youth Vocational Programs (IITA Section 209); the reallocation of items under IITA Section 404; pass-through of investment credits from partnerships and Subchapter S corporations to their partners and shareholders; filing of refund claims and other collection matters, statutes of limitations, and interest computations.

Part 100 will be amended by adding rules and amending existing rules governing the computation of base income under Article 2 of the IITA, the allocation and apportionment of base income under Article 3 of the IITA, and the filing of returns and payment of taxes under Articles 5 and 6 of the IITA.

Part 100 will be amended to update the provisions defining unitary business groups and computing the combined tax liability of unitary business groups.

Part 100 will be amended by adding rules providing guidance on the addition and subtraction modifications allowed in IITA Section 203, on the credit for residential property taxes paid in IITA Section 208, on the acceptance of substitute W-2s, and rounding amounts on returns to the nearest dollar.

Part 100 will be amended to clarify definitions of terms in IITA Section 1501(a).

Part 100 will be amended to implement legislation enacted in 2004, 2005, 2006, 2007, 2008, 2009, 2010 and 2011, including the angel investment, historic preservation and small business jobs credits, repeal or sunset of the research and development, low-income housing and film credits, the allowance of Economic Development for a Growing Economy credits to be used against withholding obligations, credits for hiring veterans and ex-felons, bonus depreciation adjustments, withholding by employers, partnerships, Subchapter S corporations and trusts, changes to apportionment formulas and taxation of real estate investment trusts and

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their investors, tax-exempt bonds, and special net loss rules for cooperatives and real estate mortgage investment companies.

Part 100 will be amended to provide additional guidance on nexus and on the Illinois income tax consequences of changes in federal income tax laws.

Finally, the Department will continue the updating and correction of Part 100.

Proposed rules that have been submitted to first notice and that should be adopted in the near future include:

Section 100.2580 is being amended to provide guidance for tax treatment of Medical Savings Accounts after the repeal of the Medical Savings Account Act of 2000.

- B) Statutory Authority: 35 ILCS 5/101 and 35 ILCS 5/1401
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 100 over the next six months. We anticipate filing rulemakings amending Part 100 on a regular basis during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: These rulemakings will Effect any business that incurs an income tax filing obligation.
- F) Agency contact person for information:

Paul Caselton
Deputy General Counsel, Income Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 524-3951

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G) Related rulemakings and other pertinent information: None.

b) Part(s) (Heading and Code Citations): Property Tax Code, 86 Ill. Adm. Code 110

1) Rulemaking:

A) Description: Part 110 will be amended to implement the new Disabled Persons' Homestead Exemption under 35 ILCS 200/15-168.

Part 110 will be amended to adopt new rules to implement changes made to the Senior Citizens Assessment Freeze Homestead Exemption under 35 ILCS 200/15-172.

Part 110 will be amended with respect to 110.162 for Township and Multi-Township Assessor Qualifications. The amendment deals with the approved designation list from the Department of Revenue.

Part 110 will be amended with respect to 110.155 to update population changes in counties, which resulted in different requirements for those counties with respect to course and examination requirements for board of review members. The changes in the county populations will be reflected in the attached map accompanying Part 110.155, referred to as Illustration A. Part 110.155 will also be amended to correct typographical errors in subsections b) 3); b) 5); d); and e) 3).

B) Statutory Authority: Implementing the Property Tax Code [35 ILCS 200] and authorized by Section 2505-625 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-625]; 35 ILCS 200/15-168; 35 ILCS 200/15-65; 35 ILCS 200/15-172; 35 ILCS 200/6; 35 ILCS 200/6-10; and 35 ILCS 200/6-32.

C) Scheduled meeting/hearing dates: No schedule has been established.

D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 110 during the first six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: None

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F) Agency contact person for information:

Robin W. Gill
Associate Counsel, Property Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 524-4886

G) Related rulemakings and other pertinent information: Nonec) Part(s) (Heading and Code Citations): Rental Housing Support Program, 86 Ill. Adm. Code 1211) Rulemaking:

A) Description: New rules will be created under Part 121 to implement the new Rental Housing Support Program.

B) Statutory Authority: 55 ILCS 5/3-5018

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings creating Part 121 during the first six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: De minimus. Small business and not for profit organizations are subject to the \$10 recording fee for real estate related documents. Units of local government are exempt under the statute.

F) Agency contact person for information:

Robin W. Gill
Associate Counsel, Property Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794

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Telephone: (217) 524-4886

G) Related rulemakings and other pertinent information: None.

d) Part(s) (Heading and Code Citations): Retailers' Occupation Tax, 86 Ill. Adm. Code 130

1) Rulemaking:

- A) Description: Amendments will be made to update the Retailers' Occupation Tax regulations to reflect new statutory developments, decisional law and Department policies. Rulemakings are also promulgated as part of the Department's continuing effort to codify policies contained in various letter rulings. Some of the highlights of these changes include:
1. Amendment of Section 130.415 (transportation and delivery charges) to add examples and to clarify the requirement of a separate agreement between seller and purchaser, particularly in the case of Internet, mail order, telephone and television orders, and what tax rate applies to taxable handling charges for an order that contains both high tax rate and low tax rate items.
 2. Amendment of Section 130.2005 regarding nonprofit service enterprises to clarify how tax-exempt organizations handle fundraising events, including occasional dinners and bake sales and similar events.
 3. Amendment of Section 130.2013 regarding the lessor's credit to describe the requirements necessary for claiming the credit on sales to customers who are purchasing items that they had previously leased from those lessors.
 4. Amendment of Section 130.455 regarding motor vehicle trade-ins to clarify issues regarding trade-ins including how advance trade-ins apply in auction situations.
 5. Amendment of 130.2080 to update the regulation governing sales to governmental bodies, foreign diplomats and consular personnel.

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6. Amendment of Section 130 ILLUSTRATION A – to update examples of tax exemption cards.
7. Creation of a new section regarding the exemption created by Public Act 95-0672 for tangible personal property sold to public-facilities corporations for purposes of constructing or furnishing a municipal convention hall.
8. Amendment of Section 130.2007 to explain the proper use by an exempt organization of its exemption identification number issued by the Department and consequences of an organization's failure to use ordinary care to ensure that the exemption identification number is properly utilized. Consequences include revocation of the exemption identification number.
9. Creation of a new section to provide guidance regarding the documentation requirements for sales by retailers to exempt organizations holding active exemption numbers issued by the Department.
10. Amendment of Section 130.450 regarding installation, alteration, and special service charges to provide further guidance through examples for retailers who sell items that are commonly installed into real estate, such as cabinets and counter tops.
11. Amendment of Section 130.340 regarding rolling stock to provide guidance through examples of items that qualify for the exemption but do not become a part of the vehicle and to clarify the types of registration numbers carriers need to provide to document that they are for hire carriers.
12. Amendment of Section 130.605 to add examples regarding the drive-away permit exemption described in subsection (b) of that Section.
13. Amendment of Section 130.701 regarding the obtaining of certificates of registration to incorporate the changes made by P.A. 96-1355 listing the criteria the Department is to consider when determining whether to require a bond or other security from an

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applicant for a certificate of registration and the amount of that bond or other security.

14. Amendment of 130.552 to eliminate the requirement for taxpayers selling liquor to telefile the ST-1 return. Such liquor retailers will, instead, be required to file their monthly ST-1 return electronically. The electronically filed return will include a statement of that retailer's liquor purchases. The change will be effective for returns due on and after February 1, 2012. The rules provide that a taxpayer may petition for a waiver of the electronic filing requirement. The Department has made this accommodation for taxpayers that demonstrate they do not have access to the Internet.

- B) Statutory Authority: 35 ILCS 120/12
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 130 over the next six months. We anticipate filing rulemakings amending Part 130 on a regular basis during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: Small businesses that sell tangible personal property at retail will be Effected by these regulations. Businesses that sell tangible personal property through the Internet, mail order, telephone and television orders will be impacted by the changes to 130.415 regarding delivery and handling charges. Retailers who sell counter tops and cabinets will be impacted by the changes to Section 130.450. Tax exempt organizations will be Effected by the changes proposed to Section 130.2005, 130.2007, and the new section providing guidance on how to document exempt sales to those organizations.
- F) Agency contact person for information:

Jerilynn Gorden
Deputy General Counsel, Sales & Excise Tax
Illinois Department of Revenue

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101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844

G) Related rulemakings and other pertinent information: None.

e) Part(s) (Heading and Code Citations): Service Occupation Tax, 86 Ill. Adm. Code 140

1) Rulemaking:

- A) Description: Amendments will be made as part of a general update to clarify application of the Service Occupation Tax and to reflect recent decisional law, statutory changes and Department policy. Some of the highlights of these changes are revisions to Section 140.108 to add an example of a company that provides water service as a de minimis serviceman; and the addition of language to reinforce that de minimis servicemen cannot provide certificates of resale if those de minimis servicemen are registered with the Department only for the limited purpose of self-assessing and remitting their own use tax liability.
- B) Statutory Authority: 35 ILCS 115/12
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 140 over the next six months. We anticipate filing rulemakings amending Part 140 on a regular basis during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: Servicemen transferring tangible personal property incident to service will be Effected by these rules.
- F) Agency contact person for information:

Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue

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101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844

G) Related rulemakings and other pertinent information: None.

f) Part(s) (Heading and Code Citations): Use Tax, 86 Ill. Adm. Code 150

1) Rulemaking:

~~B)A)~~ Description: Amendments will be made to update the Use Tax regulations to reflect new statutory developments, decisional law and Department policies. Some of the highlights of these changes include:

~~2-1.~~ Amendment to Section 150.201 that reflects the changes in the definition of a “retailer maintaining a place of business in this State” added by P.A. 96-1544 to reference retailers who have certain contracts with and provide commissions to persons in this State and the retailer’s sales to customers in this State under such contracts exceed \$10,000 during the preceding 4 calendar quarters.

~~3-2.~~ Amendment to Section 150.310 to change the period of use from “30 or more days” to “more than 30 days” that will trigger Use Tax liability for a vehicle that was purchased in this State under the drive-away permit exemption. The change to Section 150.310 is being made in order to conform to the recent change by the Secretary of State’s Office to extend the time period for a drive-away permit for a vehicle from 7 days to 30 days.

B) Statutory Authority: 35 ILCS 105/12

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 150 during the next six months of this year.

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- E) Effect on small business, small municipalities or not for profit corporations: These amendments will Effect persons subject to the Use Tax.
- F) Agency contact person for information:
- Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844
- G) Related rulemakings and other pertinent information: None.
- g) Part(s) (Heading and Code Citations): Service Use Tax, 86 Ill. Adm. Code 160
- 1) Rulemaking:
- A) Description: Amendments will be made to update the Service Use Tax regulations to reflect new statutory developments, decisional law and Department policies.
- B) Statutory Authority: 35 ILCS 110/12
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 160 during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: These amendments will Effect persons subject to the Service Use Tax, including persons required to collect Service Use Tax from Illinois purchasers.
- F) Agency contact person for information:
- Jerilynn Gorden

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Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844

- G) Related rulemakings and other pertinent information: None.
- h) Part(s) (Heading and Code Citations): Metro East Mass Transit District Retailers' Occupation Tax, 86 Ill. Adm. Code 370
- 1) Rulemaking:
- A) Description: Regulations will be updated to reflect past statutory changes including the provisions of Public Act 94-776 regarding the taxation of titled or registered tangible personal property.
- B) Statutory Authority: 70 ILCS 3610/5.01
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: Businesses that sell tangible personal property, especially titled or registered tangible personal property, in a Metro East Mass Transit District would be minimally impacted.
- F) Agency contact person for information:
- Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844

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- G) Related rulemakings and other pertinent information: Similar changes will be made to Parts 380 and 390 regarding the taxes imposed in Metro East Mass Transit Districts.
- i) Part(s) (Heading and Code Citations): Metro East Mass Transit District Service Occupation Tax, 86 Ill. Adm. Code 380
- 1) Rulemaking:
- A) Description: Regulations will be updated to reflect past statutory changes including the provisions of Public Act 94-776 regarding the taxation of titled or registered tangible personal property.
- B) Statutory Authority: 70 ILCS 3610/5.01
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: Businesses that make sales of service involving the transfer of tangible personal property in a Metro East Mass Transit District would be minimally impacted.
- F) Agency contact person for information:
- Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844
- G) Related rulemakings and other pertinent information: Similar changes will be made to Parts 370 and 390 regarding the taxes imposed in Metro East Mass Transit Districts.

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j) Part(s) (Heading and Code Citations): Metro East Mass Transit District Use Tax, 86 Ill. Adm. Code 390

1) Rulemaking:

A) Description: Regulations will be updated to reflect past statutory changes including the provisions of Public Act 94-776 regarding the taxation of titled or registered tangible personal property.

B) Statutory Authority: 70 ILCS 3610/5.01

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: Businesses that sell tangible personal property, especially titled or registered tangible personal property, in a Metro East Mass Transit District would be minimally impacted.

F) Agency contact person for information:

Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844

G) Related rulemakings and other pertinent information: Similar changes will be made to Parts 370 and 380 regarding the taxes imposed in Metro East Mass Transit Districts.

k) Part(s) (Heading and Code Citations): Liquor Control Act, 86 Ill. Adm. Code 420

1) Rulemaking:

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- A) Description: Amendments will be made to Section 420.10 to reflect the provisions of Public Acts 96-34 and 96-38, which changed the gallonage tax rates on beer, wine, cider and spirits effective September 1, 2009.
- B) Statutory Authority: 235 ILCS 58-1
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: Manufacturers and importing distributors of beer, wine, cider and spirits are affected due to the change in tax rates on those items.
- F) Agency contact person for information:
- Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844
- G) Related rulemakings and other pertinent information: There are no related rulemakings.

l) Part(s) (Heading and Code Citations): Bingo License and Tax Act, 86 Ill. Adm. Code 430

1) Rulemaking:

- A) Description: Regulations will be updated to reflect the provisions of Public Act 93-742, which authorizes the Department to issue 3-year bingo licenses, including regular licenses, limited licenses or senior citizen restricted licenses, and the amendments in Public Act 95-228, dealing with licensing. The regulations will also be amended to clarify record keeping requirements and the documentation required for a license application.

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- B) Statutory Authority: 230 ILCS 25/1
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: Entities eligible for bingo licenses will be Effected by this rulemaking.
- F) Agency contact person for information:
- Paul Caselton
Deputy General Counsel, Income Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 524-3951
- G) Related rulemakings and other pertinent information: There are no related rulemakings.
- m) Part(s) (Heading and Code Citations): Pull Tabs and Jar Games, 86 Ill. Adm. Code 432
- 1) Rulemaking:
- A) Description: Regulations will be amended to implement the amendments in Public Act 95-228 dealing with licensing and to clarify record keeping requirements and the documentation required for a license application.
- B) Statutory Authority: 230 ILCS 20/1
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

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- E) Effect on small business, small municipalities or not for profit corporations: Entities eligible for pull tabs and jar games licenses will be Effected by this rulemaking.
- F) Agency contact person for information:
- Paul Caselton
Deputy General Counsel, Income Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 524-3951
- G) Related rulemakings and other pertinent information: There are no related rulemakings.
- n) Part(s) (Heading and Code Citations): Charitable Games, 86 Ill. Adm. Code 435
- 1) Rulemaking:
- A) Description: Regulations will be amended to implement the amendments in Public Act 95-228 dealing with licensing and to clarify record keeping requirements and the documentation required for a license application.
- B) Statutory Authority: 230 ILCS 30/1
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: Entities eligible for a charitable games license will be Effected by this rulemaking.
- F) Agency contact person for information:

DEPARTMENT OF REVENUE

JANUARY 2012 REGULATORY AGENDA

Paul Caselton
Deputy General Counsel, Income Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 524-3951

- G) Related rulemakings and other pertinent information: There are no related rulemakings.
- o) Part(s) (Heading and Code Citations): Cigarette Tax Act, 86 Ill. Adm. Code 440
- 1) Rulemaking:
- A) Description: Amendments will be made to update the Cigarette Tax Act regulations to reflect new statutory developments, decisional law and Department policies. Among those amendments, the Department anticipates amendments to these rules relating to the federal “Prevent All Cigarette Trafficking Act of 2009” P.L. 111-154, P.A. 95-1053, P.A. 96-782 and P.A.1027. Rulemakings are also promulgated as part of the Department’s continuing effort to codify policies contained in various letter rulings.
- B) Statutory Authority: 20 ILCS 2505/2505-30
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: Minimal, depending upon what legislation may be enacted.
- F) Agency contact person for information:
- Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax

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Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844

- G) Related rulemakings and other pertinent information: None.
- p) Part(s) (Heading and Code Citations): Cigarette Use Tax Act, 86 Ill. Adm. Code 450
- 1) Rulemaking:
- A) Description: Amendments will be made to update the Cigarette Use Tax Act regulations to reflect new statutory developments, decisional law and Department policies. Among these amendments, the Department anticipates amendments to these rules to incorporate the changes made by P.A. 95-1053, P.A. 96-782 and P.A. 1027. Rulemakings are also promulgated as part of the Department's continuing effort to codify policies contained in various letter rulings.
- B) Statutory Authority: 20 ILCS 2505/2505-80
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: Minimal, depending upon what legislation may be enacted.
- F) Agency contact person for information:
- Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844

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G) Related rulemakings and other pertinent information: None.

q) Part(s) (Heading and Code Citations): Telecommunications Excise Tax, 86 Ill. Adm. Code 495

1) Rulemaking:

~~B)~~A) Description: Regulations will be updated to reflect new statutory provisions, decisional law and Department policy. Examples include:

1. Regulations that explain the manner in which DSL services are taxed.
2. Regulations that explain the taxation of telecommunications that are provided by cable and satellite television companies as part of internet access services and the taxation of Voice Over Internet Protocol (VOIP).
3. Regulations which reflect the provisions of the Simplified Telecommunications Tax Act (92-526, 92-878, 92-602, 93-286, and 94-793) and the Mobile Telecommunications Sourcing Conformity Act. (92-474).
4. Regulations that explain the telecommunications tax liabilities involved when multiple parties are joined together in different conference calling arrangements.
5. Amendment of Section 495.100 to clarify the ending date for using alternate apportionment methods for imposing tax on portions of the interstate inter-office channels for private lines pursuant to P.A.93-286.

B) Statutory Authority: 35 ILCS 630; Public Acts 92-526; 92-0602; 92-878, 93-286, and 94-793.

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

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- D) Date agency anticipates First Notice: We anticipate filing rulemakings to Part 495 during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: Retailers of telecommunications and their telecommunications customers will be Effected by these regulations.
- F) Agency contact person for information:

Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844
- G) Related rulemakings and other pertinent information: There are no related rulemakings.
- r) Part(s) (Heading and Code Citations): Motor Fuel Tax, 86 Ill. Adm. Code 500
- 1) Rulemaking:
- A) Description: Regulations will be updated to reflect new statutory provisions, new provisions and procedures under the International Fuel Tax Agreement, and changes in Department procedures.
- B) Statutory Authority: 35 ILCS 505/14
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings to Part 500 during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: Motor fuel distributors, suppliers and receivers, as well as persons licensed under the International Fuel Tax Agreement, will be Effected by these regulations.

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- F) Agency contact person for information:
- Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844
- G) Related rulemakings and other pertinent information: There are no related rulemakings.
- s) Part(s) (Heading and Code Citations): Special County Retailers' Occupation Tax for Public Safety, 86 Ill. Adm. Code 670
- 1) Rulemaking:
- A) Description: Amendments will be made to update the Special County Retailers' Occupation Tax for Public Safety regulations to reflect new statutory developments, decisional law and Department policies. Rulemakings are also promulgated as part of the Department's continuing effort to codify policies contained in various letter rulings.
- B) Statutory Authority: Implementing Section 5-1006.5 of the Special County Occupation Tax For Public Safety Law of the Counties Code [55 ILCS 5/5-1006.5] and authorized by Section 2505-95 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-95].
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: Small municipalities may impose this tax for purposes of building or improving public facilities.

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- F) Agency contact person for information:
- Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844
- G) Related rulemakings and other pertinent information: None.
- t) Part(s) (Heading and Code Citations): Special County Service Occupation Tax for Public Safety, 86 Ill. Adm. Code 680
- 1) Rulemaking:
- A) Description: Amendments will be made to update the Special County Service Occupation Tax for Public Safety regulations to reflect new statutory developments, decisional law and Department policies. Rulemakings are also promulgated as part of the Department's continuing effort to codify policies contained in various letter rulings.
- B) Statutory Authority: Implementing Section 5-1006.5 of the Special County Occupation Tax For Public Safety Law of the Counties Code [55 ILCS 5/5-1006.5] and authorized by Section 2505-95 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-95].
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: Small municipalities may impose this tax for purposes of building or improving public facilities.
- F) Agency contact person for information:

DEPARTMENT OF REVENUE

JANUARY 2012 REGULATORY AGENDA

Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844

G) Related rulemakings and other pertinent information: None.

u) Part(s) (Heading and Code Citations): Uniform Penalty and Interest Act, 86 Ill. Adm. Code 700

1) Rulemaking:

A) Description: The Department will amend the regulations in Part 700 to reflect recent amendments to the Uniform Penalty and Interest Act.

B) Statutory Authority: 20 ILCS 2505/2505-795.

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filings during the next six months of this year.

E) Effect on small business, small municipalities and not for profit corporations: These rulemakings will provide guidance for any business or not for profit corporation that incurs tax liabilities potentially subject to penalty or interest obligations under the Uniform Penalty and Interest Act.

F) Agency contact person for information:

Paul Caselton
Deputy General Counsel, Income Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone (217) 524-3951

DEPARTMENT OF REVENUE

JANUARY 2012 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None.

v) Part(s) (Heading and Code Citations): Electronic Filing of Returns and Other Documents, 86 Ill. Adm. Code 760

1) Rulemaking:

A) Description:

1. Amend 86 Ill. Adm. Code 760.100, which currently requires professional return preparers who file more than 100 individual Illinois income tax returns in one year to file all individual Illinois income tax returns electronically in the next year, to reduce the threshold to 10 returns. This matches the reduction in the threshold in the corresponding requirement for professional preparers of federal income tax returns.
2. Amend Section 760.100 to provide that persons who sell alcoholic liquor and are required to file a monthly statement of liquor purchases as provided in Section 3 of the Retailers' Occupation Tax Act and 86 Ill. Adm. Code 130.552, must file the monthly statement on an ST-1 Return that is filed by electronic means in accordance with the provisions of Part 760. This rulemaking is part of an effort to repeal the Department's telefile program for liquor retailers. This amendment provides that electronic filing is required for such returns due on and after February 1, 2012. The rules provide that a taxpayer may petition the Department for a waiver of the electronic filing requirement. The Department has made this accommodation for taxpayers that demonstrate they do not have access to the Internet.

B) Statutory Authority: 35 ILCS 5/704A(c) and 35 ILCS 120/3; 20 ILCS 2505/2505-795

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: This rulemaking has been sent to first notice

DEPARTMENT OF REVENUE

JANUARY 2012 REGULATORY AGENDA

- E) Effect on small business, small municipalities and not for profit corporations: Only relatively large income tax return preparers are affected by this rulemaking.
- F) Agency contact person for information:
- Paul S. Caselton
Deputy General Counsel - Income Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-7055
- G) Related rulemakings and other pertinent information: None.
- w) Part(s) (Heading and Code Citations): Telefile Program, 86 Ill. Adm. Code 770 (repeal)
- 1) Rulemaking:
- A) Description: Repeal of the Department's Telefile Program.
- B) Statutory Authority: 20 ILCS 2505/2505/200; 35 ILCS 120/3
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: This rulemaking has been sent to first notice.
- E) Effect on small business, small municipalities or not for profit corporations: Small businesses that participate in the Department's voluntary TeleFile Program for sales taxes will no longer be able to telefile their ST-1 sales tax returns; this repeal will also affect liquor retailers that are required to telefile their ST-1 tax returns and include a monthly statement of alcoholic liquor purchases. Small businesses participating in the voluntary Telefile Program for sales and use taxes must either file electronically or on paper. Liquor retailers that are

DEPARTMENT OF REVENUE

JANUARY 2012 REGULATORY AGENDA

required to file monthly statements of liquor purchases must file electronically.

F) Agency contact person for information:

Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844

G) Related rulemakings and other pertinent information: Amendments to 130.552 and 760.100 are related to this rulemaking and provide that liquor retailers who are required to file monthly statements of liquor purchases with the Department must file their ST-1 returns electronically.

ILLINOIS WORKERS' COMPENSATION COMMISSION

JANUARY 2012 REGULATORY AGENDA

- a) Part: The Illinois Workers' Compensation Commission Medical Fee Schedule (50 Ill. Adm. Code 7110.90).
- 1) Rulemaking:
- A) Description: The Medical Fee Schedule will be updated to reflect the changes implemented by PA 97-18.
- B) Statutory Authority: Section 16 and Section 8.2 of the Workers' Compensation Act [820 ILCS 305/16; 820 ILCS 305/8.2]
- C) Scheduled meeting/hearing dates: No meetings or hearings have been scheduled.
- D) Date agency anticipates First Notice: Undetermined.
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect those who pay for medical services for work-related injuries under the Commission's Medical Fee Schedule.
- F) Agency contact person for information:
- Kimberly B. Janas
Secretary of the Commission
Illinois Workers' Compensation Commission
100 W. Randolph Street Suite 8-200
Chicago, IL 60601
- Phone: 312/814-6559
kimberly.janas@illinois.gov
Fax: 312/814-3520
- G) Related rulemakings and other pertinent information: None
- b) Parts: Accident Reporting (50 Ill. Adm. Code 7010); Pre-Arbitration (50 Ill. Adm. Code 7020); Arbitration (50 Ill. Adm. Code 7030); Review (50 Ill. Adm. Code 7040); Oral Arguments (50 Ill. Adm. Code 7050); Judicial Review (50 Ill. Adm. Code 7060); Settlement Contracts (50 Ill. Adm. Code 7070); Attorney's Fees (50 Ill. Adm. Code

ILLINOIS WORKERS' COMPENSATION COMMISSION

JANUARY 2012 REGULATORY AGENDA

7080); Insurance Regulations (50 Ill. Adm. Code 7100); Miscellaneous (50 Ill. Adm. Code 7110); Anti-Corruption Rule (50 Ill. Adm. Code 7120); Hearing Loss Guidelines (50 Ill. Adm. Code 7130); Commission Review Board (50 Ill. Adm. Code 7500).

1) Rulemaking:

- A) Description: This rulemaking will update the current Commission rules to achieve the following: (1) replace outdated references to the Industrial Commission; (2) replace and update references to the Illinois Revised Statutes with the corresponding citation to the Illinois Compiled Statutes; (3) the addition of gender neutral language where applicable; and (4) update current provisions with the changes implemented by PA 97-18.
- B) Statutory Authority: Section 16 of the Workers' Compensation Act [820 ILCS 305/16].
- C) Scheduled meeting/hearing dates: No meetings or hearings have been scheduled at this time.
- D) Date agency anticipates First Notice: Undetermined.
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking affects those parties who appear before the Illinois Workers' Compensation Commission.
- F) Agency contact person for information:
Kimberly B. Janas
Secretary of the Commission
Illinois Workers' Compensation Commission
100 W. Randolph Street Suite 8-200
Chicago, IL 60601

Phone: 312/814-6559
kimberly.janas@illinois.gov
Fax: 312/814-3520
- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2011 FOURTH QUARTER INCOME TAX SUNSHINE INDEX

1. Statute requiring agency to publish information concerning Private Letter Rulings and General Information Letters in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act

Citation: 20 ILCS 2515/1 et seq.

2. Summary of information:

Index of Department of Revenue income tax Private Letter Rulings and General Information Letters issued for the 4th Quarter of 2011. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 2 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 2 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Alternative Apportionment
Apportionment – Sales Factor
Compensation
Credits – Property Tax
Credits – Replacement Tax Investment
Net Operating Loss and Net Operating Loss Deduction
Subtraction Modifications – Other Rulings

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2011 FOURTH QUARTER INCOME TAX SUNSHINE INDEX

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50 cents per page for each page over one.

Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.tax.illinois.gov.

The indexes of Income Tax letter rulings for 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009 and 2010 are available for \$3.00. A cumulative Income Tax Sunshine Index of 1981 through 1989 letter rulings may be purchased for \$4.00.

3. Name and address of person to contact concerning this information:

Linda Settle
Illinois Department of Revenue
Legal Services Office
101 West Jefferson Street
Springfield, Illinois 62794
Telephone: 217/782-7055

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2011 FOURTH QUARTER INCOME TAX SUNSHINE INDEX

ALTERNATIVE APPORTIONMENT

- IT 11-0025-GIL 12/21/2011 A request to use separate accounting cannot be granted without some evidence of distortion.
- IT 11-0026-GIL 12/21/2011 A request to use separate accounting cannot be granted without some evidence of distortion.

APPORTIONMENT – SALES FACTOR

- IT 11-0003-PLR 11/18/2011 Sales of ownership rights in uranium, to which the purchaser cannot obtain possession, are sales of intangible personal property for purposes of IITA Section 304(a)(3)(C-5).

COMPENSATION

- IT 11-0023-GIL 11/29/2011 Wages paid to a temporary employee whose services are performed entirely within Illinois are “paid in this State” under IITA Section 304(a)(2)(B).

CREDITS – PROPERTY TAX

- IT 11-0020-GIL 10/20/2011 No credit is allowed for property taxes deferred, rather than paid during the taxable year, under the Senior Citizens Real Estate Tax Deferral Program.

CREDITS – REPLACEMENT TAX INVESTMENT

- IT 11-0022-GIL 10/31/2011 Taxpayer provided insufficient information for the Department to provide guidance on qualification as a retailer.

NET OPERATING LOSS AND NET OPERATING LOSS DEDUCTION

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2011 FOURTH QUARTER INCOME TAX SUNSHINE INDEX

IT 11-0021-GIL 10/25/2011 There is no exception to the suspension of Illinois net loss deductions in IITA Section 207(d) for taxpayers ceasing to do business during the suspension period.

SUBTRACTION MODIFICATIONS – OTHER RULINGS

IT 11-0024-GIL 12/20/2011 No subtraction is allowed for long-term care insurance payments included in adjusted gross income.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings and General Information Letters in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act

Citation: 20 ILCS 2515/1

2. Summary of information:

Index of Department of Revenue Sales and Miscellaneous Tax Private Letter Rulings and General Information Letters issued for the Fourth Quarter of 2011. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 2 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 2 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Aircraft Use Tax	Gross Receipts
Bulk Sales	Leasing
Certificate of Registration	Miscellaneous
Cigarette Tax	Motor Fuel Tax
Construction Contractors	Nexus
Delivery Charges	Pollution Control Facilities
Exempt Organizations	Service Occupation Tax
Food, Drugs & Medical Appliances	Use Tax
Gas Revenue Tax	
Governmental Bodies	

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50¢ per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.tax.illinois.gov/.

The annual index of Sales and Excise Tax letter rulings (all four quarters) is available for \$3.00.

3. Name and address of person to contact concerning this information:

Marie Keeney
Legal Services Office
101 West Jefferson Street
Springfield, Illinois 62794
217/782-2844

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

AIRCRAFT USE TAX

ST 11-0092-GIL 11/08/2011 Aircraft Use Tax liability is incurred on aircraft acquired by gift, transfer, or non-retail purchase. See 86 Ill. Adm. Code 152.101.

BULK SALES

ST 11-0096-GIL 12/97/2011 A repossession of equipment and inventory by a lender upon a default by a borrower does not constitute a transfer within the meaning of the Bulk Sales provision of the Retailers Occupation Tax Act. See 86 Ill. Adm. Code 130.1701(g)(3).

CERTIFICATE OF REGISTRATION

ST 11-0101-GIL 12/16/2011 This letter provides general information on certificates of registration and resale. See 86 Ill. Adm. Code . 130.701 & 130.1405.

Cigarette Tax

ST 11-0090-GIL 10/17/2011 This letter concerns cigarette distributors that make retail sales of cigarettes. See 35 ILCS 130/2, 3 and 4b.

CONSTRUCTION CONTRACTORS

ST 11-0087-GIL 10/04/2011 When a construction contractor permanently affixes tangible personal property to real property, the contractor is deemed the end user of that tangible personal property. As the end user, the contractor incurs Use Tax on the cost price of that tangible personal property. See 86 Ill. Adm. Code 130.1940 and 86 Ill. Adm. Code 130.2075.

ST 11-0097-GIL 12/09/2011 When a construction contractor permanently affixes tangible personal property to real property, the contractor is deemed the end user of that tangible personal property. As the end user, the contractor incurs Use Tax on the cost price of that tangible personal property. See 86 Ill. Adm. Code 130.1940 and 86 Ill. Adm. Code 130.2075.

DELIVERY CHARGES

DEPARTMENT OF REVENUE

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ST 11-0110-GIL 12/29/2011 Charges designated as delivery or transportation charges are not taxable if it can be shown that they are both agreed to separately from the selling price of the tangible personal property which is sold and that such charges are actually reflective of the costs of shipping. See 86 Ill. Adm. Code 130.415.

EXEMPT ORGANIZATIONS

ST 11-0105-GIL 12/28/2011 Exclusively religious, educational, or charitable organizations that have been given E numbers by the Department are allowed to engage in a very limited amount of retail selling without incurring Retailers' Occupation Tax liability. See 86 Ill. Adm. Code 130.2005.

ST 11-0108-GIL 12/28/2011 This letter discusses the sales tax liabilities of university dining facilities that are open to the public. See 86 Ill. Adm. Code 130.2005.

FOOD, DRUGS & MEDICAL APPLIANCES

ST 11-0109-GIL 12/29/2011 This letter provides a brief summary of when the high rate of tax for food and the low rate of tax for food apply. See 86 Ill. Adm. Code 130.310.

GAS REVENUE TAX

ST 11-0102-GIL 12/19/2011 The Gas Revenue Tax is imposed upon persons engaged in this State in the business of distributing, supplying, furnishing or selling gas to persons for use or consumption and not for resale. See 86 Ill. Adm. Code 470110.

GOVERNMENTAL BODIES

ST 11-0088-GIL 10/05/11 Governmental bodies incur Retailers Occupation Tax liability when selling tangible personal property to the public for use or consumption. The only exception is the sale of an item by a governmental

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

body in the performance of its governmental function. See 86 Ill. Adm. Code 130.2055.

GROSS RECEIPTS

ST 11-0093-GIL 11/10/2011 Persons who engage in the business of transferring tangible personal property upon the redemption of trading stamps shall be deemed to be engaged in the business of selling such tangible personal property at retail and shall be liable for and shall pay the tax imposed by the Retailers' Occupation Tax Act on the basis of the retail value of the property transferred upon redemption of such stamps. See 86 Ill. Adm. Code 130.2125.

LEASING

ST 11-0089-GIL 10/12/2011 Information regarding sales tax liabilities in lease situations may be found at 86 Ill. Adm. Code 130.2010.

ST 11-0091-GIL 10/28/2011 Lessors of tangible personal property under true leases in Illinois are deemed end users of the property to be leased. As end users of tangible personal property located in Illinois, lessors owe Use Tax on their cost price of such property. See 86 Ill. Adm. Code 130.220 and 130.2010.

ST 11-0103-GIL 12/28/2011 Information regarding sales tax liabilities in lease situations may be found at 86 Ill. Adm. Code 130.220 and 86 Ill. Adm. Code 130.2010.

MISCELLANEOUS

ST 11-0094-GIL 11/30/2011 Information or data that is electronically downloaded is not considered the transfer of tangible personal property in this State. See 86 Ill. Adm. Code 120.2105.

ST 11-0099-GIL 12/09/2011 The issue of whether a person incurs a Retailers' Occupation Tax or Service Occupation Tax liability depends upon the nature of the items being produced and the nature of the design work involved. See 86 Ill. Adm. Code 130.2115.

DEPARTMENT OF REVENUE

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ST 11-0111-GIL 12/29/2011 This letter discusses the Prepaid Wireless 9-1-1 Surcharge Act. 50 ILCS 753.

MOTOR FUEL TAX

ST 11-0112-GIL 12/29/2011 This letter discusses the requirements of refund claims for taxes paid on fuel which was used for nontaxable purposes.

NEXUS

ST 11-0100-GIL 12/12/2011 This letter discusses nexus. See *Quill Corp. v. North Dakota*, 112 S.Ct. 1904 (1992).

ST 11-0106-GIL 12/28/2011 This letter discusses nexus. See *Quill Corp. v. North Dakota*, 112 S.Ct. 1904 (1992).

ST 11-0107-GIL 12/28/2011 This letter discusses nexus. See *Quill Corp. v. North Dakota*, 112 S.Ct. 1904 (1992).

POLLUTION CONTROL FACILITIES

ST 11-0095-GIL 11/30/2011 The pollution control exemption expired in July 1, 2003. See, 86 Ill. Adm. Code 130.335(a).

SERVICE OCCUPATION TAX

ST 11-0013-PLR 12/09/2011 Servicemen do not incur Service Occupation Tax liability on property that they resell as an incident to a sale of service under an agreement by which the servicemen are obligated to make physical delivery of the goods from a point in Illinois to a point outside Illinois, not to be returned to a point within Illinois, provided that such delivery is actually made. See, 86 Ill. Adm. Code 140.501.

ST 11-0104-GIL 12/28/2011 This letter concerns tax imposed on tangible personal property transferred incident to sales of service. See 86 Ill. Adm. Code Part 140.

DEPARTMENT OF REVENUE

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USE TAX

ST 11-0098-GIL 12/09/2011 This letter discusses the application of the Interim Use and Demonstration Exemption to aircraft. 86 Ill. Adm. Code 150.306(c).

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 January 4, 2011 through January 9, 2012 and have been scheduled for review by the Committee at its February 7, 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>
2/19/12	<u>Secretary of State</u> , Illinois State Library, Library Services Division (23 Ill. Adm. Code 3010)	9/23/11 35 Ill. Reg. 15424	2/7/12
2/19/12	<u>Secretary of State</u> , Illinois State Library, Government Documents Section (23 Ill. Adm. Code 3020)	11/18/11 35 Ill. Reg. 19127	2/7/12

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 36, Issue 3 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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