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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2012

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 27, 2011	January 6, 2012
2	January 3, 2012	January 13, 2012
3	January 9, 2012	January 20, 2012
4	January 17, 2012	January 27, 2012
5	January 23, 2012	February 3, 2012
6	January 30, 2012	February 10, 2012
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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Pregnancy Termination Report Code
- 2) Code Citation: 77 Ill. Adm. Code 505
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
505.10	Amend
505.20	Repeal
505.30	Amend
505.40	Amend
505.50	Amend
505.60	New
505.APPENDIX A	Repeal
505.APPENDIX B	New
505.APPENDIX C	New
- 4) Statutory Authority: Illinois Abortion Law of 1975 [720 ILCS 510]
- 5) A Complete Description of the Subjects and Issues Involved: Part 505 will clarify statutory requirements for reporting complications of abortion. Statutory citations are updated. A definition of "complications" is added, as well as a new Section setting forth requirements for reporting the complications of abortion. New reporting forms are added and the existing form is repealed.

The economic effect on this proposed rulemaking is minimal. 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: 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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th 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: This rulemaking will apply to physicians and facilities that perform abortions.
- B) Reporting, bookkeeping or other procedures required for compliance: The reporting requirements and forms are set forth in the rulemaking.
- C) Types of Professional skills necessary for compliance: Physician
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2012

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
 SUBCHAPTER e: VITAL RECORDS

PART 505
 PREGNANCY TERMINATION REPORT CODE

Section

505.10	Statutes Referenced
505.20	Purpose (Repealed)
505.30	Definitions
505.40	Submission of Information
505.50	Availability of Information
<u>505.60</u>	<u>Reporting Complications Resulting from Termination of Pregnancy</u>
505.APPENDIX A	Report of Induced Termination of Pregnancy (Repealed)
<u>505.APPENDIX B</u>	<u>Induced Termination of Pregnancy Report</u>
<u>505.APPENDIX C</u>	<u>Report of Complications After an Induced Termination of Pregnancy</u>

AUTHORITY: Implementing and authorized by the Illinois Abortion Law of 1975 [720 ILCS 510].

SOURCE: Emergency rules adopted at 17 Ill. Reg. 13631, effective August 1, 1993, for a maximum of 150 days; adopted at 18 Ill. Reg. 533, effective December 29, 1993; amended at 36 Ill. Reg. _____, effective _____.

Section 505.10 Statutes Referenced

The following Illinois statutes are referenced in this Part:

- a) Illinois Abortion Law of 1975 (~~Ill. Rev. Stat. 1991, ch. 38, par. 81-21 et seq.~~) [720 ILCS 510];
- b) Illinois Medical Practice Act of 1987 (~~Ill. Rev. Stat. 1991, ch. 111, par. 4400-1 et seq.~~) [225 ILCS 60];
- c) Freedom of Information Act (~~Ill. Rev. Stat. 1991, ch. 116, par. 201 et seq.~~) [5 ILCS 140/1];
- d) Medical Studies Act (~~Ill. Rev. Stat. 1991, ch. 110, par. 8-2101 et seq.~~) [735 ILCS

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NOTICE OF PROPOSED AMENDMENTS

5/8-2101]-

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

Section 505.20 Purpose (Repealed)

~~It is the intent of Section 10 of the Illinois Abortion Law of 1975 that a report of each abortion performed in Illinois shall be made to the Department. In implementing this Law, the Department promulgates rules to secure the anonymity of the identity of each woman undergoing an abortion.~~

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

Section 505.30 Definitions

"Aggregate data" means a compilation of the data received by the Department on ~~Reports of~~ Induced Termination of Pregnancy Reports for each data set listed, except that the following will not be included:

Facility name;

Patient's identification number;

Physician's license number;

Any set of information for which the amount is so small (e.g.eg., 50 or fewer) that identity of any person or persons~~person(s)~~ to whom it relates may be discerned; and

Education.

"Complications" means those complications resulting from an abortion which, according to contemporary medical standards, are manifested by symptoms with severity equal to or greater than hemorrhaging requiring transfusion, infection, incomplete abortion, or punctured organs. (Section 10.1 of the Law)

"Department" means the Department of Public Health, State of Illinois. (Section 2 of the Law)

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"Director" means the Director, or his or her designee, of the Department of Public Health, State of Illinois.

"Law" means the Illinois Abortion Law of 1975 (~~Ill. Rev. Stat. 1991, ch. 38, par. 81-21 et seq.~~) [720 ILCS 510].

"Patient identifying information" means any information or collection or grouping of data from which the identity of the person to whom it relates may be discerned.

"Physician" means any person licensed to practice medicine in all its branches under the Illinois Medical Practice Act of 1987. (Section 2 of the Law)

"Pregnancy ~~termination~~Termination" means the use of any instrument, medicine, drug or other substance or any device to terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus. (Section 2 of the Law)

"Public Use ~~FileTape~~" means a computer filetape of aggregate data.

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

Section 505.40 Submission of Information

- a) A report of each abortion performed shall be made to the Department on forms prescribed. The report forms shall not identify the patient by name, but by an individual number to be noted in the patient's permanent record in the possession of the physician. (Section 10 of the Act)
- b)a) The ~~Report of~~ Induced Termination of Pregnancy Report consists of one form as prescribed and promulgated by the Department as Appendix BA of this Part. This form shall be provided by the Department.
- c)b) All ~~Reports of~~ Induced Termination of Pregnancy Reports shall be submitted to the Department not later than 10 days following the end of the month in which the pregnancy termination was performed. (Section 10 of the Law)

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- d) The Report of Subsequent Complications after an Induced Termination of Pregnancy consists of one form prescribed and promulgated by the Department as Appendix C of this Part. This form shall be provided by the Department.
- e) The Report of Subsequent Complications after an Induced Termination of Pregnancy shall be submitted to the Department within 10 days after the complications become known by any physician who diagnoses a woman as having complications resulting from an abortion. (Section 10.1 of the Law)
- e) ~~Any additional information that is submitted to the Department may be done on the same form and marked by the reporter as "Additional" Report of Induced Pregnancy Termination and must be submitted within 10 days after its becoming known.~~

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

Section 505.50 Availability of Information

- a) All Reports of Induced Pregnancy Termination ~~will~~shall be treated as confidential and ~~are~~shall be exempt from the Freedom of Information Act.
- b) The Department will~~shall~~ compile the information contained in the Reports of Induced Pregnancy Termination and issue reports of aggregate data as it deems necessary.
- c) The Department will~~shall~~ compile a Public Use FileTape upon request. Any person or entity making ~~such~~ a request shall pay the cost of producing ~~the~~such Public Use FileTape. If a Public Use FileTape has already been produced and paid for, ~~then~~ each succeeding requestor shall ~~only~~ pay only the cost of duplicating it.
- d) ~~Data~~There shall not be any release of data outside the Department compiled from the Reports of Induced Pregnancy Termination, other than the Public Use Files, will not be released outside the Department~~Tapes~~.
- e) The Department will~~shall~~ disclose individual patient or facility information only to the physician who originally supplied that information to the Department, upon written request of the physician.

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- f) ~~The Department, by signed and reciprocating agreement, may disclose individual patient information concerning residents of another state to the registry in the individual's state of residence only if the recipient of such information is legally required to hold such information in confidence and provides protection from disclosure of patient identifying information equivalent to the protection afforded by the Illinois law.~~
- fg) The patient identifying information submitted to the Department by those entities required to submit information under the Law and this Part is to be used in the course of medical study under the Medical Studies Act. Therefore, ~~thesuch~~ information ~~is~~shall not ~~be~~admissible as evidence ~~or, nor~~ discoverable in any action of any kind, in any court or before any tribunal, board, agency or person.

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

Section 505.60 Reporting Complications Resulting from Termination of Pregnancy

- a) Any physician who diagnoses a woman as having complications resulting from an abortion shall report, within the time period specified in this Section, the diagnosis and a summary of her physical symptoms to the Department in accordance with this Section.
- b) Complications resulting from an abortion are those which, according to contemporary medical standards, are manifested by symptoms with severity equal to or greater than hemorrhaging requiring transfusion, infection, incomplete abortion, or punctured organs. (Section 10.1 of the Law)
- c) If the patient with complications returns to the facility where the induced termination of pregnancy took place, the facility shall use the same patient identification number used in the Induced Termination of Pregnancy Report when completing the Report of Subsequent Complications after an Induced Termination of Pregnancy form.
- d) If the patient with complications selects a different medical facility, the physician making the diagnosis shall complete the Report of Subsequent Complications after an Induced Termination of Pregnancy form. If the name or location of the facility where the abortion was performed is known, the physician shall include it on the form. (Section 10.1 of the Law)

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- e) [The Report of Subsequent Complications after an Induced Termination of Pregnancy form shall be submitted to the Department within 10 days after the diagnosis of the complication.](#)

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

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Section 505.APPENDIX A Report of Induced Termination of Pregnancy (Repealed)

REPORT OF INDUCED TERMINATION OF PREGNANCY

(All information submitted herein shall be confidential pursuant to the Pregnancy Termination Report Code, 77 Ill. Adm. Code 505)

1. FACILITY NAME (if not clinic or hospital, give address) 2. COUNTY OF PREGNANCY TERMINATION

3. PATIENTS IDENTIFICATION NO. 4a. RESIDENCE STATE 4b. COUNTY 4c. ZIP CODE (Chicago only)

5. PHYSICIAN'S LICENSE NO.: _____ 6. AGE LAST BIRTHDAY 7. MARRIED? Yes No 8. DATE OF PREGNANCY TERMINATION (month, day, year)

9a. RACE/ETHNIC 9b. ETHNIC 10. EDUCATION (Specify only highest grade completed) 11. CLINICAL ESTIMATE OF GESTATION (Weeks)

Native American Hispanic: Yes No Elementary/Secondary College (0-12) (1-4 or 5+)

Black White Asian Other (Specify) _____

12. PREVIOUS PREGNANCIES (Complete each section)

LIVE BIRTHS OTHER TERMINATIONS

12a. Now Living 12b. Now Dead 12c. Spontaneous 12d. Induced (Do not include this termination)

Number _____ Number _____ Number _____ Number _____

None None None None

13. Rh DETERMINATION 14. IF Rh NEGATIVE ANTI-Rh 15. REASON FOR TERMINATION

Rh Pos. Given Patient's Request

Rh Neg. Not offered to patient Other

Not Done Refused by patient Medically not indicated

16a. PROCEDURE THAT TERMINATED PREGNANCY 16b. ADDITIONAL PROCEDURES USED FOR THIS TERMINATION, IF ANY

(Check only one) (Check all that apply)

Suction Curettage

Sharp Curettage

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- Dilation and Evacuation (D&E)
 - Intra Uterine Saline Instillation
 - Intra Uterine Prostaglandin Instillation
 - Hysterotomy
 - Hysterectomy
 - Other (Specify) _____
17. COMPLICATIONS OF PREGNANCY TERMINATION? Yes No
If Yes, Mark All That Apply
- HEMORRHAGE ANESTHETIC
 - UTERINE PERFORATION RETAINED PRODUCTS
 - CERVICAL LACERATION DEATH
 - INFECTION OTHER, SPECIFY _____
18. HOSPITALIZATION REQUIRED AS A RESULT OF COMPLICATION: Yes No

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

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Section 505.APPENDIX B Induced Termination of Pregnancy Report**INDUCED TERMINATION OF PREGNANCY REPORT**

COMPLETE THIS FORM AND MAIL IT TO:
Illinois Department of Public Health, Division of Vital Records
925 E. Ridgely Ave., Springfield IL 62702-2737

(All information submitted shall be confidential pursuant to the Pregnancy Termination Report Code (77 Ill. Adm. Code 505))

1. FACILITY NAME (If not ambulatory surgical treatment centers, hospitals, and other facilities, give address)
2. COUNTY OF PREGNANCY TERMINATION (See County Code table)
3. PATIENT IDENTIFICATION NUMBER
4. REPORTING PHYSICIAN'S IDFPR LICENSE NUMBER
5. PATIENT INFORMATION
 - a. PATIENT'S RESIDENT STATE (See State Code table)
 - b. COUNTY (See County Code table)
 - c. ZIP CODE (Chicago only)
6. RACE/ETHNICITY
 - a. Race
 - White
 - Black or African American
 - American Indian or Alaska Native (Name of the enrolled or principal tribe)
 - Asian Indian
 - Chinese
 - Filipino
 - Japanese

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- [Korean](#)
- [Vietnamese](#)
- [Other Asian \(Specify\)](#)
- [Native Hawaiian](#)
- [Guamanian or Chamorro](#)
- [Samoan](#)
- [Other Pacific Islander \(Specify\)](#)
- [Other \(Specify\)](#)

b. [Hispanic Origin](#)

- [No, not Spanish/Hispanic/Latina](#)
- [Mexican, Mexican American, Chicana](#)
- [Puerto Rican](#)
- [Cuban](#)
- [Other Spanish/Hispanic/Latina](#)

7. [AGE LAST BIRTHDAY](#)

8. [MARRIED/CIVIL UNION?](#)

9. [DATE OF PREGNANCY TERMINATION \(Mo/Day/Year\)](#)

10. [EDUCATION \(Specify only highest grade completed\)](#)

[Elementary/Secondary \(0-12\)](#)

[College \(1-4 or 5+\)](#)

11. [CLINICAL ESTIMATE OF GESTATION \(Number of Weeks\)](#)

12. [PREVIOUS PREGNANCIES \(Complete each section\)](#)

[LIVE BIRTHS](#)

a. [NOW LIVING \(Number\)](#)

b. [NOW DEAD \(Number\)](#)

[OTHER TERMINATIONS](#)

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a. SPONTANEOUS (Number)

b. INDUCED (Number) (Do not include this termination)

13. Rh DETERMINATION (Not done/Rh Pos/Rh Neg)

14. IF Rh NEGATIVE, ANTI Rh (Given/Not offered to patient/Refused by patient/Medically not indicated)

15. REASON FOR TERMINATION (Patient's Request/Other)

16. TERMINATION PROCEDURES

a. PROCEDURE THAT TERMINATED PREGNANCY (check only one)

- Antiprogestins (such as Mifepristone)
- Suction Curettage
- Sharp Curettage
- Dilation and Evacuation (D & E)
- Intra-Uterine Saline Instillation
- Intra-Prostaglandin Instillation
- Hysterotomy
- Hysterectomy
- Other (Specify)

b. ADDITIONAL PROCEDURES USED FOR THIS TERMINATION, IF ANY

17. COMPLICATIONS OF PREGNANCY TERMINATION? Y N (check all that apply)

- Hemorrhage
- Uterine Perforation
- Anesthesia
- Retained Products
- Cervical Laceration
- Infection
- Death

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Other (Specify)

18. HOSPITALIZATION REQUIRED AS A RESULT OF COMPLICATION(S)?

Y N

19. This is a corrected version of a previously submitted form. Y

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

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Section 505.APPENDIX C Report of Subsequent Complications after an Induced Termination of Pregnancy**REPORT OF SUBSEQUENT COMPLICATIONS AFTER
AN INDUCED TERMINATION OF PREGNANCY**

COMPLETE THIS FORM AND MAIL IT TO:
Illinois Department of Public Health, Division of Vital Records
925 E. Ridgely Ave., Springfield IL 62702-2737

(All information submitted shall be confidential pursuant to the Pregnancy Termination Report Code (77 Ill. Adm. Code 505))

1. FACILITY NAME AND ADDRESS WHERE COMPLICATION WAS DIAGNOSED
2. PATIENT IDENTIFICATION NUMBER
3. REPORTING PHYSICIAN'S IDFPR LICENSE NUMBER
4. PATIENT INFORMATION
 - a. PATIENT'S RESIDENT STATE (See State Code table)
 - b. COUNTY (See County Code table)
 - c. ZIP CODE (Chicago only)
5. RACE/ETHNICITY
 - a. Race
 - White
 - Black or African American
 - American Indian or Alaska Native (Name of the enrolled or principal tribe)
 - Asian Indian
 - Chinese
 - Filipino

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- Japanese
- Korean
- Vietnamese
- Other Asian (Specify)
- Native Hawaiian
- Guamanian or Chamorro
- Samoan
- Other Pacific Islander (Specify)
- Other (Specify)

b. Hispanic Origin

- No, not Spanish/Hispanic/Latina
- Mexican, Mexican American, Chicana
- Puerto Rican
- Cuban
- Other Spanish/Hispanic/Latina

6. AGE LAST BIRTHDAY

7. MARRIED/CIVIL UNION?

8. DATE OF PREGNANCY TERMINATION (Mo/Day/Year)

9. COMPLICATIONS OF PREGNANCY TERMINATION (check all that apply)

- Hemorrhage
- Uterine Perforation
- Anesthesia
- Retained Products
- Cervical Laceration
- Infection
- Death
- Other (Specify)

10. HOSPITAL ADMISSION REQUIRED ON DATE OF EXAMINATION?

- Y N

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11. FACILITY NAME OR LOCATION (IF KNOWN) WHERE THE ABORTION WAS PERFORMED

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

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- 1) Heading of the Part: Control of Sexually Transmissible Diseases Code
- 2) Code Citation: 77 Ill. Adm. Code 693
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
693.10	Amend
693.15	Amend
693.20	Amend
693.30	Amend
693.35	Amend
693.40	Amend
693.45	Amend
693.50	Amend
693.60	Amend
693.70	Repeal
693.80	Repeal
693.90	Repeal
693.100	Amend
693.110	Amend
693.120	Amend
693.130	Amend
693.140	Repeal
- 4) Statutory Authority: Implementing and authorized by the Illinois Sexually Transmissible Disease Control Act [410 ILCS 325] and Sections 2 and 6 of the Department of Public Health Act [20 ILCS 2305/2 and 6]
- 5) A Complete Description of the Subjects and Issues Involved: The Control of Sexually Transmissible Diseases Code will be updated and revised to correspond to new Centers for Disease Control and Prevention (CDC) standards/guidelines, new laboratory testing methodologies approved by the Food and Drug Administration (FDA) replacing archaic tests, and new Illinois legislation (PA 97-0244).

In Section 693.15 (Incorporated Materials), cited guidelines and standards have been replaced by current CDC recommendations. Section 693.20 (Definitions) has references to outmoded laboratory tests that have been replaced by other technologies with improved sensitivity and specificity. Reporting requirements in Section 69.30 are being updated to reflect recent legislation (PA 97-550) and updated testing requirements. PA 97-550 amended the HIV/AIDS Registry Act to remove the requirement that cases included in the Registry be identified by a code rather than by name, to update reporting

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requirements and to specify the information that is to be included in the Registry. Section 693.40 (contact interview and investigation) has been updated to reflect current practices in the provision of counseling and partner services. In the remaining Sections, isolation and quarantine provisions for syphilis, gonorrhea, chlamydia and chancroid have been combined and isolation and quarantine provisions for HIV/AIDS are being repealed. Revisions reflect consistency with the Department's Control of Communicable Disease Code.

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: 2008 Revised Surveillance Case Definitions for HIV Infection Among Adults, Adolescents, and Children Aged Less than 18 Months and for HIV Infection and AIDS Among Children Aged 18 Months to 13 Years – United States, 2008, Centers for Disease Control and Prevention (CDC), Morbidity and Mortality Weekly Report (MMWR), December 5, 2008, Vol 57, No. RR-10; 1-8.

"Perspectives in Disease Prevention and Health Promotion Update: Universal Precautions for Prevention of Transmission of Human Immunodeficiency Virus, Hepatitis B Virus, and Other Bloodborne Pathogens in Health-Care Settings" (Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report (MMWR) June 24, 1988, Vol. 37, Supp. no. 24, pages 377-388).

"Recommendations for Partner Services Programs for HIV Infection, Syphilis, Gonorrhea, and Chlamydial Infection" (Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report (MMWR) October 30, 2008, Vol. 57, No. RR-9).

"Revised Recommendations for HIV Testing of Adults, Adolescents, and Pregnant Women in Health-Care Settings" (Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report (MMWR). MMWR September 22, 2006, Vol. 55, No. RR-14).

Public Law 104-146 (Spousal Notification Requirements of the Ryan White CARE Reauthorization Act of 1996).

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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? 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.
- 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 W. Jefferson St., 5th 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: Health care facilities and health care professionals, as defined in the rules.
 - B) Reporting, bookkeeping or other procedures required for compliance: Section 693.30 sets forth reporting requirements for health care professionals, laboratories and blood banks.
 - C) Types of professional skills necessary for compliance: "Health care professional" and "Health care facility" are defined in the rules.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2011

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

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TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 693

CONTROL OF SEXUALLY TRANSMISSIBLE ~~INFECTIONS~~~~DISEASES~~ CODE

Section

693.10	Definitions
693.15	Incorporated and Referenced Materials
693.20	Reportable STIsSTDs and Laboratory Results
693.30	Reporting
693.35	Fines and Penalties
693.40	Counseling and Partner Services Contact Interview and Investigation
693.45	Notification of Health Care Contacts
693.50	Physical Examination and Medical Treatment for Syphilis, Gonorrhea, Chlamydia or Chancroid
693.60	Quarantine and Isolation for Syphilis, Gonorrhea, Chlamydia, and Chancroid
693.70	Counseling and Education for AIDS and HIV (Repealed)
693.80	Isolation for AIDS and HIV (Repealed)
693.90	Quarantine (Repealed)
693.100	Confidentiality
693.110	Examination and Treatment of Prisoners
693.120	Certificate of Freedom from STIsSTDs
693.130	Treatment of Minors
693.140	Control Measures (Repealed)

AUTHORITY: Implementing and authorized by the Illinois Sexually Transmissible Disease Control Act [410 ILCS 325] and Sections 2 and 6 of the Department of Public Health Act [20 ILCS 2305/2 and 6].

SOURCE: Adopted at 12 Ill. Reg. 10097, effective May 27, 1988; amended at 15 Ill. Reg. 11686, effective August 15, 1991; emergency amendment at 15 Ill. Reg. 16462, effective October 28, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 5921, effective March 30, 1992; emergency amendment at 17 Ill. Reg. 1213, effective January 7, 1993, for a maximum of 150 days; emergency expired June 7, 1993; amended at 17 Ill. Reg. 15909, effective September 20, 1993; amended at 19 Ill. Reg. 1126, effective January 20, 1995; amended at 22 Ill. Reg. 22026, effective December 9, 1998; amended at 25 Ill. Reg. 3916, effective April 1, 2001;

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amended at 25 Ill. Reg. 14497, effective November 1, 2001; amended at 36 Ill. Reg. _____, effective _____.

Section 693.10 Definitions

~~The following definitions shall apply to the terms used in this Part, unless specifically stated otherwise:~~

"Act" means Illinois Sexually Transmissible Disease Control Act [410 ILCS 325].

"Blood Bank" means any facility or location at which blood or plasma ~~is~~^{are} procured, furnished, donated, processed, stored or distributed.

~~"Carrier" means a person infected with an STD who is capable of transmitting the infection to others.~~

~~"Certified Local Health Department" means a local health department that is certified pursuant to 77 Ill. Adm. Code 600.210 of the Certified Local Health Department Code.~~

"Contact" means:

~~An~~^{An} individual who has been in direct sexual contact ~~or who has shared needles with an individual infected with a sexually transmitted infection (STI)~~^{or who has shared needles with an individual infected with a sexually transmitted infection (STI)} ~~a carrier of syphilis, gonorrhea or chlamydia;~~

~~an individual who has been in direct sexual or needle contact with a person with AIDS or HIV infection;~~

~~An~~^{An} individual who has ~~undergone artificial~~^{received} insemination, a blood transfusion or an organ or tissue transplantation donated by a person with ~~human immunodeficiency virus~~^{AIDS or} (HIV) infection;

~~An~~^{An} individual who has undergone ~~exposure-prone~~^{exposure-prone} invasive procedures performed by an HIV infected health care ~~professional~~^{provider} and the Department has determined that there is or may have been potential risk of HIV transmission from the health care ~~professional~~^{provider} to that individual;

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A health care ~~professional~~*provider* who has performed exposure-prone invasive procedures for a person infected with HIV and the Department has determined that there is or may have been potential risk of HIV transmission from the infected person to the health care professional~~provider~~. (Section 5.5(c) of the Act)

"Critical Period" means the time interval for which an individual infected with an STI is asked to recall sexual or needle-sharing partners. Ideally, the critical period covers the time from the earliest date an individual could have been infected with an STI up to the date of diagnosis or treatment.

The critical period for syphilis is based on the disease stage at the time of diagnosis:

Primary – four months and one week;

Secondary – eight months (34 weeks);

Early latent – 12 months, unless a credible primary or secondary history can be established.

The critical period for chlamydia, gonorrhea and chancroid is 60 days before the date of specimen collection and should be extended through the date of treatment if the patient was not treated at the time the specimen was collected.

The critical period for HIV is 12 months before the date of diagnosis. For spouses and ex-spouses of HIV cases, the critical period is 10 years prior to the date of HIV diagnosis.

"Department" means the *Illinois Department of Public Health*. (Section 3 of the Act)

~~"Designated Agency" means a health care organization designated by the Department under a service agreement with the Department to function in the capacity of a Local Health Authority for the purposes of this Part, in a jurisdiction not covered by a Local Health Authority.~~

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"Designated Agent" means an organization designated by the Department to conduct public health activities under a written service agreement with the Department.

"Epidemiologic ~~Information~~Data" means information obtained through the ~~contact interview and~~ counseling ~~and partner services~~ process, regarding possible exposure to an ~~STI~~STD.

"Exposure-Prone Invasive Procedure" means an invasive procedure involving digital palpation of a needle tip in a body cavity, or the simultaneous presence of a health care ~~professional's~~provider's fingers and a needle or other sharp instrument or object in a poorly visualized or highly confined anatomical site.

"Health Care Facility" means any institution, building or agency or portion of any institution, building or agency, whether public or private (for-profit or nonprofit), that is used, operated or designed to provide health services, medical treatment or nursing, rehabilitative or preventive care to any person or persons.

"Health Care Professional" means any of the following:

a licensed physician;

a physician assistant to whom the physician assistant's supervising physician has delegated the provision of health services;

an advanced practice registered nurse who has a written collaborative agreement with a collaborating physician which authorizes the provision of health services;

a licensed dentist; or

a licensed podiatrist. [410 ILCS 305/3(f-5)]

~~"Health Care Provider" means any physician, dentist, podiatrist, nurse or other person providing health care services of any kind. (Section 3(f) of the AIDS Confidentiality Act [410 ILCS 305/3(f)])~~

~~"HIV" means the human immunodeficiency virus.~~

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~~"HIV detection test" means an HIV culture, HIV antigen test, or HIV PCR, DNA or RNA probe.~~

"HIV Infection" means infected with HIV, as evidenced by a positive or reactive supplemental~~confirmed~~ laboratory test result for antibodies to HIV as specified in Section 697.100~~viral culture or positive antigen test or a clinical diagnosis of AIDS.~~

"HIV Test" means an HIV test method approved by the federal Food and Drug Administration (FDA) or validated under a laboratory's Clinical Laboratory Improvement Amendments of 1988 (CLIA) certification.

"Invasive Procedure" means surgical entry into tissues, cavities, or organs or repair of major traumatic injuries associated with any of the following:

~~Ana~~ operating or delivery room, emergency department, or outpatient setting, including both physicians' and dentists' offices;

~~Cardiac~~ catheterizations and angiographic procedures;

~~Vaginal~~ or cesarean delivery or other invasive obstetrical procedure during which bleeding may occur; or

~~Manipulation or~~ manipulation, excision of any oral or perioral tissue, including tooth structure, during which bleeding or the potential for bleeding exists.

"Isolation" means the physical separation and confinement of an individual who is infected or reasonably believed to be infected with an STI from non-isolated individuals to prevent the transmission of the STI to non-isolated individuals.~~separation of an individual presenting a threat to the public health from others until such time as a risk to the public health no longer exists.~~

"Laboratory" means a CLIA-approved or licensed facility, other than a blood bank, any facility or location at which tests are performed to determine the presence of infection with an ~~STI~~STD, other than a blood bank.

~~"Local Health Department~~Local Health Authority" means *the full-time official health department or board of health having jurisdiction over a particular area.*

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(Section 3 of the Act)

"Noncompliant" means that a person who is infected with an STI and is aware of his/her infection is engaging in behaviors or activities that place others at risk of exposure to the STI.

"Partner Services" means information and assistance offered to persons infected with STIs in referring their sexual or needle-sharing contacts for a medical examination, testing, counseling and treatment, if indicated.

"Patient Code Number" means an identification number developed for the reporting of a case of HIV diagnosed or treated after July 1, 1999 that is developed by the reporting source using a methodology determined by the Department and is derived from demographic information, elements of the individual's name, and/or other identifying information.

"Quarantine" means the act of making a place or a location off limits to the public to prevent the probable spread of syphilis, gonorrhea, chlamydia or chancroid. (Section 7(a) of the Act) the closure to public access of a location that presents a risk to the public health until such time that a risk to the public health no longer exists.

"Self-Refer" means for a person infected with an STI to notify his/her contacts of their possible exposure to an STI and to refer contacts to appropriate health care professionals for counseling, testing and treatment, if indicated.

"Sexually Transmissible Infection" or "STI Disease (STD)" means infection with syphilis, gonorrhea, chlamydia, chancroid or HIV. Syphilis, Gonorrhea, Chlamydia, Acquired Immunodeficiency Syndrome (AIDS) or HIV infection, as defined in Section 693.20.

"Self-Refer" means to notify one's previous sex and needle sharing contacts, where applicable, of their possible exposure to an STD or HIV, and to refer such contacts to appropriate health professionals for counseling and possible testing.

"Susceptible" means capable of becoming infected with the etiologic agent of an STI/STD.

"Suspected Case" means a person who is reasonably believed to be infected with

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an ~~STI~~STD, based on medical or epidemiologic ~~information~~data.

"Treatment" means services for prevention, diagnosis and medical management of STIs, including examination, laboratory testing, medication and immunization.

~~"Venereal Disease" means a formerly used term now synonymous with STD.~~

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

Section 693.15 Incorporated and Referenced Materials

The following materials are incorporated or referenced in this Part:

a) Illinois Statutes

- 1) Illinois Sexually Transmissible Disease Control Act [410 ILCS 325];
- 2) ~~Sections 2 and 6 of the~~ Department of Public Health Act [20 ILCS 2305/~~2 and 6~~];
- 3) ~~The~~ Consent by Minors to Medical Procedures Act [410 ILCS 210];
- 4) AIDS Confidentiality Act [410 ILCS 305]
- 5) Unified Code of Corrections [730 ILCS 5/5-5-3]
- 6) Hypodermic Syringes and Needles Act [720 ILCS 635]
- 7) Criminal Code of 1961 [720 ILCS 5]
- 8) Freedom of Information Act [5 ILCS 140]

b) Illinois Administrative Rules

- 1) HIV/AIDS Confidentiality and Testing Code (77 Ill. Adm. Code 697) (see Sections 693.20(b), 693.30(c) and (e)693.30(b)(1), (d) and (h) and 693.100(b)(4) and (6)(5) of this Part).
- 2) ~~Rules of~~ Practice and Procedure in Administrative Hearings (77 Ill. Adm.

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Code 100) (see Section 693.35 of this Part)-

- 3) Certified Local Health Department Code (77 Ill. Adm Code 600) (see Section 693.10 of this Part)
- 4) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
- 3) ~~Program Standards for Local Health Departments (77 Ill. Adm. Code 615) (see Section 693.40(e)(7) of this Part).~~

c) Other Codes, Guidelines and Standards

- 1) 2008 Revised Surveillance Case Definitions for HIV Infection Among Adults, Adolescents, and Children Aged Less than 18 Months and for HIV Infection and AIDS Among Children Aged 18 Months to 13 Years – United States, 2008, Centers for Disease Control and Prevention (CDC), Morbidity and Mortality Weekly Report (MMWR), December 5, 2008, Vol. 57, No. RR-10;1-8
- 2) Recommendations for Partner Services Programs for HIV Infection, Syphilis, Gonorrhea, and Chlamydial Infection, Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report (MMWR), November 7, 2008, Vol. 57, No. RR-9
- 1) ~~1993 Revised Classification System for HIV Infection and Expanded Surveillance Case Definition for AIDS Among Adolescents and Adults, Centers for Disease Control and Prevention (CDC), Morbidity and Mortality Weekly Report (MMWR), December 18, 1992; vol 41, no. RR-17.~~
- 2) ~~1994 Revised Classification System for HIV Infection for Children Less Than 13 Years of Age, Centers for Disease Control and Prevention (CDC), Morbidity and Mortality Weekly Report (MMWR), vol. 43, no. RR-12.~~
- 3) ~~The "Adult AIDS Confidential Case Report", as modified by the Department, a form prepared by the Centers for Disease Control and Prevention, Public Health Service, U.S. Department of Health and Human Services, Atlanta, Georgia 30333, Office of Management and Budget~~

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~~(OMB) No. 0920-0009 (1993) and the "Pediatric AIDS Confidential Case Report", as modified by the Department, a form prepared by the Centers for Disease Control and Prevention, Public Health Service, U.S. Department of Health and Human Services, Atlanta, Georgia 30333, Office of Management and Budget (OMB) No. 0920-0009 (1996).~~

- 4) ~~"Recommendations for Prevention of HIV Transmission in Health-Care Settings" (Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report (MMWR) 1987, Vol. 36, Supp. no. 25, pages 3S-18S).~~
- 5) ~~Joint Advisory Notice, Department of Labor/Department of Health and Human Services, HBV/HIV, Federal Register, Vol. 52, No. 210, pp. 41818-41823, October 30, 1987. (See Section 693.140.)~~
- 3)6) ~~"Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures," (Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report (MMWR), July 12, 2001, Vol. 40, No. RR-8, July 12, 1991).~~

d) Federal Statutes

- 1) Spousal Notification Requirements of the Ryan White CARE Reauthorization Act of 1996 (Public Law 104-146)
- 2) Clinical Laboratory Improvement Amendments of 1988 (CLIA) (42 USC 263a)

d) ~~All citations to federal regulations in this Part concern the specified regulations in the 1994 Code of Federal Regulations, unless another date is specified.~~

e) All incorporations by reference of federal ~~guidelines regulations or standards and the standards of nationally recognized organizations~~ refer to the guidelines regulations and standards on the date specified and do not include any ~~amendments or editions additions or deletions~~ subsequent to the date specified.

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

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Section 693.20 Reportable STIsSTDs and Laboratory Results

- a) The ~~Department has determined that the~~ following shall be considered reportable STIsSTDs:
- 1) ~~Acquired Immunodeficiency Syndrome (AIDS), as defined by the Centers for Disease Control and Prevention of the United States Public Health Service, in 2008 Revised Surveillance Case Definitions for HIV Infection Among Adults, Adolescents, and Children Aged Less than 18 Months and for HIV Infection and AIDS Among Children Aged 18 Months to 13 Years, 1993 Revised Classification System for HIV Infection and Expanded Surveillance Case Definition for AIDS Among Adolescents and Adults, Centers for Disease Control and Prevention (CDC), Morbidity and Mortality Weekly Report (MMWR), December 18, 1992; vol. 41, no. RR-17, and in 1994 Revised Classification System for HIV Infection for Children Less Than 13 Years of Age, Morbidity and Mortality Weekly Report (MMWR), vol. 43, no. RR-12.~~
 - 2) HIV Infection (see Section 693.10 for a definition);:-
 - 3) Syphilis;:-
 - 4) Gonorrhea;:-
 - 5) Chlamydia; and-
 - 6) Chancroid.
 - 7) ~~Ophthalmia Neonatorum (Gonococcal).~~
- b) The ~~Department has determined that the~~ following shall be considered reportable STISTD laboratory results:
- 1) ~~An HIV test with a confirmed reactive or confirmed positive result~~A serologic test for antibodies to the human immunodeficiency virus (HIV), which is reactive on two or more enzyme-linked immunosorbent assay (ELISA) tests and on one confirmatory Western blot assay test or Indirect Fluorescent Antibody Test (see 77 Ill. Adm. Code 697.100(b)).

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- 2) A microscopic or serologic test for syphilis, either presumptive or confirmatory, ~~that~~which is weakly reactive, reactive, or positive.
- 3) An FDA-approved or laboratory-validatedA test for chlamydia, gonorrhea or chancroid ~~that or chlamydia, such as the smear, culture, ELISA, or molecular probe (amplified and non-amplified) test, which test~~ is reactive or positive.
- 4) CD4+ (T4) lymphocyte results (counts and percentages) of any value. A CD4+ count with an absolute result of less than 200 CD4+ lymphocytes per microliter or a relative value of less than 14% of total lymphocytes, the levels specified by the Centers for Disease Control and Prevention for defining AIDS.
- 5) HIV viral load results, both detectable and undetectable.

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

Section 693.30 Reporting

- a) Every health care professional~~physician licensed under the provisions of the Illinois Medical Practice Act~~ shall report each case in which the health care professional~~physician~~ has clinically diagnosed or treated a case of AIDS, HIV infection, syphilis, gonorrhea, chlamydia, or chancroid, ~~or~~ ophthalmia neonatorum, or received a reportable STD laboratory result as set forth in Section 693.20(b). ~~A hospital may, at the request of the physician of a person who has been admitted to the hospital, submit the physician's report to the appropriate health authority through the identifiers established disease reporting mechanism. In all cases, the physician is responsible for ensuring that reporting is accomplished.~~
- 1) The STI case report shall state the name, address and telephone number of the health care professional and the date of the report. The STI~~STD~~ case report shall be submitted~~mailed~~ within seven days after the~~such~~ diagnosis or treatment. ~~The STD laboratory report shall be mailed within seven days after receipt of the laboratory results.~~
- 2) If the health care professional diagnoses or treats a reportable STI~~reporting source is located~~ in a county or city governed by a local health

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~~department full-time Local Health Authority, the ST/STD report shall be sent made to that local health department authority. For syphilis, gonorrhea, chlamydia, chancroid, and ophthalmia neonatorum patients in jurisdictions not covered by a Local Health Authority but by a Designated Agency, the STD reports shall be made to that Designated Agency. In all other cases, the ST/STD report shall be sent made directly to the Illinois Department of Public Health.~~

- 3) ~~For cases of AIDS or HIV infection, the report shall be completed by a health care professional or designee using the Department's Adult HIV/AIDS Confidential Case Report for a person age 13 or older, or the Department's Pediatric HIV/AIDS Confidential Case Report for a person under age 13. STD report shall be made on a form furnished by the Department. For each report of AIDS, a physician shall complete the "Adult AIDS Confidential Case Report", as modified by the Department (or Pediatric AIDS Confidential Case Report, as modified by the Department for children under 13 years), which are forms developed by the Centers for Disease Control and Prevention (CDC), Public Health Service, U.S. Department of Health and Human Services, Atlanta, Georgia 30333, OMB No. 0920-0009. For cases of HIV infection, the STD report shall be made on a form furnished by the Department. The STD report shall state the name, address and telephone number of the physician, the date of the report, as well as the following information, as available: A) For HIV or AIDS, the report shall include the following information:~~
- ~~A)i)~~ The individual's name, nine digit Social Security Number, address, telephone number, age, date of birth, age at diagnosis, current vital status (alive or dead (date of death)), race, ethnicity, sex, current gender, country of birth, residence at diagnosis, facility where diagnosis of HIV or AIDS was established;
 - ~~B)ii)~~ Patient risk history;
 - ~~C)iii)~~ Laboratory results of HIV antibody tests, HIV detection tests, or immunologic laboratory tests;
 - ~~D)iv)~~ Information concerning the presence and method of diagnosis of AIDS indicator disease;

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- ~~E)v)~~ Each successive AIDS indicator disease (e.g., Pneumocystis carinii pneumonia, Kaposi's sarcoma or esophageal candidiasis), regardless of whether the case is known or thought to have been previously reported in another state or health jurisdiction;
- ~~F)vi)~~ For reports submitted by health care facilities, the name and telephone number of the individual completing the form, if different from the health care professional~~physician~~;
- ~~G)vii)~~ Information concerning treatment services and referrals and, for women, information on both the current pregnancy status and births after 1977, and for prenatal cases, information about birth history;
- ~~H)viii)~~ Whether the HIV-infected individual has had any exposure-prone invasive procedures performed on him or her and, if so, the types of invasive procedures and the names, addresses and telephone numbers of the health care professionals~~providers~~ who performed those invasive procedures;
- ~~I)ix)~~ Whether the HIV-infected individual is a health care professional~~provider~~; if so, the type of health care professional~~provider~~ and whether the individual has performed exposure-prone invasive procedures; and
- ~~J)x)~~ Whether post-test counseling ~~and/or sex/needle-sharing~~ partner services ~~have referral has~~ taken place or whether assistance is needed from the local health department~~Local Health Authority~~ or the Department.
- ~~B)~~ ~~Prior to July 1, 1999, for HIV infection in cases not clinically diagnosed or treated as AIDS by the reporting physician:~~
- ~~i)~~ ~~The individual's city of residence, age, race/ethnicity, sex;~~
 - ~~ii)~~ ~~The laboratory findings;~~
 - ~~iii)~~ ~~Risk factors for HIV infection;~~

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- ~~iv) Whether the individual is known to have previously tested positive for antibodies to HIV;~~
 - ~~v) Reason for testing; and~~
 - ~~vi) Whether counseling and/or sex partner referral has taken place or whether assistance is needed from the Local Health Authority or the Department.~~
- C) ~~On or after July 1, 1999, for HIV infection in cases not clinically diagnosed or treated as AIDS by the reporting physician:~~
- ~~i) A patient code number derived from demographic information and elements of the individual's name and/or other identifying information, age, date of birth, age at diagnosis, current status (date of death), race/ethnicity, sex, country of birth, residence at diagnosis, facility where diagnosis of HIV was established;~~
 - ii) Patient risk history;
 - iii) Laboratory results of HIV antibody tests, HIV detection tests, or immunologic laboratory tests;
 - iv) Information concerning the presence and method of diagnosis of AIDS indicator diseases;
 - v) For reports submitted by health care facilities, the name and telephone number of the individual completing the form, if different from the physician;
 - vi) Information concerning treatment services and referrals and, for women, information on both the current pregnancy status and births after 1977, and for perinatal cases, information about birth history;
 - vii) Whether the individual has had any invasive procedures performed on him or her and, if so, the types of invasive procedures and the names of the health care providers who performed those invasive procedures;

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- viii) ~~Whether the individual is a health care provider and, if so, the type of health care provider and whether the individual has performed invasive procedures; and~~
- ix) ~~Whether post test counseling and/or sex/needle sharing partner referral has taken place or whether assistance is needed from the Local Health Authority or the Department.~~
- D) ~~All reporting sources are required to maintain a system permitting the patient code number to be linked to a specific individual for purposes of additional follow up if necessary.~~
- E) ~~The Department will monitor HIV case reports to determine the effectiveness of the HIV surveillance system. Beginning on July 1, 1999, the Department will collect data to be continually evaluated to determine whether the following criteria are satisfied:~~
 - i) ~~All elements of the patient identification code are complete in at least 90% of all reported cases;~~
 - ii) ~~Patient risk information is provided in 90% of case reports and the remaining information in the case report is complete in 85% of the case reports, after epidemiologic follow up is completed;~~
 - iii) ~~No more than 5% of cases in the HIV databases are duplicate reports;~~
 - iv) ~~95% of providers will be able to link a patient code number to a case report when additional follow up is necessary; and~~
 - v) ~~A system to link at least 95% of the patient code numbers for reported cases of HIV infection to the subject of the case report, maintained by at least 95% of providers. For purposes of evaluation, the Department may review but may not copy records held by the reporting source. The evaluation shall not identify by name or other identifying information any provider or subject of a case report.~~

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- F) ~~The Department shall complete its evaluation of the system no later than July 1, 2003. If, at the conclusion of the evaluation, the Department has determined that the criteria described in subsection (a)(3)(E) of this Section have not been met, all subsequently reported cases of HIV infection not clinically diagnosed or treated as AIDS by the reporting physician shall include all of the information required in subsection (a)(3)(C) of this Section, except that the report shall include the test subject's name and the patient code number specified in subsection (a)(3)(C)(i) will not be generated by the provider.~~
- 4) For cases of syphilis~~Syphilis~~, gonorrhea, chlamydia, and chancroid, the report shall be completed by a health care professional or designee and shall be reported electronically ~~and ophthalmia neonatorum cases and laboratory reports in cities having a population of 500,000 or more shall be made on a form furnished by the Local Health Authority. In all other cases, the report shall be made~~ on a case report form furnished by the Department, or by a local health department in cities with a population of 1,000,000 or more. The report shall state the following: name, address and telephone number of the physician, the date of the report, as well as the following information, as available:
- A) The name, address, and telephone number of the health care professional;~~The individual's name, address, telephone number, age, birthdate, race/ethnicity, sex, marital status, pregnancy status;~~
- B) The date of the report;~~The diagnosis, diagnostic classification, and any laboratory findings;~~
- C) The STI-infected individual's name, address, telephone number, date of birth, race, ethnicity, sex, and pregnancy status; ~~The amount and type of treatment, including preventive treatment, that the individual is receiving, has received or will receive, and whether treatment has been completed; and~~
- D) The diagnosis, diagnostic classification, and any laboratory findings; and~~The type of treatment facility.~~

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- E) The medication name and dosage that the individual is receiving, has received, or will receive, and whether treatment has been completed.
- b) Every laboratory and blood bank, through its Director, shall report each instance in which the laboratory or blood bank performed a test for an STD that concluded with a reportable laboratory result.
- ~~1) The STD laboratory report shall be mailed within seven days after the reportable laboratory test result.~~
- ~~1)2) Within seven days after the reportable laboratory test result is obtained, the laboratory or blood bank shall report to the Department, or to the local health department in cities with a population of 1,000,000 or more. The laboratory or blood bank shall report electronically or on a form furnished by the Department, or by the local health department in cities with a population of 1,000,000 or more. If the reporting source is located in a county or city governed by a full-time Local Health Authority, the STD laboratory report shall be made to that health authority. For syphilis, gonorrhea, chlamydia, chancroid, and ophthalmia neonatorum test subjects in jurisdictions not covered by a Local Health Authority but by a Designated Agency, such reports shall be made to that Designated Agency. In all other cases, the STD laboratory report shall be made directly to the Department.~~
- ~~2)3) For STI laboratory tests, the report shall be made on a form furnished by the Department. The the report shall state the name and address of the laboratory or blood bank and, the date of the report, as well as the following information, as available:~~
- A) The name, address and telephone number of the health care professional or other person who submitted the specimen for testing (not applicable to blood banks);
- B) The STI-infected individual's name, address, telephone number, date of birth, race, ethnicity and sex, as provided by the health care professional or other person who submitted the specimen for testing; and The individual's patient code number as provided by the physician, age, race/ethnicity, and sex; and

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- C) The date the tests were performed, the laboratory results, and the method employed.
- 3)4) For HIV viral load results, both detectable and undetectable, subtype, and sequence data from antiviral drug resistance testing, CD4+ lymphocyte counts less than 200 CD4+ cells per microliter or less than 14 percent of total lymphocytes, the report shall be made electronically or on a form furnished by the Department. The report shall state the name and address of the laboratory or blood bank and, the date of the report, as well as the following information, ~~as available~~:
- A) The name, address and telephone number of the health care professional/physician or other person who submitted the specimen for testing (not applicable to blood banks);
- B) The HIV-infected individual's name, address, telephone number, date of birth, race, ethnicity, and sex, as provided by the health care professional/physician or other person who submitted the specimen for testing ~~by a laboratory~~; and
- C) The date the tests were performed, the laboratory results, and the method employed.
- 4) A hospital or laboratory shall report to the Department electronically, or on a form furnished by the Department, all CD4+ (T4) lymphocyte test results, including count and percentages of any value, which the Department will match against the statewide HIV/AIDS Registry to select only those cases known to the Registry. For CD4+ (T4) lymphocyte test results, including counts and percentages of any value, for those cases included in the HIV/AIDS Registry, the report shall be made electronically or on a form furnished by the Department. The report shall state the name and address of the laboratory or blood bank and the date of the report, as well as the following information:
- A) The name, address and telephone number of the health care professional or other person who submitted the specimen for testing (not applicable to blood banks);

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- B) The HIV-infected individual's name, address, telephone number, date of birth, race, ethnicity and sex, as provided by the health care professional or other person who submitted the specimen for testing; and
- C) The date the tests were performed, the laboratory results, and the method employed.
- 5) A hospital or laboratory shall develop an electronic health record that enables the hospital or laboratory to identify cases included in the HIV/AIDS Registry. In the absence of an electronic health record, a hospital or laboratory shall submit all CD4+ (T4) lymphocyte test results to the Department, which the Department will match against the statewide HIV/AIDS Registry.
- ~~5) Syphilis, gonorrhea, chlamydia, chancroid and ophthalmia neonatorum laboratory reports in cities having a population of 500,000 or more shall be made on a form furnished by the Local Health Authority. In all other cases, the report shall be made on a form furnished by the Department. The report shall state the name and address of the laboratory or blood bank, the date of the report, as well as the following information, as available:~~
- A) ~~The individual's name, address, telephone number, age, race/ethnicity, sex, marital status, or patient code number as provided by the physician or other person who submitted the specimen for testing by a laboratory;~~
- B) ~~The name, address and telephone number of the physician or other person who submitted the specimen for testing (not applicable to blood banks); and~~
- C) ~~The date the test was performed, the laboratory results, and the method employed.~~
- 6) In addition to the above reporting requirements:
- A) If the subject of the test is under 12 years of age, any reactive or positive test ~~result~~results shall be reported to the Department by

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telephone immediately or as soon as Department business hours permit at ~~217/524-5983888-375-9613~~ for HIV/AIDS test results and 217-782-2747 for all other ~~STI/STD~~ test results.

~~B) If any culture that is positive for gonorrhea is determined to be resistant to antibiotics, the test results shall be reported by telephone immediately, or as soon as business hours permit, to the Local Health Authority, Designated Agency or the Department, as appropriate.~~

~~B)C) Every laboratory and blood bank shall report the total number of tests performed for STIs/STDs each week by sex to the Department, or to the local health department in cities with a population of 1,000,000 or more. This report shall be made electronically or on a reporting form furnished by the Department, or by the local health department in cities with a population of 1,000,000 or more.to the Local Health Authority, Designated Agency or the Department, as appropriate.~~

~~e) Physicians are not required to file HIV case reports for:~~

~~1) Patients known to reside outside of Illinois;~~

~~2) Persons tested at IDPH designated anonymous test sites; or~~

~~3) Participants in research projects approved by an institutional review board when the research is not primarily intended to provide medical treatment to participants and is conducted under the following conditions:~~

~~A) all personal identifiers are removed from the specimen before testing;~~

~~B) the specimen cannot be linked to the individual from whom the specimen was collected; or~~

~~C) positive HIV results are due to vaccine administration.~~

~~c)d) All persons required to report pursuant to this Part shall maintain the strict confidentiality of all information and records relating to known or suspected cases~~

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of ~~STIs~~STDs in accordance with Section 693.100 and 77 Ill. Adm. Code 697.140 (HIV/AIDS Confidentiality and Testing Code – Nondisclosure of the Identity of a Person Tested or Test Results)~~77 Ill. Adm. Code 697.140.~~

- d)e) For each case report of an STIAIDS that it receives, pursuant to ~~the provisions of~~ this Section, the local health department~~Local Health Authority~~ shall report electronically, if available, or forward a copy of the report to the Department~~Department's AIDS Registry System~~, within seven days after receiving the report. ~~(see Section 697.210 of the AIDS Confidentiality and Testing Code (77 Ill. Adm. Code 697)).~~ The local health department~~Local Health Authority~~ shall assure the completeness and accuracy of the report form. The local health department~~Local Health Authority~~ shall record the reporting source on the case report form, ~~as available.~~
- f) ~~A Local Health Authority shall forward to the Department a copy of each HIV report that it receives pursuant to the provisions of this Section, within seven days after receiving the report.~~
- g) ~~A Local Health Authority or Designated Agency shall submit to the Department, on forms supplied by the Department, summary information on the reportable laboratory results for syphilis, gonorrhea, chlamydia, chancroid, and ophthalmia neonatorum that it receives pursuant to the provisions of this Section, within seven days after receiving such results.~~
- h) ~~A Local Health Authority or Designated Agency that receives a syphilis laboratory report with a patient code number shall contact the test subject's physician for information identifying that individual, within 24 hours after receiving the report. The Department shall assume this responsibility within jurisdictions not covered by a Local Health Authority or Designated Agency.~~
- e)i) A local health department~~Local Health Authority~~ that receives an HIV laboratory report from a health care professional~~physician~~, laboratory or blood bank for an individual age three through 21 shall contact the health care professional~~physician~~ listed in the report to obtain the individual's name and address, ~~in order to~~ comply with 77 Ill. Adm. Code~~Section~~ 697.400 of the (HIV/AIDS Confidentiality and Testing Code – Notification of School Principals)~~(77 Ill. Adm. Code 697)~~. The Department ~~will~~shall assume this responsibility within jurisdictions not covered by a local health department~~Local Health Authority~~. ~~The physician shall provide this information to the Local Health Authority or the Department unless the test~~

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~~subject is not enrolled in a public or private primary or secondary school. The physician shall contact the Local Health Authority or the Department if the physician learns that the test subject has enrolled in school at any subsequent date.~~

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

Section 693.35 Fines and Penalties

- a) The Department, after notice and an opportunity for a hearing, may fine any ~~health care professional~~physician, laboratory or blood bank that violates ~~the provisions of~~ Section 693.30 of this Part or Section 4 of the Act. ~~The~~Such fine shall be \$500-~~00~~ for each violation. Based upon the evidence presented at the hearing, fines shall be imposed based upon malicious intent, negligence and incompetence. Following service of a Notice of Violation by the Department, the respondent ~~health care professional~~physician, laboratory or blood bank shall have ~~ten (10)~~ business days, ~~excluding Saturdays, Sundays and State holidays~~, in which to request a hearing. All proceedings under this ~~subsection~~Subsection shall be governed by the Department's ~~Rules of~~ Practice and Procedure in Administrative Hearings. ~~(77 Ill. Adm. Code 100.)~~
- b) *The Department shall report each violation of Section 4 of the Act or Section 693.30 of this Part ~~Section 4 of the Act or Section 693.30 of this Part~~ to the regulatory agency responsible for licensing a ~~health~~Health care professional or a laboratory to which these provisions apply. (Section 4(d) of the Act.)*

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

Section 693.40 Counseling and Partner Services ~~Contact Interview and Investigation~~

~~a) Upon receipt of an STI report from a health care professional or laboratory, a local health department, designated agent~~A Local Health Authority, Designated Agency or the Department, ~~as~~where applicable, shall conduct a counseling session and offer partner services in accordance with guidelines established by the Centers for Disease Control and Prevention of the U.S. Public Health Service, Recommendations for Partner Services Programs for HIV Infection, Syphilis, Gonorrhea, and Chlamydial Infection, as follows: ~~initiate the contact interview and investigation process under any of the following circumstances:~~

- a) ~~+~~ Counseling and partner services shall be provided only by staff of a local health department, designated agent or the Department, as applicable, who have

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completed a Department-approved training, or a training approved by the local health department in cities with a population of 1,000,000 or more. Upon receipt of an STD, AIDS or HIV report from a physician or laboratory;

- b)2) Any person diagnosed with early syphilis or HIV/AIDS by any health care professional, or any person diagnosed with gonorrhea or chlamydia by a local health department or designated agent shall be counseled and offered partner services by the local health department, designated agent, or Department, as applicable. "Early syphilis" means primary, secondary or early latent syphilis of less than one year's duration. When the Local Health Authority, Designated Agency or the Department knows or has reason to know, based on medical or epidemiologic information, that a person within its jurisdiction may be infected with or have been exposed to an STD or HIV; or
- c)3) Any person diagnosed with chlamydia or gonorrhea by a health care professional other than a local health department shall be counseled and offered partner services as resources permit and within the discretion of the local health department, designated agent or Department, as applicable. For reports of health care providers with AIDS received by the Department prior to October 4, 1991, the Department shall interview and investigate these cases in priority order established by the Department, and provide appropriate contact notification, in accordance with the provisions of subsections 693.40(b)(3)(B)(i) through (ix) of this Part. The Department shall interview the health care provider or the provider's estate. Coworkers, family members or others may be interviewed, if necessary, to determine the risk of transmission or to identify contacts.
- d) Counseling of STI cases and partner services shall be conducted in a confidential manner, and shall be documented either in electronic format or on forms furnished by the Department, or by the local health department in cities with a population of 1,000,000 or more.
- e) All records regarding counseling of STI cases and partner services shall be confidential, and shall at all times be maintained in the same manner as those maintained for reported cases of STIs as required in Section 693.100 of this Part.
- f) For STI cases, counseling and partner services shall be provided by the local health department, designated agent or the Department, as applicable, and shall include the following:

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- b) ~~For cases of AIDS or HIV infection, the contact interview and investigation process shall include the following:~~
- 1) ~~Contact interview and investigation services shall be provided only by counselors who have completed a course of training that included instruction in the following:~~
- A) ~~The etiology and transmission of HIV, including associated risk behavior and activities, and patient profiles of persons at significant risk of HIV infection;~~
- B) ~~The natural history and progression of HIV infection;~~
- C) ~~Methods for preventing transmission of HIV infection;~~
- D) ~~Principles and techniques of counseling, including demonstration of interviewing and counseling skills needed for epidemiologic management of HIV infected persons, and critiqued role playing, psychological assessment and crisis intervention;~~
- E) ~~Principles and techniques of contact investigation and referral; and~~
- F) ~~Principles of communicable diseases.~~
- 2) ~~For the interview and investigation process concerning sex and needle sharing contacts:~~
- 1)A) ~~An offer of assistance, with the consent of the infected person, All cases of AIDS or HIV infection identified to health authorities shall be offered the assistance of health professionals in locating and referring sex and needle-sharing contacts for counseling, and testing, and treatment, if indicated, with the consent of the infected person. All infected persons refusing such assistance shall be strongly encouraged to notify their critical period sex previous sex and needle-sharing (HIV/AIDS) contacts of their possible exposure to STI/HIV, and to refer these contacts for counseling, and testing and treatment, if indicated.~~
- 2)B) ~~For each identified contact, the Cases of AIDS or HIV infection shall be asked to identify their sex and needle sharing contacts for the preceding~~

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~~twelve month period. The counselor shall discuss with the infected person the time period of exposure and the specific nature of each contact with the client to determine the likelihood of STI/HIV transmission based on the type of sexual or needle-sharing practice involved. Notification and referral shall be provided to contacts for whom sufficient information to identify and notify the person is available, and the counselor's knowledge of risk factors.~~

3) The current spouses and former spouses, and partners in a civil union with an HIV/AIDS case for the preceding 10 years, shall be notified of sex or needle-sharing exposure to HIV/AIDS.

~~C) Those contacts determined to be at significant risk of infection, in the professional judgment of the counselor, based on the type of sexual or needle-sharing practice involved and the counselor's knowledge of risk factors, shall be investigated. Investigation shall be conducted on contacts for whom sufficient information to identify the person is available, such as first and last name, street address or telephone number.~~

~~D) The counselor may prioritize the order in which contacts are to be investigated. The counselor shall provide first priority to those contacts who (based on the counselor's professional judgement); except for contact notification, may not have reason to suspect they may be infected because the counselor has no information that the contacts:~~

- ~~i) are aware of having engaged in behavior likely to result in exposure; and/or~~
- ~~ii) are knowledgeable about the types of behavior carrying these risks.~~

4)E) Persons choosing to self-refer their contacts shall receive intensive individualized instruction and counseling in methods to provide this notification and referral.

5)F) STI contacts~~Contacts to persons with HIV infection;~~ identified through the counseling and partner services process ~~contact interview and~~

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~~investigative process, shall be counseled, confidentially and in person, regarding the possibility of infection and, methods to prevent the spread of the infection, and shall be referred for testing and treatment, if indicated and services available from public health agencies. These persons shall also be offered testing to determine infection status.~~

~~6)G) For STIs, if~~ the person is legally unable to agree to counseling because of due to age or legal incompetence, consent and participation in counseling shall be requested of the individual's parent or legal guardian. If, in the professional judgment of the counselor, the person is legally able to agree to, but appears to be incapable of understanding and competently acting on, the such counseling, ~~in the professional judgment of the counselor,~~ participation in counseling shall be requested of a parent or other person chosen by the client.

~~g)3) For the interview and investigation process concerning health care contacts:~~

~~1)A) Patients~~

~~A)i) An~~All cases in which the individual who has had exposure-prone invasive procedures performed on him or her shall be provided an explanation of the potential risks of HIV transmission to health care ~~professionals~~providers during the performance of invasive procedures, and the legal requirements for notification of the health care ~~professionals~~providers who have performed invasive procedures on that individual;

~~B)ii) The individual shall be asked to identify the specific invasive procedures that~~ have had been performed on him or her, along with the name of the facility or location at which the procedure was performed, and the name, address and telephone number of the health care ~~professional~~provider who performed the procedure; and

~~C)iii) The individual shall be offered the opportunity to self-notify those health care~~ professionals ~~providers~~ within 45 days, in accordance with the notification procedures described in Section 693.45 of this Part. If the individual declines the opportunity to self-notify his or her health care ~~professionals~~providers, or fails to do so in accordance with the requirements of this Part, the case shall be

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referred to the Department for notification of contacts. The ~~Department will notify~~ ~~Department's notification of~~ contacts shall ~~be conducted~~ in a timely manner.

~~2)B)~~ Health Care ~~Professionals~~ ~~Providers~~

~~A)i)~~ ~~An~~ ~~All cases in which the~~ individual who is a health care ~~professional~~ ~~provider~~ or has worked as a health care ~~professional~~ ~~provider~~ shall be interviewed to determine whether the type of health care practiced by the individual involves the performance of invasive procedures, and whether the individual has or is likely to have performed invasive procedures;

~~B)ii)~~ If the individual's type of health care practice involves the performance of invasive procedures but the individual has not or is not likely to have performed invasive procedures, he or she shall be provided with written information concerning the use of universal precautions and the recommendations of the Centers for Disease Control and Prevention concerning the prevention of HIV transmission in the health care setting. The individual shall also be advised to refrain from performing exposure-prone invasive procedures, except in accordance with the recommendations of an expert review panel that has been convened pursuant to the Centers for Disease Control and Prevention's "Recommendations for Preventing Transmission of HIV and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures" (see Section 693.15(c)(~~35~~) of this Part);

~~C)iii)~~ If the individual has or is likely to have performed invasive procedures, the ~~local health department~~ ~~Local Health Authority~~ shall refer the case to the Department for risk assessment and follow-up;

~~D)iv)~~ The Department ~~will~~ ~~shall~~ interview the health care ~~professional~~ ~~provider~~ or the ~~professional's~~ ~~provider's~~ estate to complete the investigation and assess the potential risk of HIV transmission from the ~~professional~~ ~~provider~~ to his or her patients, based on the ~~professional's~~ ~~provider's~~ practice and the types and frequencies of invasive procedures performed. Others may be

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interviewed as necessary to complete the investigation and assess the potential risk of HIV transmission from the professional provider to his or her patients;

- E)v) The Department will shall provide the health care professional provider with an explanation of the potential risks of HIV transmission to patients during the performance of invasive procedures; and the legal requirements for notification of patients whom the Department determines may have been at risk of HIV transmission from the health care professional provider;
- F)vi) If the invasive procedures performed by the health care professional provider were not exposure-prone invasive procedures, and no other potential risk of transmission was identified by the Department, the entity performing the investigation process shall provide the health care professional provider with information concerning the use of universal precautions and the recommendations of the Centers for Disease Control and Prevention concerning the prevention of HIV transmission in the health care setting. The health care professional provider shall also be advised to refrain from any future performance of exposure-prone invasive procedures, except in accordance with the recommendations of an expert review panel convened pursuant to the Centers for Disease Control and Prevention's "Recommendations for Preventing Transmission of HIV and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures" (see Section 693.15(c)(~~35~~) of this Part);
- G)vii) If any of the invasive procedures performed by the health care professional provider were exposure-prone invasive procedures, or the Department identifies any other potential risk of transmission to patients, the Department will shall advise the health care professional provider that these patients must be notified of their potential risk of exposure to HIV. The health care professional provider shall be given the opportunity to submit any information and comments to the Department concerning the notification, and shall be offered the opportunity to self-notify his or her patients within 45 days, in accordance with the notification procedures described in Section 693.45 of this Part;

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- ~~H)(viii)~~ If the health care professional~~provider~~ declines the opportunity to self-notify his or her patients, or fails to do so in accordance with the requirements of this Part, he or she shall provide the Department with complete and immediate access to any records that identify or may lead to the identification of his or her patients and the actual health care that was rendered. The Department ~~will~~shall review but ~~will~~shall not copy or seize the provider's records. The Department ~~will~~shall identify and notify in a timely manner all patients who received exposure-prone invasive procedures or have otherwise been determined by the Department to have been at risk for HIV transmission; and
- ~~D)(x)~~ The health care professional~~provider~~ shall also be advised to discontinue performance of exposure-prone invasive procedures except in accordance with the recommendations of an expert review panel convened pursuant to the Centers for Disease Control and Prevention's "Recommendations for Preventing Transmission of HIV and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures" (see Section 693.15(c)(~~35~~) of this Part).
- e) ~~For cases of syphilis, gonorrhea, chlamydia, chancroid, or ophthalmia neonatorum, the contact interview and investigation process shall include the following:~~
- 1) ~~Contact interview and investigation services shall be provided only by counselors who have completed a course of training which included instruction in the following:~~
- A) ~~The etiology and transmission of STDs;~~
- B) ~~The natural history and progression of STD infection;~~
- C) ~~High or increased risk behavior and activities, including patient profiles of persons at significant risk for acquiring STDs;~~
- D) ~~Methods for preventing and treating STD infection;~~
- E) ~~Principles and techniques of counseling, including demonstration of interviewing and counseling skills needed for epidemiologic~~

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~~management of STD patients, and critiqued role playing; and~~

F) ~~Principles and techniques of contact investigation and referral.~~

- 2) ~~All persons diagnosed with early syphilis or antibiotic resistant gonorrhea or chlamydia or any person treated for gonorrhea or chlamydia at a clinic of the Local Health Department shall be interviewed by the Local Health Authority, Designated Agency or the Department, where applicable. "Early syphilis" means primary, secondary or early latent syphilis of less than one year's duration.~~
- 3) ~~All persons diagnosed with chlamydia and/or gonorrhea in the private medical sector shall be interviewed as resources permit and within the discretion of the Local Health Authority, Designated Agency or Department, where applicable.~~
- 4) ~~All cases interviewed shall be asked to provide the names and any available identifying information regarding their sex contacts. Persons refusing to name their sex contacts shall be strongly encouraged to self-refer such contacts for testing and treatment, if necessary.~~
- 5) ~~Those contacts determined by the counselor to be at significant risk of infection, based on high or increased risk behavior and activities, shall be investigated.~~
- 6) ~~Interviewing and counseling of STD cases and contacts shall be conducted in person, in a private manner, and shall be documented on epidemiologic records furnished by the Department.~~
- 7) ~~Counselors shall follow the guidelines and standards described in Section 697.300 of the AIDS Confidentiality and Testing Code (77 Ill. Adm. Code 697).~~
- 8) ~~All records regarding cases of STDs, contacts to cases of STDs and all information collected in investigations and interviews pursuant to this Section shall be confidential, and shall at all times be maintained in the same manner as those maintained for reported cases of STDs.~~

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

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Section 693.45 Notification of Health Care Contacts

- a) The Department ~~will~~shall develop a form letter, which ~~the Department will use~~shall be used by the Department to notify health care contacts pursuant to ~~Section~~Sections 693.40 of this Part, and ~~that~~which ~~will~~shall be offered to individuals choosing to self-notify their health care contacts. The letter ~~will~~shall include a list of facilities where HIV counseling and testing ~~are~~is available, ~~and a copy of Public Act 87-763,~~ information about HIV transmission and ~~laboratory tests~~the HIV antibody test, and ~~will~~shall recommend that the recipient contact his or her personal physician or one of the counseling and testing facilities listed.;
- 1) For contacts who are patients, the letter ~~will~~shall identify the type of health care ~~professional~~provider with whom the recipient had contact, without naming the specific health care ~~professional~~provider;
 - 2) For contacts who are health care ~~professionals~~providers, the letter ~~will~~shall state that the recipient is believed to have performed an ~~exposure-prone~~invasive procedure on a patient who has been reported to the Department as a case with ~~HIV~~AIDS, without naming the patient.;
 - 3) The letter ~~will~~shall also advise the recipient as to applicable confidentiality requirements.;
- b) ~~The Notification by the~~ Department ~~will provide notifications~~shall be made by first-class mail, with the envelope marked "confidential". Case subjects or their representatives choosing to self-notify ~~will~~shall be encouraged to utilize the same method and may use the Department's return address instead of their own.;
- c) Within 10 days after completing self-notification, the case subject or his or her representative shall submit a written, signed statement to the local health ~~department~~authority or the Department, whichever is applicable, describing the dates and methods of notification and the number of contacts notified, and including a copy of the notification letter, if different from the Department-generated form. Self-notification shall be completed within 45 days after the date on which the ~~individual was advised by the~~ Department or the ~~local health department~~ advised the individual~~Local Health Authority~~ that notification was necessary.

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

Section 693.50 Physical Examination and Medical Treatment for Syphilis, Gonorrhea, Chlamydia or Chancroid

This~~The provisions of this~~ Section shall apply only to syphilis, gonorrhea, chlamydia and chancroid.

- a) The Department and certified local health departments may examine or cause to be examined persons reasonably believed to be infected with or to have been exposed to syphilis, gonorrhea, chlamydia or chancroid. (Section 6(a) of the Act)~~Concurrent with or in addition to the contact interview and investigation process, a Local Health Authority, Designated Agency or the Department, where applicable, shall:~~
- b) Persons with syphilis, gonorrhea, chlamydia, or chancroid shall report for complete treatment to a physician licensed under the provisions of the Medical Practice Act of 1987, or shall submit to treatment at a facility provided by a certified local health department or other public facility until the disease is noncommunicable or the Department or the certified local health department determines that the person does not present a real and present danger to the public health. This subsection shall not be construed to require the Department or the certified local health department to pay for or provide such treatment. (Section 6(b) of the Act)
 - 1) The certified local health department or designated agent shall attempt~~Attempt~~ to determine whether an identified ~~an identified~~ person within its jurisdiction whose laboratory test indicates STD infection with or sexual exposure to syphilis, gonorrhea, chlamydia or chancroid, or who has been sexually exposed to an STD, has received medical treatment prescribed and rendered to the extent that the infection is no longer communicable by that person;~~a physical examination;~~
 - 2) If a physical examination or tests for an STD have been performed on such an individual, attempt to determine whether any medical treatment was prescribed and rendered to the extent that the STD is no longer communicable by that person, as determined by clinical and laboratory examinations;

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- 2)3) If a ~~medical~~physical examination or ~~appropriate treatment~~necessary laboratory examination has not been ~~provided, the certified local health department shall performed,~~ request that individual to report for ~~examination or treatments~~such examinations at a specific date, time and location, or otherwise submit verifiable proof of ~~examination or treatments~~such examinations by a specific date, ~~and to complete any medical treatment prescribed pursuant to such examinations;~~
- 3)4) If the individual is known to have been exposed to an infection listed in subsection (a)~~a treatable STD~~, within the maximum incubation period, the certified local health department shall request that individual to seek early preventive/presumptive treatment ~~as a means of avoiding the reinfection of treated patients and the infection of additional persons;~~
- 4)5) The certified local health department shall document~~Document~~ all unsuccessful and successful attempts to secure a medical examination~~physical and laboratory examinations~~ and appropriate medical treatment for ~~such an individual on a voluntary basis~~. Documentation shall include the dates, times, locations and forms of communication~~communications~~, including the individual's responses, and a detailed narrative of the process.
- c)b) A certified local health department or designated agent~~Local Health Authority or Designated Agency~~ shall notify the Department of any case in which it:
- 1) knows on the basis of laboratory or epidemiologic evidence that a person within its jurisdiction is presently infectious to others, is engaging in conduct or activities that~~which~~ place others at risk of exposure to the STI~~STD~~ or has stated his or her intention to do so, and has refused the examination or medical treatment that~~which~~ has been prescribed for the contagion control of that STI~~STD~~; and
 - 2) has exhausted its means of obtaining compliance with this Section.
- d) No person shall be apprehended, examined or treated for syphilis, gonorrhea, chlamydia or chancroid against his or her will, except upon the presentation of a warrant duly authorized by a court of competent jurisdiction. In requesting the issuance of such a warrant, the Department or certified local health department shall show by a preponderance of the evidence that the person is infectious and

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that a real and present danger to the public health and welfare exists unless the warrant is issued and shall show that all other reasonable means of obtaining compliance have been exhausted and that no other less restrictive alternative is available. (Section 6(c) of the Act) The Department does not delegate the responsibility to seek a court order to a delegated agency.

- 1) In determining whether no less restrictive means exist, the court shall consider evidence showing that, under the circumstances presented by the case in which an order is sought, apprehension, examination or treatment is the measure provided for in guidelines issued by the Centers for Disease Control and Prevention.
 - 2) The court shall require any proceedings authorized by this Section to be conducted in camera. A record shall be made of such proceedings but shall be sealed, impounded and preserved in the records of the court, to be made available to the reviewing court in the event of an appeal. (Section 6(c) of the Act)
 - 3) The individual shall be given a written notice of any court proceedings conducted under this Section. The notice shall follow the procedures listed in 77 Ill. Adm. Code 690.1330 (Control of Communicable Diseases Code).
- e) Any person who knowingly or maliciously disseminates any false information or report concerning the existence of syphilis, gonorrhea, chlamydia or chancroid under this Section is guilty of a Class A misdemeanor. (Section 6(d) of the Act)
- e) Upon receipt of such notification, the Department shall promptly investigate to determine whether adequate grounds exist for seeking a court-issued warrant for such individual's apprehension, physical examination and/or medical treatment pursuant to Section 6(c) of the Act. The Department shall also seek such a warrant, if appropriate, in cases which are not assigned to a Local Health Authority or Designated Agency.

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

Section 693.60 Quarantine and Isolation for Syphilis, Gonorrhea, Chlamydia, and Chancroid

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This Section shall apply only to syphilis, gonorrhea, chlamydia and chancroid.

- a) The Department or certified local health department may order a person to be isolated or a place to be quarantined and made off limits to the public to prevent the probable spread of syphilis, gonorrhea, chlamydia or chancroid, until such time as the condition can be corrected or the danger to the public health is eliminated or reduced in such a manner that no substantial danger to the public's health any longer exists. (Section 7(a) of the Act) The determination that action is required shall be based on the following:
- 1) The Department or certified local health department has reason to believe that a person infected with syphilis, gonorrhea, chlamydia or chancroid is noncompliant and is likely to spread syphilis, gonorrhea, chlamydia or chancroid if not detained for isolation;
 - 2) The Department or the certified local health department has reason to believe that a place where there is significant sexual activity is likely to contribute to the spread of syphilis, gonorrhea, chlamydia or chancroid if quarantine procedures are not initiated; and
 - 3) The Department or the certified local health department has first made efforts, which shall be documented, to obtain voluntary compliance with requests for medical examination, testing, treatment and counseling of a noncompliant person infected with syphilis, gonorrhea, chlamydia or chancroid or the owner of a place where there is significant sexual activity that is likely to contribute to the spread of syphilis, gonorrhea, chlamydia or chancroid.
- b) No person may be ordered to be isolated, and no place may be ordered to be quarantined, except with the consent of such person or owner of such place or upon the order of a court of competent jurisdiction and upon proof by the Department or certified local health department, by clear and convincing evidence, that the public's health and welfare are significantly endangered by a person with syphilis, gonorrhea, chlamydia or chancroid or by a place where there is a significant amount of sexual activity likely to spread syphilis, gonorrhea, chlamydia or chancroid, and upon proof that all other reasonable means of correcting the problem have been exhausted and no less restrictive alternative exists. (Section 7(b) of the Act)

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- 1) A "significant danger to the public's health", for purposes of this Section, means that the continued operation or existence of the place in question would result in irreparable injury to individuals engaging in sexual activity at that place.
 - 2) The order and procedure for quarantine and isolation for purposes of this Section shall be the same as the order and procedure for quarantine and isolation set forth in 77 Ill. Adm. Code 690.1330 (Control of Communicable Diseases Code).
 - 3) Any person who knowingly or maliciously disseminates any false information or report concerning the existence of syphilis, gonorrhea, chlamydia or chancroid in connection with the Department's power of quarantine and isolation is guilty of a Class A misdemeanor. (Section 7(d) of the Act)
- a) ~~When a Local Health Authority, Designated Agency or the Department, where applicable, knows or has reason to believe, because of medical or epidemiological information, that a person within its jurisdiction is a Noncompliant STD Carrier, it shall initiate and document all reasonable efforts to obtain the voluntary cooperation of such person for appropriate counseling, education and cessation of noncompliant behavior.~~
 - b) ~~A "Noncompliant STD Carrier," for purposes of this Section, means a person who is infected with syphilis, gonorrhea, chlamydia, or chaneroid is presently capable of infecting others, and is engaging in conduct or activities that place others at risk of exposure to the STD.~~
 - e) ~~If all attempts at voluntary cooperation have failed to the extent that the noncompliant individual continues to engage in conduct or activities which place others at risk of exposure to the STD, the Local Health Authority or Designated Agency when it determines that it has explored and exhausted all possible reasonable means to obtain compliance may request the Department to seek a court order, pursuant to Section 7(b) of the Act, for isolating such person into a restricted environment until such time as the individual is no longer clinically capable of infecting others or has demonstrated a willingness and ability as shown by reported acts and statements of intention to refrain from behavior that places others at risk of exposure to the STD. The Department may also seek such a court order on its own initiative.~~

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- d) ~~The provisions of this Section shall also apply to cases in which an isolation order is being sought concurrently with an examination or medical treatment order, when the Department can demonstrative by clear and convincing evidence that treatment must be initiated in a restricted environment because the individual cannot or will not refrain from conduct or activities which place orders at risk of exposure to the STD.~~

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

Section 693.70 Counseling and Education for AIDS and HIV (Repealed)

- a) ~~Concurrent with or in addition to the contact interview and investigation process, a Local Health Authority, Designated Agency or the Department, where applicable, shall:~~
- ~~1) Attempt to determine whether an identified person within its jurisdiction whose laboratory test or clinical diagnosis indicates HIV infection or who has been exposed to HIV infection has received appropriate counseling and preventive education;~~
 - ~~2) If the individual has received such counseling and education, attempt to determine whether the individual has responded to that counseling and education to the extent that the person does not present a real danger to the public health by determining whether the person is engaging in conduct or activities which place others at risk of infection with HIV;~~
 - ~~3) If counseling and education had not been received, request that individual to report for such counseling and education at specific dates, times and locations or otherwise submit verifiable proof of such counseling by a specific date, and to complete any follow-up counseling prescribed by treatment personnel;~~
 - ~~4) Document all successful and unsuccessful attempts to secure appropriate counseling and education for such an individual on a voluntary basis. Documentation shall include the dates, times, locations and forms of communications, including the individual's responses, and a detailed narrative of the process.~~

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- b) ~~A Local Health Authority or Designated Agency shall notify the Department of any case in which it:~~
- 1) ~~knows or believes on the basis of laboratory or epidemiologic evidence that a person within its jurisdiction is presently infected with HIV and infectious to others, is engaging in conduct or activities which place others at risk of exposure to HIV or has stated his or her intention to do so, and has refused the counseling and education which has been prescribed for the contagion control of HIV infection, and~~
 - 2) ~~has exhausted its means of obtaining compliance with this Section.~~
- e) ~~Upon receipt of such notification, the Department shall promptly investigate to determine whether adequate grounds exist for seeking a court-issued warrant for ordering such individual to undergo counseling and education pursuant to Section 6(e) of the Act. The Department shall also seek such a warrant, if appropriate, in cases not assigned to a Local Health Authority or Designated Agency.~~

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

Section 693.80 Isolation for AIDS and HIV (Repealed)

- a) ~~When a Local Health Authority, Designated Agency or the Department, where applicable, knows or has reason to believe, because of medical or epidemiological information, that a person within its jurisdiction is a Noncompliant HIV Carrier, it shall initiate and document all reasonable efforts to obtain the voluntary cooperation of such person for appropriate counseling, education, and cessation of noncompliant behavior, and shall pursue court-ordered counseling as described in Section 693.70(e) of this Part.~~
- b) ~~A "Noncompliant HIV Carrier," for purposes of this Section, means a person who knows or has reason to know that he or she is infected with HIV and is presently capable of infecting others, yet is engaging in conduct or activities which place others at risk of exposure to HIV infection, as demonstrated by one or more of the following:~~
- 1) ~~Selling or donating blood, sperm, organs or other tissues or bodily fluids,~~
 - 2) ~~Attempting, offering or soliciting to engage in sexual activities of a nature~~

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~~likely to transmit HIV,~~

- ~~3) Engaging in sexual activities of a nature likely to transmit HIV,~~
 - ~~4) Sharing intravenous drug needles with another person, or~~
 - ~~5) Actions or statements by the individual that are clear and credible indicators of his or her intention or substantial likelihood to place others at risk of exposure to HIV infection, such as a reasoned statement of intent to perform a specific action in order to infect another person.~~
- e) ~~If all attempts at voluntary cooperation have failed to the extent that the noncompliant individual continues to engage in conduct or activities which place others at risk of exposure to HIV infection, the Local Health Authority or Designated Agency when it determines that it has explored and exhausted all possible reasonable means to obtain compliance may request the Department to seek a court order, pursuant to Section 7(b) of the Act, for isolating such person into a restricted environment until such time as he or she has demonstrated a willingness and ability as shown by reported acts and statements of intention to refrain from behavior which places others at risk of exposure to HIV infection. The Department may also seek such a court order on its own initiative.~~

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

Section 693.90 Quarantine (Repealed)

- a) ~~When a Local Health Authority, Designated Agency or the Department, where applicable, knows or has reason to know, because of medical or epidemiological information, that *the Public's Health and Welfare are significantly endangered by a place within its jurisdiction where there is a significant amount of sexual activity* or a significant amount of intravenous drug needle sharing activity *likely to spread a sexually transmissible disease*, it shall initiate and document all reasonable efforts, such as correspondence and/or personal meetings to discuss the problem and request assistance from the owner to eliminate the problem to obtain the voluntary cooperation of the owner of such a place to correct the problem in such a manner that a significant danger to the public's health no longer exists. *A significant amount of sexual activity* or needle contact shall be deemed to exist when such acts occur repeatedly despite reasonable efforts to correct the situation. (Section 7(a) of the Act).~~

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- b) ~~A "significant danger to the public's health," for purposes of this Section, means that the continued operation or existence of the place in question would result in irreparable injury to individuals engaging in sexual or needle-sharing activity at that place.~~
- e) ~~If such attempts at voluntary cooperation have failed to the extent that a significant danger to the public's health still exists at a place where there is a significant amount of sexual activity likely to spread a sexually transmissible disease, the Local Health Authority or Designated Agency may request the Department to promptly investigate to determine whether adequate grounds exist for seeking a court order, pursuant to Section 7(b) of the Act, for quarantining such place and making it off limits to the public until such time as the condition can be corrected so that a significant danger to the public's health no longer exists. The Department may also seek such an order on its own initiative in areas not served by Local Health Authorities or Designated Agencies (Section 7 (b) of the Act).~~
- d) ~~If such attempts at voluntary cooperation have failed to the extent that a significant danger to the public's health still exists at a place where there is a significant amount of intravenous drug needle-sharing activity likely to spread a sexually transmissible disease, the Local Health Authority or Designated Agency may request the Department to promptly investigate to determine whether adequate grounds exist for quarantining such place and making it off limits to the public until such time as the condition can be corrected so that a significant danger to the public's health no longer exists. The Department may issue a quarantine order in such a case pursuant to its supreme authority in matters of quarantine. (Section 22 of "AN ACT in relation to public health" (Ill. Rev. Stat. 1987, ch. 111½, par. 22.))~~

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

Section 693.100 Confidentiality

- a) ~~All information and records held by the Department and local health departments or designated agents~~its authorized representatives~~ relating to known or suspected cases of STIs~~sexually transmissible diseases~~ shall be strictly confidential and exempt from inspection and copying under the Freedom of Information Act. The Department and local health departments or designated agents~~its authorized~~~~

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~~representatives~~ shall not disclose information and records held by them relating to known or suspected cases of ~~STIssexually transmissible diseases~~ publicly or in any action of any kind in any court or before any tribunal, board or agency. (Section 8(a) of the Act)

- b) Such information shall not be released or made public by the Department, local health departments or designated agents, or ~~its authorized representatives~~, by a court or parties to a lawsuit upon revelation by subpoena, or by a court conducting proceedings authorized by ~~subsection (c) of~~ Section 6(c) of ~~the~~ the Act, except that release of such information may be made under the following circumstances:
- 1) When made with the consent of all persons to which the information applies (Section 8(a)(1) of the Act);~~;~~
 - 2) When made for statistical purposes and medical or epidemiologic information is summarized so that no person can be identified and no names are revealed (Section 8(a)(2) of the Act);~~;~~
 - 3) When made to medical personnel, appropriate ~~State~~ state agencies, such as the Department of Children and Family Services, or courts of appropriate jurisdiction to enforce the provisions of ~~the~~ the Act and ~~this Part~~ this Part (Section 8(a)(3) of the Act);~~;~~
 - 4) ~~When made to persons determined by the Department to be or have been at potential risk of HIV transmission pursuant to Section 5.5 of the Act (Section 8(a)(4) of the Act);~~
 - 4)5) When authorized by 77 Ill. Adm. Code 697.210 (HIV/AIDS Confidentiality and Testing Code); ~~the HIV/AIDS Registry System regulations (see 77 Ill. Adm. Code 697.210);~~
 - 5)6) When authorized by the AIDS Confidentiality Act; ~~(see 77 Ill. Adm. Code 697.140);~~
 - 6)7) When made to a school principal pursuant to 77 Ill. Adm. Code Section 697.400 of the (HIV/AIDS Confidentiality and Testing Code); ~~(see 77 Ill. Adm. Code 697.400).~~

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- c) *A court hearing a request for the issuance of a warrant as authorized in ~~subsection (e) of~~ Section 6(c) of ~~the~~ the Act shall conduct such proceedings in camera. A record shall be made of authorized proceedings but shall be sealed, impounded and preserved in the records of the court, to be made available to the reviewing court in the event of an appeal. (Section 8(c) of the Act)*
- d) *No employee of the Department, a local health department or designated agent ~~or its authorized representatives~~ shall be examined in a civil, criminal, special or other proceeding concerning the existence or contents of pertinent records of a person examined, tested, or treated for an STI, a sexually transmissible disease or a contact of the person, by the Department, a local health department or designated agent ~~or its authorized representative~~ pursuant to the provisions of ~~the~~ the Act, or concerning the existence or contents of such reports received from a health care professional or private physician or private health care facility, pursuant to the provisions of ~~the~~ the Act, without the consent of the person examined, tested or ~~and~~ treated, or a contact to an STI for such a disease, except in proceedings under Sections 6 and 7 of ~~the~~ the Act. (Section 8(d) of the Act)*
- e) *~~All~~ information and records held by the Department, a local health department or designated agent ~~and Local Health Authorities~~ pertaining to health care contact risk assessment and notification activities shall be strictly confidential and exempt from copying and inspection under the Freedom of Information Act. Such information and records shall not be released or made public by the Department, a local health department or designated agent ~~or Local Health Authorities~~, and shall not be admissible as evidence, nor discoverable in any action of any kind in any court or before any tribunal, board, agency or person and shall be treated in the same manner as the information and those records subject to the provisions of Part 21 of the Code of Civil Procedure except under the following circumstances (~~Section 5.5 of the Act~~):*
- 1) *When disclosure is made with the written consent of all persons to whom this information pertains;*
 - 2) *When authorized under Section 8 of the Act to be released under court order or subpoena pursuant to Section ~~12-5.01~~ 12-16.2 of the Criminal Code of 1961; or*
 - 3) *When disclosure is made by the Department for the purpose of seeking a warrant authorized by Sections 6 and 7 of the Act. Such disclosure shall*

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conform to the requirements of ~~subsection (a) of~~ Section 8(a) of the Act.
(Section 5.5 of the Act)

- f) Any person who knowingly or maliciously disseminates any information or report concerning the existence of any disease under Section 5.5 of the Act is guilty of a Class A Misdemeanor. (Section 5.5(d) of the Act)

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

Section 693.110 Examination and Treatment of Prisoners

- a) A local health department~~Local Health Authority~~, or the Department, ~~where applicable~~, may enter any State, county or municipal detention facility located within its jurisdiction, for the purpose of interviewing, examining, testing or treating any prisoner, detainee or parolee known to have or suspected of having an STI/STD. ~~A Any such~~ detention facility shall cooperate with the local health department~~Local Health Authority~~, or the Department, ~~where applicable~~, and provide ~~the such~~ space ~~as is~~ necessary for interviewing, examining, testing or treating any prisoner, detainee or parolee known or suspected of having an STI, the examinations and treatments.
- b) Interviewing, Such examination, testing or and treatment shall be voluntary on the part of the prisoner, detainee or parolee, unless the Department obtains a court-issued warrant ~~is obtained by the Department~~ pursuant to Section~~Sections~~ 693.50 ~~or 693.70~~ of this Part. In cases of noncompliant behavior, the Department may also seek court-ordered isolation pursuant to Section~~Sections~~ 693.60 ~~or 693.80~~ of this Part.
- c) Any health care professional~~The reporting requirements of Section 693.30 of this Part shall be followed by any physician~~ attending or examining prisoners, detainees or parolees at ~~these~~ detention facilities shall follow the reporting requirements of Section 693.30 of this Part, except that reporting to the local health department~~Local Health Authority~~, or Department, where applicable, shall be made within seven days after diagnosing or treating a reportable STI/STD. The superintendent or other administrator of ~~the such~~ detention facility shall provide the health care professional~~physician~~ with all reportable information required by the report form or this Part, to ensure~~insure~~ that a complete report is filed with the appropriate health authority.

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- d) *Nothing in this Section shall be construed as relieving the Department of Corrections or any county or municipality of their primary responsibility for providing medical ~~services~~treatment for prisoners under their jurisdiction, including treatment for ~~STIs, sexually transmissible diseases~~ (Section 9(b) of the Act)-*
- e) ~~Subsections~~AGENCY NOTE: ~~The provisions of Section 693.110 (a) and (b) do not apply to any examination, testing or treatment performed pursuant to Section 5-5-3(g) or (h) of the Unified Code of Corrections [730 ILCS 5/5-5-3]. Section 5-5-3 of the Unified Code of Corrections requires HIV testing of~~ ~~defendants~~defendants convicted under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, or Section 1 or 2 of the Hypodermic Syringes and Needles Act ~~[720 ILCS 635/1 or 2].~~

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

Section 693.120 Certificate of Freedom from ~~STIs~~STDs

No ~~health care professional, local health department, designated agent~~physician, ~~Local Health Authority, Designated Agency~~ or other person, including the Department, shall issue certificates of freedom from ~~STIs~~STDs to or for any person, ~~except as designated by law or by this Part.~~

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

Section 693.130 Treatment of Minors

~~A minor~~ ~~Any person twelve (12) years of age or older who may have come in contact with any~~ ~~STI~~STD may give consent to medical care ~~and/or~~ counseling related to the diagnosis or treatment of ~~an STI~~such disease. ~~[40 ILCS 210/4]~~(~~"AN ACT in relation to the performance of medical, dental or surgical procedures on and counseling for minors" (Ill. Rev. Stat. 1987, ch. 111, par. 4504.)~~)

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

Section 693.140 Control Measures ~~(Repealed)~~

- a) ~~The STDs designated pursuant to this Part have the following incubation periods:~~

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- 1) ~~Syphilis: 10 to 90 days, usually 21 days;~~
 - 2) ~~Gonorrhea: Usually 2 to 15 days, sometimes 30 days longer;~~
 - 3) ~~Chlamydia: Unknown;~~
 - 4) ~~AIDS: Unknown — may be several months to several years;~~
 - 5) ~~HIV infection: Seroconversion usually occurs several weeks to six months after infection, sometimes one year or longer;~~
 - 6) ~~Chancroid: 3 to 5 days, may be up to 14 days;~~
 - 7) ~~Ophthalmia Neonatorum: usually 36 to 48 hours.~~
- b) **Disinfection**
- 1) ~~AIDS/HIV: Concurrent disinfection is required of equipment contaminated by blood, secretions and excretions;~~
 - 2) ~~Syphilitic infants: Cases with florid eruptions are infectious and appropriate precautions and disinfection procedures are required in accordance with CDC Guidelines for Isolation Precautions in Hospitals (See 77 Ill. Adm. Code 690.1000 (d)(1));~~
 - 3) ~~Other STDs: Concurrent disinfection of abnormal discharges and secretions is required;~~
 - 4) ~~"Disinfection" means the inactivation of potentially harmful microorganisms;~~
 - 5) ~~Ophthalmia Neonatorum (Gonococcal):~~
 - A) ~~Isolation is required for the first 24 hours after administration of antibiotic;~~
 - B) ~~Concurrent disinfection is accomplished by care in disposal of conjunctival discharges and articles soiled therewith;~~

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- ~~C) Terminal cleaning is required.~~
- e) ~~Special precautions for AIDS and HIV infection~~
- 1) ~~Health care personnel and others who provide direct patient care providing care to persons with AIDS or HIV infection in facilities such as hospitals, nursing homes, alcoholism treatment or mental health facilities, through outpatient or home health services, shall observe those protective measures as described in the publication "Recommendations for Prevention of HIV Transmission in Health Care Settings" (Centers for Disease Control and Prevention, MMWR 1987, vol. 36, Suppl. no. 25, pages 3S-18S) and the "Joint Advisory Notice, Department of Labor/Department of Health and Human Services, HBV/HIV" Federal Register, Vol. 52, No. 210, pp. 41818-41823, October 30, 1987.~~
- 2) ~~Persons with AIDS, HIV infection or increased risk of HIV infection are prohibited from donating blood, plasma, body organs, other tissues or sperm, except for the limited purposes of autologous transfusion, installation, transplantation or injection, or for medical research. Individuals with increased risk of HIV infection include:~~
- A) ~~Persons who have signs and symptoms suggestive of AIDS (e.g. a combination of two or more of the following: unexpected weight loss of greater than 10% of body weight, chronic fever, chronic lymphadenopathy, night sweats or chronic diarrhea);~~
- B) ~~Persons who have had sexual contact with HIV-infected persons;~~
- C) ~~Males who have had sexual contact with a male anytime since 1977;~~
- D) ~~Persons who have immigrated anytime since 1977 from countries where heterosexual activity is thought to play a major role in transmission of HIV infection, such as Central Africa and Haiti as recognized by the Centers for Disease Control and Prevention;~~
- E) ~~Persons who are, or have been, present or past drug users by self-injection;~~

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- F) ~~Hemophiliacs; or~~
- G) ~~Current or former sexual partners of any of the persons listed in this subsection (c)(2).~~
- 3) ~~Blood and plasma collection centers, and organ, tissue and sperm banks shall advise prospective donors that persons with AIDS, HIV infection or increased risk of HIV infection shall not donate blood, plasma, body organs, other tissues or sperm, except for autologous or medical research purposes.~~
- 4) ~~When a patient with AIDS or HIV infection or any *infectious or communicable disease that could be transmitted through contact with the person's body or bodily fluids* dies, the body shall be labeled "*infectious hazard*" or with an equivalent term to inform any funeral director, embalmer or other person having subsequent contact with the body, to take suitable precautions.~~
- A) ~~If an equivalent term is used, it shall not include the words "AIDS", "Acquired Immunodeficiency Syndrome", "ARC", "AIDS related complex", "HIV", "Human Immunodeficiency Virus," or other terms synonymous with AIDS, ARC, or HIV. *The label shall be prominently displayed on and affixed to the outer wrapper or covering of the body if the body is covered or wrapped in any manner.*~~
- B) ~~When death occurs in a health care facility, the Administrator shall designate a staff member to assure responsibility for such labeling. In all other cases, the attending physician or coroner who certifies the death shall assume responsibility for such labeling. (Section 7 of the Department of Public Health Act [20 ILCS 2305/7])~~
- 5) ~~Providers of health care services to the following persons are encouraged to counsel the client or patient on the risks of HIV infection and offer testing for HIV infection, or refer the client or patient to an appropriate local public agency for this purpose:~~
- A) ~~Persons diagnosed with an STD, or attending an STD clinic;~~

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- ~~B) Persons being treated for, or applying for treatment of drug addiction;~~
 - ~~C) Women attending family planning programs or contemplating pregnancy; and~~
 - ~~D) Persons with increased risk of HIV infection (See Section 693.140(c)(2)(A) through (G) of this Part.).~~
- 6) ~~When a child with AIDS or HIV infection attends school, the Guidelines for Management of Chronic Infectious Diseases in School Children should be observed.~~
- d) ~~Special control measures for ophthalmia neonatorum~~
- ~~1) *It shall be the duty of any physician, midwife or nurse who attends or assists at the birth of a child, to instill or have instilled in each eye of the new born baby, as soon as possible and not later than one hour after birth, a one percent (1%) solution of silver nitrate or some other equally effective prophylactic for the prevention of ophthalmia neonatorum approved by the State Department of Public Health. (Section 3 of the Infant Eye Disease Act [410 ILCS 215/3])*~~
 - ~~2) The Department approves 1% silver nitrate solution or ophthalmic ointment or drops containing tetracycline or erythromycin as a prophylactic for ophthalmia neonatorum.~~
 - ~~3) It is the duty of all hospitals and places of childbirth to maintain records of cases of ophthalmia neonatorum pursuant to 77 Ill. Adm. Code 250.1830(i)(4)(B).~~
 - ~~4) If gonorrhea is suspected, antepartum treatment of the mother is recommended.~~
 - ~~5) The local health authority shall investigate the source of infection pursuant to Section 693.40(a) of this Part.~~

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

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- 1) Heading of the Part: Structural Pest Control Code
- 2) Code Citation: 77 Ill. Adm. Code 830
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
830.20	Amend
830.100	Amend
830.110	Amend
830.180	Amend
830.200	Amend
830.210	Amend
830.220	Amend
830.300	Amend
830.460	Repeal
830.470	New
830.600	Amend
830.630	Amend
830.640	Amend
830.700	Amend
830.710	Amend
830.820	Amend
830.2000	New
830.2100	New
830.2200	New
830.2300	New
830.2400	New
830.2500	New
- 4) Statutory Authority: Structural Pest Control Act [225 ILCS 235]
- 5) A Complete Description of the Subjects and Issues Involved: Sections 830.20 and 830.820 will reference the Electronic Commerce Security Act. Section 830.820 will also be amended to require the time of the pesticide application on pesticide application records.

Sections 830.100 and 830.110 will clarify the requirements for obtaining an initial license or registration; Section 830.300 will clarify requirements for obtaining and maintaining reciprocal certification; and Section 830.180 will clarify the license and registration renewal requirements, including the timelines for imposing late fees and when licenses

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and registrations are no longer subject to renewal. Section 830.210 will indicate when late fees are due for licenses, registrations and certification renewals.

Section 830.460, regarding an applicant's ability to review his or her examination, will be repealed to protect the examination confidentiality. Section 830.470 will list requirements that applicants must follow if they are unable to attend an examination.

Sections 830.200, 830.220 and 830.630 will be amended to increase the minimum number of classroom hours required for continuing education from seven hours to nine hours and to indicate that seminars may be in increments of three hours or more. Sections 830.600 and 830.640 will list additional sponsor requirements for approving pest control training seminar courses to be attended by certified technicians. Section 830.700 will update reference to the Department's administrative hearing rules.

Section 830.710 will indicate those subject to administrative fines under the Act and Code and to establish a classification for violations of stop sale and use orders issued by the Department, as well as violations of pesticide notification and other integrated pest management requirements of the Act.

Sections 830.2000 through 830.2500 will be added under a new Subpart J to include specific integrated pest management course requirements to be consistent with the Act.

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: None
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No

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- 11) Statement of Statewide Policy Objectives: This rulemaking will expand a State mandate. Certified individuals will probably have to pay additional seminar registration and travel costs to meet the increase in classroom hours. Some public schools and licensed day care centers will probably have to pay for course registration and travel costs. Applicants who fail to notify the Department and attend an examination will need to file another application and pay a fee.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield, Illinois 62761

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

This rulemaking may have an impact on small businesses. In accordance with Section 5-30 of the Illinois Administrative Procedure Act, any small business may present comments in writing to Susan Meister at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate its status as such, in writing, in the comments.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Public schools and licensed day care centers required to attend training; certified individuals working for structural pest control businesses, state/local/municipal health departments and county housing authorities.
- B) Reporting, bookkeeping or other procedures required for compliance: Minor additions to Section 830.820 concerning pesticide application record requirements are included in this rulemaking. Certified technicians will need to comply with the additional new requirements when finalized.

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- C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2012

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

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER 0: PEST CONTROLPART 830
STRUCTURAL PEST CONTROL CODESUBPART A: GENERAL [PROVISIONS](#)

Section

830.10 Definitions

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[830.2500](#) [Alternative Methods of Training](#)

830.ILLUSTRATION A Warning Sign – Pesticide Treatment & Ventilation

830.ILLUSTRATION B Restricted Use Pesticide Sign

830.TABLE A Schedule of Administrative Fines

AUTHORITY: Implementing and authorized by the Structural Pest Control Act [225 ILCS 235], Illinois Pesticide Act [415 ILCS 60] and Sections 3.2 and 14.6 of the Environmental Protection Act [415 ILCS 5/3.2 and 14.6].

SOURCE: Adopted at 2 Ill. Reg. 19, p. 159, effective May 3, 1978; codified at 8 Ill. Reg. 18492; emergency amendment at 10 Ill. Reg. 17812, effective September 28, 1986, for a maximum of 150 days; emergency amendment expired on February 24, 1987; amended at 11 Ill. Reg. 7736, effective April 15, 1987; amended at 13 Ill. Reg. 2090, effective February 3, 1989; emergency amendments at 14 Ill. Reg. 1036, effective December 22, 1989, for a maximum of 150 days; emergency amendment expired on May 21, 1990; amended at 14 Ill. Reg. 12889, effective August 1, 1990; amended at 16 Ill. Reg. 11612, effective July 6, 1992; amended at 18 Ill. Reg. 14404, effective September 15, 1994; amended at 21 Ill. Reg. 15010, effective November 10, 1997; amended at 23 Ill. Reg. 5620, effective May 1, 1999; amended at 25 Ill. Reg. 8303, effective June 25, 2001; amended at 36 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL [PROVISIONS](#)**Section 830.20 Referenced Materials**

~~The following State and federal laws and State rules are referenced in this Part:~~

a) The following State laws are referenced in this Part:

- 1) Illinois Pesticide Act [415 ILCS 60] (Sections 830.710 and 830.860);
- 2) Structural Pest Control Act [225 ILCS 235] (Section 830.10);
- 3) Illinois Groundwater Protection Act [415 ILCS 55] (Sections 830.10 and 830.1100);
- 4) Environmental Protection Act [415 ILCS 5] (Sections 830.10, 830.1000 and 830.1100);

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5) [Electronic Commerce Security Act \[5 ILCS 175\] \(Section 830.820\)](#)

b) The following State [administrative](#) rules are referenced in this Part:

- 1) Illinois Pesticide Act (8 Ill. Adm. Code 250) promulgated by the Illinois Department of Agriculture (Section 830.860);
- 2) ~~Rules of~~ Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) promulgated by the Illinois Department of Public Health (Section 830.700);
- 3) Illinois Plumbing Code (77 Ill. Adm. Code 890) promulgated by the Illinois Department of Public Health (Section 830.800);
- 4) Existing Activities ~~in a~~[In A](#) Setback Zone ~~or~~[Or](#) Regulated Recharge Area (35 Ill. Adm. Code 615) promulgated by the Illinois Pollution Control Board (Section 830.1000);
- 5) New Activities ~~in a~~[In A](#) Setback Zone ~~or~~[Or](#) Regulated Recharge Area (35 Ill. Adm. Code 616) promulgated by the Illinois Pollution Control Board (Section 830.1000);
- 6) Minimal Hazard Certification (35 Ill. Adm. Code 670) promulgated by the Illinois Pollution Control Board (Section 830.1000);
- 7) Cooperative Groundwater Protection Program (8 Ill. Adm. Code 257) promulgated by the Illinois Department of Agriculture (Section 830.1000);

c) The following federal laws are referenced in this Part:

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 USC 136 et seq.) also referred to as the Federal Environmental Pesticide Control Act of 1972 (Sections 830.10, 830.710 and 830.860);

d) ~~All incorporations by reference refer to the materials on the date specified and do not include any additions or deletions subsequent to the date specified.~~

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

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SUBPART B: LICENSURE AND CERTIFICATION~~GENERAL~~ REQUIREMENTS**Section 830.100 License Application for Commercial Structural Pest Control Business Location**

- a) Any person who engages in commercial structural pest control at or from any commercial structural pest control business location in Illinois, or from a location outside the State and doing business within Illinois, shall be required to obtain a business license from the Department.
- b) To obtain a business license, an applicant ~~shall~~must first meet the certification requirements of the Act and this Part and:
- 1) Complete the Structural Pest Control Business License Application~~structural pest control business license application~~ (Form IL 482-0156);
 - 2) Obtain a certificate of insurance with general liability insurance coverage in accordance with Section 9**(b)** of the Act and Sections 830.250 and 830.260 of this Part;
 - 3) Pay the required ~~license~~-fee for an original commercial structural pest control business license as specified in Section 9**(a)** of the Act and on the application; and
 - 4) Submit the ~~above~~-items in subsections (b)(1) through (3) to the Department.
- c) The license shall be available to any individual desiring to perform structural pest control services for hire who employs at least one Illinois certified structural pest control technician at the business location to oversee pest control activities, which may include the use of general use pesticides (restricted use pesticides if ~~qualified~~qualified under Section 5B of the Act) as long as the requirements of the Act and this Part are met. All licenses shall be issued to the owner named in the application, and are not transferable or assignable.

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

Section 830.110 Registration Application for Non-Commercial Structural Pest Control

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Location

- a) Any person who engages in non-commercial structural pest control using restricted pesticides, at or from any non-commercial structural pest control location, shall be required to obtain a non-commercial structural pest control registration from the Department prior to the ~~application~~~~applicition~~ of any restricted pesticide by ~~thesaid~~ person or facility.
- b) To obtain a location registration, an applicant ~~shall~~~~must~~ first meet the restricted use certification requirements of the Act and this Part and:
- 1) Complete the Non-commercial Structural Pest Control Business Application~~non-commercial structural pest control business application~~ (Form IL 482-0157) (Form IL 482-0159 if facility is State~~state~~, federal or unit of local government);
 - 2) Pay any applicable ~~registration~~ fee for an original non-commercial structural pest control business registration in accordance with Section~~Section~~ 9(a) and 22 of the Act; and
 - 3) Submit the forms and applicable fees to the Department in accordance with Sections 9(2) and 22 of the Act.
- c) The registration shall be available to any non-commercial structural pest control location where restricted pesticides will be ~~used~~~~utilized~~ by Illinois structural pest control technicians employed at the location and certified (in accordance with the Act and this Part) by the Department to use restricted pesticides. All registrations shall be issued to the owner named in the application; and are not transferable or assignable.

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

Section 830.180 License and Registration Renewals

- a) Renewal applications will be mailed to all licensees and registrants at least 30 days prior to December 1 of each calendar year.
- b) The licensee or applicant shall review the renewal application~~Renewal applications shall be reviewed~~ for accuracy ~~by the licensee or registrant~~. The

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following information shall be recorded where indicated on the ~~back of the~~ renewal application before the application is being submitted to the Department:

- 1) Any changes in business name (that do not result in a change in ownership) and mailing, ownership or location address. If there is a change in the location address, the current business license or registration shall be attached to the renewal application and submitted with the fee for replacement of a license or registration prescribed in Section 9(a) of the Act;
 - 2) The signature of the location manager/owner; and-
 - 3) The signature and certification number (i.e., 052-) of a technician (certified in accordance with Section 5 of the Act and this Part) employed at the business location processing a certificate expiring beyond the license or registration renewal period. A technician possessing a certificate expiring at the same time as the business license or registration may sign the renewal, provided that providing the technician certificate is renewed prior to, or at the same time as, the business license or registration.
- c) If a renewal application is filed in a timely and sufficient manner, the Department will process the application, and the current license or registration shall continue in effect until the Department issues either a new license or registration or a Final Order denying the application. ~~Renewal applications shall be filed with the Department prior to December 1 of each year.~~
- d) For the purposes of this Section, a timely and sufficient manner means that: A license/registration shall be issued providing:
- 1) The renewal application is postmarked no later than December 1 of the year of license or registration expiration; ~~the business employs at least one Illinois certified technician at the business location (registrants are required to employ at least one Illinois certified technician at any location where restricted pesticides are utilized);~~ and
 - 2) The Department receives the completed renewal application (in accordance with Section 830.180(b) of this Part) and appropriate renewal (and any replacement of license or registration) fee as set forth in Section

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9(a) of the Act ~~is received by the Department~~; and

- 3) ~~A~~ A valid certificate of insurance is on file with the Department (or attached to the renewal) ~~that~~which provides the minimum liability insurance requirements ~~as~~ detailed in Section 9(b) of the Act and Sections 830.250 and 830.260 of this Part (not applicable for registrants). The certificate of insurance form is available on the Structural Pest Control web page at: <http://www.idph.state.il.us/envhealth/structuralpest.htm>; and
 - 4) ~~there has been no change in the ownership of the business; and~~
 - 5) ~~the Department has no other grounds for denying the application pursuant to Section 13 of the Act or this Part.~~
- e) A renewal application that does not comply with subsections (d)(2) and (d)(3) of this Section shall be considered insufficient and shall be returned to the applicant, and the current license or registration shall lapse on the December 31 expiration date. Renewal applications filed with the Department postmarked after December 31 of each year, or renewal applications filed with the Department but not renewed by the Department prior to December 31 of the year of expiration because they were submitted in violation of this Part, shall be assessed a late filing charge in accordance with Section 9 of the Act and Section 830.210 of this Part.
- f) The Department will process a renewal application that is sufficient but not timely (filed with the Department postmarked after December 1 up to and including December 31), but the current license or registration shall lapse on the December 31 expiration date. The application shall be accompanied by the required late filing charge prescribed in Section 9(a) of the Act.
- g) No license or registration shall be renewed after the December 31 expiration date. Renewal applications postmarked after December 31 will be subject to the requirements and fees for obtaining an original commercial or non-commercial structural pest control business license or registration as detailed in Section 830.100 or 830.110 of this Part.
- h) Renewal applications shall not be used to obtain a license or registration when there has been a change in ownership. For a change in business ownership, the application for a Commercial (or Non-commercial) Structural Pest Control

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[Business Location License \(or Registration\) and the Change of Business Ownership forms shall be completed and mailed to the Department in accordance with Sections 830.180 \(or 830.110\) and 830.190 of this Part in lieu of the renewal application. Forms may be obtained from the Structural Pest Control web page at: http://www.idph.state.il.us/envhealth/structuralpest.htm.](http://www.idph.state.il.us/envhealth/structuralpest.htm)

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

Section 830.200 Certification Renewals

- a) Renewal applications will be mailed to all certified technicians in possession of a valid structural pest control technician certificate at least 30 days prior to December 1 during the year of certification expiration, provided that the following items are on file with the Department by October 1 of that year:
 - 1) A valid, current home address; and
 - 2) Verification of [attendance at a minimum of nine classroom contact hours, in increments of three hours or more, at Department-approved pest control training seminars](#)~~attendance at the required number of recertification seminars~~ during the certification period.
- b) A certified technician who does not receive a renewal application pursuant to subsection (a) of this Section may obtain one by submitting a written request to the Department [after the requirements of Section 830.200\(a\) of this Part have been met.](#)
- c) [The certified technician shall review the renewal application](#)~~Renewal applications shall be reviewed~~ for accuracy~~by the certified technician.~~ Any changes of employment, name, or home [or mailing](#) address shall be recorded where indicated on the renewal application.
- d) If a renewal application is filed in a timely and sufficient manner, ~~it will be processed by~~ the Department [will process the application,](#) and the current certification shall continue in ~~full force and~~ effect until the Department issues either a certification renewal or a Final Order denying the application.
- e) For [the](#) purposes of this Section, a timely and sufficient manner means that:

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- 1) ~~The~~ application is postmarked no later than December 1 of the year of certification expiration;
 - 2) ~~The~~ application is on made using the Department's technician renewal form;
 - 3) The child support section of the application has been completed and the application ~~is~~ signed and dated by the certified technician;
 - 4) ~~A~~ check or money order for the renewal fee required by Section 9(a) of the Act is enclosed; ~~and~~
 - 5) ~~Documentation~~ documentation of attendance at a minimum of nine classroom contact hours, in increments of three hours or more, attending at least one Department approved pest control training ~~seminar~~ seminar during the ~~three~~ 3 years prior to the renewal application is either on file with the Department or enclosed with the renewal application; ~~and~~.
 - 6) A current 2-inch by 2-inch head and shoulders color photograph of the applicant printed on photographic paper is attached to the application or on file with the Department.
- f) A renewal application ~~that~~ which does not comply with ~~subsections~~ subsection (e)(2) through ~~(6)(5)~~ of this Section shall be considered insufficient and shall be returned to the applicant, and the current certification shall lapse on the December 31 expiration date.
- g) The Department will process a renewal application ~~that~~ which is sufficient but not timely (filed with the Department postmark after December 1) ~~shall be processed by the Department~~, but the current certification shall lapse on the December 31 expiration date. The application shall be accompanied by the required late filing charge prescribed in Section 9(a) of the Act. If such application is postmarked after December 31 of the year of expiration, the renewal fee shall include the late filing charge required by Section 9 of the Act and Section 830.210 of this Part in order to be considered a sufficient application.
- h) The Department's acceptance of an application as sufficient for processing shall not be construed as a determination of the merits of the application or the technician's qualifications for certification renewal.

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

Section 830.210 Late Filing Charge

- a) A late filing charge (see Section 9(a) of the Act) shall be assessed for any license, registration or certification renewal ~~that~~^{which} is not properly filed with the Department postmarked no later than the December 1 due date~~of expiration~~.
- b) A renewal is improperly filed when a license, registration, or technician certificate cannot be issued because the requirements of the Act and Sections 830.180 or 830.200 of this Part have not been fulfilled.

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

Section 830.220 Non-renewal of Technician Certificates

- a) Structural pest control technician certificates shall be renewed up to ~~one~~¹ year after expiration by paying the renewal fee, late filing charge (as required by Section 9(a) of the Act) and furnishing evidence of attendance at a minimum of nine classroom contact hours, in increments of three hours or more, at Department-approved participation at an approved pest control training seminars~~seminar~~. A certificate issued by the Department pursuant to this Section shall expire ~~three~~³ years ~~after~~^{from} the technician's original renewal date.
- b) Certificates lapsing more than ~~one~~¹ year but less than ~~five~~⁵ years after expiration shall be renewed only after the individual files an application for examination, pays all required fees (i.e., a total fee composed of the application, renewal and late filing fee) and successfully passes the certification examinations.
- c) No previously certified technician shall be allowed to attain certification without meeting the appropriate requirements as detailed in subsections~~subsections~~ (a) or (b) ~~above~~.

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

Section 830.300 Application for Certification in Illinois as a Structural Pest Control Technician by Reciprocity

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- a) An individual classified as a certified structural pest control technician, or applicator, in another state and who is not an Illinois resident, may obtain Illinois certification as a structural pest control technician provided that~~providing~~:
- 1) The state~~the State~~ in which the applicant is certified has certification requirements substantially equal to those of the State of Illinois; and
 - 2) The~~the~~ individual is~~was~~ a resident of the state where original certification was obtained and is still actively certified in that state.
- b) ~~An Illinois reciprocal certification shall be by examination unless a formal agreement exists between both states. In addition, an~~ individual shall only be allowed to obtain reciprocal certification only in the areas or categories for which he/she was certified by closed book examination in the other state.
- c) An applicant desiring to obtain reciprocal certification shall have the state in which he/she is certified submit a letter on agency letterhead to the Department that~~which~~ includes the following information:
- 1) Name and address of applicant;~~;~~
 - 2) Employer name and address;~~;~~
 - 3) Classification of certification (commercial for hire, commercial not-for-hire, etc.);~~;~~
 - 4) Certificate I.D. number and license I.D. number;~~;~~
 - 5) Date first certified/licensed;~~;~~
 - 6) Date of certification/license expiration;~~;~~
 - 7) Categories for which the individual is certified, along with a brief description of each category;~~;~~
 - 8) Overall certification status (legal action against certificate/license holder in the past or present, etc.); and~~;~~
 - 9) Whether the certification examination was an open book or closed book

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examination.

- d) An applicant who has received approval for reciprocal certification pursuant to this Section will then be required to complete the application~~applications~~ for certification as a structural pest control technician and submit the application and fee~~them~~ to the Department in accordance with Section 830.120.
- e) Reciprocal applicants shall maintain their certification in their resident state in order for their reciprocal certification to remain active in Illinois. Loss of certification in the reciprocal applicant's resident state for any reason shall also result in the loss of reciprocal certification in Illinois.
- f) Residents of Illinois shall not be allowed to obtain reciprocal certification in Illinois.
- g) Once an applicant receives reciprocal certification in Illinois, the applicant shall be subject to all of the requirements of the Act and this Part.

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

SUBPART C: EXAMINATIONS

Section 830.460 Examinee's Review of Examination (Repealed)

~~Applicants may review their examination(s) at the Department's office in Springfield, or at the Regional Office located near the applicant's home, on an individual basis and by appointment only. No person will be permitted to bring any paper, writing instrument or recording device into the review room, nor will anyone be allowed to copy any portion of the examination.~~

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

Section 830.470 Applicant Unable to Attend Scheduled Examination

- a) An applicant who is unable to attend a scheduled pest control certification examination shall provide written notification submitted by mail to, and received by, the Illinois Department of Public Health, Division of Environmental Health, 525 W. Jefferson Street, Springfield, Illinois 62761, or by e-mail to DPH.pestcontrol@Illinois.gov, at least two business days prior to the scheduled examination date.

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- b) An applicant who files written notification in accordance with this Part will receive no more than one excused absence from an examination per year.
- c) An applicant who fails to provide written notification in accordance with this Part and fails to attend the scheduled examination shall be required to file a new application and fee in accordance with Subpart B of this Part to be eligible to take an examination on another date.
- d) Written notification shall be sent to the Department's main office in Springfield by U.S. mail, by fax or by electronic mail as indicated on Department examination applications and correspondence.

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

SUBPART E: PEST CONTROL TRAINING SEMINARS (RECERTIFICATION)

Section 830.600 Application

- a) ~~To~~In order to satisfy the training seminar requirements of the Act pertaining to recertification (i.e., certification renewal), each educational institution or any other entity ~~that~~which has established or proposes to establish a recertification training seminar on structural pest control shall submit its program to the Department in writing for review and approval.
- b) ~~The~~Such request shall be submitted to the Department no later than four weeks prior to the date of the program. The program information shall include:
 - 1) ~~The~~ the title of ~~the~~ program;
 - 2) ~~Sponsor information, including name, address, telephone number, e-mail address (if available), and contact persons~~sponsor;
 - 3) ~~Dates and~~ the location of ~~the~~ program;
 - 4) ~~Type~~type of audience;
 - 5) ~~An agenda listing the~~ the title of each topic, ~~listing~~ speakers, and amount of time per topic, breaks, and start and end times;

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- 6) A brief description of each topic;
- 7) Background~~background~~ information and qualifications of each speaker; and
- 8) Total~~total~~ classroom contact hours excluding breaks (a classroom contact hour shall be composed of 60 minutes).
- c)9) Requirements for certification as a structural pest control technician (in accordance with Section 5 of the Act and Section 830.120 of this Part) shall be included in the program brochure if in the event Department approval for certification examinations is to be granted.
- d)e) Any seminar sponsor request for~~requesting~~ the Department's participation shall~~must~~ be submitted for approval no later than eight~~8~~ weeks prior to the meeting date.

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

Section 830.630 Pest Control Seminars

- a) Pest control recertification training seminars shall be in increments of three or more classroom contact hours~~a minimum of 1 day (7 classroom contact hours~~ excluding breaks) and shall cover one or more categories as outlined in Subpart D, Section 830.530.
- b) The seminar sponsor shall notify all interested participants of the seminar date or dates and location.
- c)b) Sponsors shall incorporate audio-visual aids, handouts ~~and~~/or demonstrations into their programs to help assure audience attentiveness and comprehension. In addition, a written evaluation form provided by the Department shall be included for completion by all participants. The sponsor shall use the evaluation form ~~shall be utilized by the seminar sponsor in order~~ to improve seminar content and presentation.
- e) ~~The seminar sponsor shall be responsible for notifying all interested participants of the seminar date(s) and location.~~

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

Section 830.640 Record of Completion

- a) Each educational institution or other entity whose pest control recertification training seminar has been approved by the Department shall issue a letter or certificate of completion to each enrollee or participant who successfully completes the seminar.
- b) Each educational institution or other entity shall maintain a copy of the typed list of individuals attending each seminar, which shall be signed by each attendee and shall include sign in/out times~~submit a copy of the letter or certificate for each individual who has successfully completed the seminar to the Department. The original~~A typed listing of those individuals who have satisfactorily completed the seminar ~~shall~~may be submitted to the Department and shall in lieu of a copy of the letter or certificate which was issued to the participant. The list shall include the following:
- 1) Information~~information~~ pertaining to the seminar (i.e., title, dates and locations of seminar and; sponsoring agency);
 - 2) Participant's~~participant's~~ printed name and signature beside sign-in and sign-out times;
 - 3) Participant's~~participant's~~ Illinois certification number (052-);
 - 4) Date~~date~~ of participant's certificate expiration;
 - 5) Participant's~~participant's~~ home address; and
 - 6) Employer's~~employer's~~ name and address.
- c) The list required in subsection (b)~~Notification~~ shall be filed with the Department no later than 45 calendar days after the conclusion of the seminar. The seminar sponsor may also electronically submit to the Department a spreadsheet containing each participant's name and certification number, along with the title, location, program date or dates and the number of classroom contact hours awarded for the program to ensure that seminar hours are credited to the

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~~participant in a more timely fashion. An individual must attend all classroom portions pertaining to the seminar in order to receive credit.~~

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

SUBPART F: HEARINGS AND ADMINISTRATIVE FINES

Section 830.700 Hearings

All hearings held pursuant to this Part shall be in accordance with the Act and the Department's ~~Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).~~

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

Section 830.710 Administrative Fines

- a) The Department is authorized to assess administrative civil fines against a licensee, registrant, ~~or~~ certified technician, public school, licensed day care center or person for violations of the Act or this Part. These fines may be assessed in addition to, or in lieu of, license, registration, or certification suspensions and revocations.
- b) The amount of a fine shall be determined in accordance with the Schedule of Administrative Civil Fines in ~~Section 830.~~ Table A and the following criteria:
 - 1) A violation, for the purposes of this Section, will be considered to mean a finding of violation of a Section of the Act or this Part by a court of competent jurisdiction in this or any other state, or by the Director in a Final Order issued pursuant to the Act, or by a notice of warning issued in accordance with Section 14 of the Act.;
 - 2) For purposes of determining a second violation, an initial violation means the first violation of a particular Section of the Act or this Part within the previous three years ~~or since the effective date of this amendment,~~ whichever is less.;
 - 3) Each location shall be considered separately with regard to violation determinations under this Part.;

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- 4) A Type A violation is any one of the following:
- A) Failure to observe the general safety precautions of Section 830.800.
 - B) Failure to abide by any stop sale or stop use order issued under Section 830.860.
 - C) Failure to notify the Department of any incident or accident involving pesticides as required in Section 830.870.
 - D) Use of a pesticide in a manner inconsistent with its labeling directions (Section 830.810).
 - E) Performing a pesticide application or inspection in a faulty, careless, or negligent manner (Section 13(d) of the Act).
 - F) Performing structural pest control in violation of the license and registration requirements of Section 4(a) or 4(b) of the Act.
 - G) Performing structural pest control in violation of the certification requirements of Sections 4(c) and 5 of the Act and Sections 830.230 and 830.270.
 - H) Performing structural pest control in violation of an order issued by the Director or designee ~~his authorized representative~~ (Sections 10(f), 13(a) and 14 of the Act).
 - I) Failure to use methods or materials suitable for structural pest control (Section 13(c) of the Act).
 - J) Performing structural pest control utilizing or authorizing the use or sale of pesticides which are in violation of the FIFRA or the Illinois Pesticide Act. ~~Performing structural pest control utilizing or authorizing the use or sale of pesticides which are in violation of FIFRA or the Illinois Pesticide Act~~ (Section 13 ~~(i)~~ (f) of the Act).
 - K) Failure to notify employees and parents and guardians of students of a public school or day care center two business days before a

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pesticide application as specified in Section 10.3 of the Act.

- 5) A Type B violation is any one of the following:
- A) Failure to cease pest control operations when there is an interruption in insurance coverage (Section 830.260(d)).
 - B) Making or reporting false, misleading, or fraudulent information. (See Section 13(c) of the Act.)
 - C) Fraudulent advertising or solicitations relating to structural pest control. ~~Fraudulent advertisements or solicitations relating to structural pest control~~ (Section 13(f) of the Act).
 - D) Allowing a license, permit, registration or certification to be used by another person in violation of Sections ~~(Section 4(f) and 6(b) of the Act).~~
 - E) Using the certification of a structural pest control technician ~~in order~~ to secure or maintain a license or registration when that individual is not actively employed at the business location, in violation of ~~(Section 6(b) of the Act).~~
 - F) Aiding or abetting a person to evade any provision of the Act. ~~Aiding or abetting a person to evade any provision of this Act~~ (Section 13(g) of the Act).
 - G) Impersonating any federal, State, county, or city official. ~~Impersonating any federal, State, county or city official~~ (Section 13(h) of the Act).
 - H) Failure to allow the Department to perform inspections and investigations in accordance with Section 10(g) and (h) of the Act.
 - I) Failure to comply with a written notice issued in accordance with Section 830.860.
- 6) A Type C violation is any one of the following:

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- A) Failure to observe the pesticide storage requirements of Section 830.830.
- B) Failure to observe the service vehicle requirements of Section 830.840.
- C) Failure to observe the pesticide storage practices of Section 830.850.
- D) Failure to establish and maintain insurance in accordance with Section 9 of the Act and Sections 830.250 and 830.260 and excluding subsection (b)(5)(A) of this Section.
- E) Failure to establish and maintain records of pesticide applications in accordance with Section 830.820.
- F) Failure of a licensee or registrant to provide written notification to the Department concerning the loss of the licensee's or registrant's ~~their~~ only certified technician and subsequent shutdown in accordance with Section 8 of the Act and Section 830.240(b).
- G) Failure of a certified technician to provide written notification to the Department in accordance with Section 830.240(a).
- H) Failure to renew a license or registration in accordance with Section 4(e) of the Act and Section 830.180.
- I) Failure to renew a structural pest control technician certification in accordance with Section 6 of the Act and Section 830.200.
- J) Failure to notify the Department of a change in business ownership in accordance with Section 830.190.
- K) Failure to perform the notification and license replacement procedures in accordance with Section 4(d) of the Act when there is a change in business location.
- L) Failure to provide information to the Department upon request in accordance with Section 13(e) of the Act.

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- M) Failure to display or provide a current license, registration and certification in accordance with Section 830.310.
 - N) Failure to observe the groundwater protection requirements in accordance with Subpart I of this Part.
 - O) [Failure to follow and observe the integrated pest management requirements of Section 10.2 of the Act.](#)
- c) Any penalty not paid within 60 days after notice from the Department shall be submitted to the Attorney General's Office for collection. Failure to pay a penalty shall also be grounds for suspension or revocation of a license, permit, registration, or-and certification.

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

SUBPART G: SAFE PESTICIDE STORAGE AND HANDLING

Section 830.820 Records

- a) Each commercial structural pest control business location shall be required to keep records of all pesticide applications for a minimum period of two2 years.
- b) Each non-commercial structural pest control business location shall be required to keep records of all restricted pesticide applications at the location for a minimum period of two2 years.
- c) The certified technician responsible for using pesticides, or overseeing the use of pesticides by non-certified personnel, shall provide written verification (i.e., signature and certification number) of review for all pesticide records to determine compliance with this Section.
- d) Records of restricted pesticide usage shall be kept separate from those pertaining to general pesticide usage, and both shall include the following:
 - 1) Namedname and address of customer or site of application;
 - 2) Namedname of technician applying the pesticide;

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- 3) Date and time of the application;
- 4) Target pest or purpose for the application;
- 5) Pesticide use recorded in the following manner:
 - A) Brand or common name;
 - B) USEPA Registration Number;
 - C) Percentage of active ingredient in the finished product; and
 - D) An estimate of the amount of the finished product used.
- e) All records except those for the week prior to the inspection shall be kept at the business location and be available for inspection by the Department in accordance with the ~~provisions prescribed under the Act, and~~ this Part and the Electronic Commerce Security Act.

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

SUBPART J: INTEGRATED PEST MANAGEMENT COURSE REQUIREMENTS

Section 830.2000 Application

- a) An educational institution or any other entity that has established or proposes to establish an integrated pest management course to satisfy the requirements of Section 10.2 of the Act shall submit its program to the Department for review and approval.
- b) The request shall be submitted to the Department at least 45 days prior to the beginning of the course and shall include:
 - 1) Information on the course sponsor, including name, address, telephone number, e-mail address (if available), and contact person;

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- 2) A complete outline and description of the subject material, including, but not limited to, proposed lesson plans, course textbook, handouts, worksheets, and laboratory exercises;
 - 3) Proposed dates and locations where the integrated pest management course is to be offered;
 - 4) Total classroom hours required to complete the course. Integrated pest management courses shall be a minimum of six classroom contact hours, excluding breaks;
 - 5) Background information and qualifications of instructors and speakers;
 - 6) Pre- and post-class knowledge evaluation sheet;
 - 7) Course evaluation form; and
 - 8) Course certificate of completion.
- c) The Department will issue a course approval number for each approved integrated pest management course.

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

Section 830.2100 Instructors

An instructor in an approved integrated pest management course shall have a high school diploma or General Educational Development (GED) certificate and shall have minimum experience or education prior to the course, consisting of one or more of the following:

- a) Be an Illinois certified structural pest control technician or a pest control specialist in a related field; or
- b) Have one year of practical experience as an integrated pest management coordinator with written verification from an employer; or
- c) Have an Associate's Degree or higher degree with at least 15 semester hours or the equivalent in the fields of biological science, entomology, zoology, or related

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fields from a recognized college or university, as verified by that educational institution.

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

Section 830.2200 Integrated Pest Management Course Content

- a) Integrated pest management (IPM) courses shall cover, at a minimum, the following topics:
- 1) Definition of integrated pest management in accordance with Section 3.25 of the Act;
 - 2) Development of an integrated pest management plan;
 - 3) Development of an official integrated pest management policy statement;
 - 4) Designating pest management roles;
 - 5) Setting pest management objectives;
 - 6) Inspecting, identifying, and monitoring for pests using, at a minimum, the following basic investigative techniques:
 - A) Common locations to look for specific pests;
 - B) Determining the evidence of pests;
 - C) Trap placement, inspection, and trap record keeping;
 - D) Basic pest identification; and
 - E) Communication of findings to staff and pest control operator;
 - 7) Setting action thresholds and determining response times;
 - 8) Applying integrated pest management strategies;
 - 9) Evaluating results and record keeping;

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- 10) Selection of a proper pest control contractor for IPM;
 - 11) Safety issues, including the proper storage of pesticides, notification of application requirements, and label information; and
 - 12) Overview of the requirements of the Act and this Part pertaining to integrated pest management in public schools and licensed day care centers.
- b) The Department has published a guide on integrated pest management that shall be used in the development of an integrated pest management course. The guide can be found on the Department's web page at: <http://www.idph.state.il.us/envhealth/ipm/index.htm>.
 - c) The sponsor is responsible for establishing a system such as a sign in/out roster that verifies that participants have attended the training program throughout its stated length.
 - d) Courses shall incorporate audio-visual aids, handouts or demonstrations to help assure audience attentiveness and comprehension. In addition, a written evaluation form, provided by the sponsor, shall be included for completion by all participants. The course sponsor shall use the evaluation form to improve course content and presentation.
 - e) The course sponsor shall be responsible for notifying all interested participants of the course date, time, and location.
 - f) All course material and evaluations, as outlined in this Section, and the list of participants, as outlined in Section 830.2400, shall be kept for a minimum of five years and shall be available to the Department upon request. Electronic copies of these materials will be acceptable.
 - g) The sponsor shall, upon request, allow reasonable access by the Department to all of the records.
 - h) If a training provider ceases to conduct training, the training provider shall notify the Department and provide the Department the opportunity to take possession of that provider's integrated pest management training records.

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

Section 830.2300 Integrated Pest Management Course Evaluation

All approved integrated pest management courses are subject to periodic Department evaluation to determine the level of the ongoing effectiveness of the training course.

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

Section 830.2400 Record of Completion

- a) Each educational institution or other entity whose integrated pest management course has been approved by the Department shall issue a letter or certificate of completion to each enrollee or participant who successfully completes the course. The letter or certificate shall include the following:
- 1) Information pertaining to the course (i.e., title, dates and locations of course, sponsoring agency, and the course number issued by the Department);
 - 2) Participant's name;
 - 3) Participant's place of employment;
 - 4) Instructor's name and signature; and
 - 5) Five-year expiration date.
- b) Within 30 days after the conclusion of each course, the educational institution or other entity shall electronically submit to the Department via e-mail a typed list of those individuals who have satisfactorily completed the course. The list shall include the following:
- 1) Information pertaining to the course (i.e., title, dates and locations of course, sponsoring agency, and the course number issued by the Department);
 - 2) Participants' names; and

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- 3) Participants' employer information, including name, address, and the day care center license number or public school district's nine-digit number issued by the State Board of Education.

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

Section 830.2500 Alternative Methods of Training

Alternative methods of training, such as interactive computer programming, interactive video, or distance learning, may not be used as a means to successfully complete an integrated pest management course.

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

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- 1) Heading of the Part: Alternate Fuels Program
- 2) Code Citation: 35 Ill. Adm. Code 275
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
275.100	Amendment
275.120	Amendment
275.130	Amendment
275.300	New
275.310	New
275.320	New
275.330	New
275.340	New
275.350	New
275.360	New
275.370	New
275.380	New
275.390	New
275.400	New
275.410	New
275.420	New
275.430	New
- 4) Statutory Authority: Sections 15 and 30 of the Alternate Fuels Act [415 ILCS 120/15 and 120/30]
- 5) Effective date of rulemaking: September 10, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, are on file in the Illinois Environmental Protection Agency's principal office and are available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: January 13, 2012; 36 Ill. Reg. 441
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No

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- 11) Differences between Proposal and Final Version: Changes were made to Section 275.320(b) and (c)(1), and Section 275.350(d)(2) and (e).
- 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 other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The purpose of this rulemaking is to reflect amendments to Section 30 of the Alternate Fuels Act (Act) signed into law on July 11, 2011, as Public Act (P.A.) 97-0090. Amendments to Section 30 of the Act establish an electric vehicle car sharing grant program. The amendments to Part 275 establish procedures for the issuance of electric vehicle car sharing grants. Specifically, the amendments establish the availability and limitations of grants, grant application requirements, and criteria and procedures relating to the award of grants and grant funding amounts. In addition, the amendments establish requirements relating to grant agreements, access to grant projects, audits, maintenance of records, reporting, and reimbursement. Also, the amendments establish procedures for addressing noncompliance with grant requirements. Finally, the amendments make a minor clarification to the Alternate Fuels Rebate Program.
- 16) Information and questions regarding this rulemaking shall be directed to:

Kent E. Mohr Jr., Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

217-782-5544

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 275
ALTERNATE FUELS PROGRAM

SUBPART A: GENERAL PROVISIONS

Section

- 275.100 Purpose and Introduction
- 275.110 Other Definitions
- 275.120 Definitions
- 275.130 Abbreviations and Acronyms
- 275.140 Incorporations by Reference

SUBPART B: ALTERNATE FUEL VEHICLE REBATES

Section

- 275.200 General Applicant and Vehicle Eligibility
- 275.210 Conversion Cost Rebate Eligibility
- 275.215 OEM Differential Cost Rebate Eligibility
- 275.220 Fuel Cost Differential Rebate Eligibility
- 275.230 Applications
- 275.240 Rebate Priorities and Rebate Amounts
- 275.250 Appeal of Agency Decision

SUBPART C: ELECTRIC VEHICLE CAR SHARING GRANTS

Section

- 275.300 Availability and Limitations of Grants
- 275.310 Grant Application Requirements
- 275.320 Agency Action on Grant Applications
- 275.330 Grant Agreement and Amendments
- 275.340 Access
- 275.350 Audit and Records
- 275.360 Grant Reporting Requirements
- 275.370 Final Inspection
- 275.380 Noncompliance

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<u>275.390</u>	<u>Project Suspension</u>
<u>275.400</u>	<u>Grant Termination by the Agency</u>
<u>275.410</u>	<u>Agency Recovery and Reimbursement of Grant Funds</u>
<u>275.420</u>	<u>Indemnification</u>
<u>275.430</u>	<u>Disputes</u>

275.APPENDIX A Annual Fuel Cost Differential For LDVs (Repealed)

AUTHORITY: Implementing and authorized by Sections 15 and 30 of the Alternate Fuels Act [415 ILCS 120/15 and 30].

SOURCE: Adopted at 21 Ill. Reg. 7150, effective May 29, 1997; amended at 23 Ill. Reg. 11916, effective September 13, 1999; amended at 25 Ill. Reg. 6877, effective May 18, 2001; amended at 34 Ill. Reg. 16841, effective October 18, 2010; amended at 36 Ill. Reg. 14230, effective September 10, 2012.

SUBPART A: GENERAL PROVISIONS

Section 275.100 Purpose and Introduction

- a) This Part establishes procedures for applying for alternate fuel vehicle rebates and electric vehicle car sharing grants as authorized by the Alternate Fuels Act [415 ILCS 120]. Alternate fuel vehicle rebates include an original equipment manufacturer (OEM) differential cost rebate, conversion cost rebate, or fuel cost differential rebate ~~as authorized by the Alternate Fuels Act [415 ILCS 120].~~
- b) This Part is divided into Subparts that are grouped as follows:
- 1) Subpart A: General Provisions;
 - 2) Subpart B: Alternate Fuel Vehicle Rebates; and
 - 3) Subpart C: Electric Vehicle Car Sharing Grants.

(Source: Amended at 36 Ill. Reg. 14230, effective September 10, 2012)

Section 275.120 Definitions

"Act" means the Alternate Fuels Act [415 ILCS 120].

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"Agency" means the Illinois Environmental Protection Agency.

"Alternate fuel" means liquefied petroleum gas (propane), natural gas, E85 blend fuel, hydrogen fuel, electricity when used as the primary external fuel source to power the vehicle excluding on-board electric generation, fuel composed of a minimum 80% ethanol or 80% bio-based methanol, or fuels that are at least 80% derived from biomass.

"Alternate fuel vehicle" means any motor vehicle or engine that is capable of using an alternate fuel and is operated in the State of Illinois.

"Base retail price" means the manufacturer's suggested retail price (MSRP) excluding options, upgrades, and applicable taxes, title, license, document fee, destination charge, and other add-ons or dealer-related charges.

"Biodiesel fuel" means a renewable fuel conforming to the industry standard ASTM D 6751, incorporated by reference in Section 275.140 of this Subpart.

"Car sharing organization" means an organization whose primary business is a membership-based service that allows members to drive cars by the hour in order to extend the public transit system, reduce personal car ownership, save consumers money, increase the use of alternative transportation, and improve environmental sustainability. [415 ILCS 120/10]

"Conventional", when used to modify the word "vehicle", "engine", or "fuel", means gasoline or diesel or any reformulations of those fuels. [415 ILCS 120/10]

"Conversion Cost Rebate" means a rebate issued to offset, in part, the cost of converting a conventional vehicle to alternate fuel capability.

"Covered area" means the counties of Cook, DuPage, Kane, Lake, McHenry, and Will and those portions of Grundy County and Kendall County that are included in the following zip code areas, as designated by the U.S. Postal Service on August 7, 1998: 60416, 60444, 60447, 60450, 60481, 60538, and 60543.

"Domestic renewable fuel" means a fuel, produced in the United States or its territories, composed of a minimum 80% ethanol or 80% bio-based methanol, minimum 20% biodiesel fuel, or other fuels derived from at least 80% biomass.

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"E85 blend fuel" means fuel that contains 85% ethanol and 15% gasoline [415 ILCS 120/10] or any wintertime blend of at least 70% ethanol.

"Electric vehicle" means a vehicle that is licensed to drive on public roadways, is predominantly powered by, and primarily fueled with, electricity, and does not have restrictions confining it to operate on only certain types of streets or roads. [415 ILCS 120/10]

"Fuel cost differential rebate" means a rebate issued to offset, in part, the increased cost of using an alternate fuel or domestic renewable fuel compared to conventional fuel.

"Gross Vehicle Weight Rating" or "GVWR" means the total vehicle weight, including the maximum load, as designated by the original equipment manufacturer.

"Heavy-duty vehicle" or "HDV" means a motor vehicle whose GVWR is more than 8,500 lbs.

"Location" means:

a parcel of real property; or

multiple, contiguous parcels of real property that are separated by private roadways, public roadways, or private or public rights-of-way and are owned, operated, leased, or under common control of one party. [415 ILCS 120/10]

"Motor vehicle" means a car, truck, van, bus, motorcycle, or other similar on-road vehicle that can be legally driven on all public roadways and all highways in Illinois for the purpose of transporting passengers or cargo. Types of vehicles that are designed to be used primarily as off-road vehicles or equipment, including, but not limited to, vehicles and equipment used for agriculture, construction, recreation or landscaping, and golf carts that are designed and manufactured for operation on a golf course or similar vehicles that resemble golf carts, are not motor vehicles for the purposes of this Part.

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"OEM differential cost rebate" means a rebate issued to offset, in part, the increased cost of purchasing an OEM alternate fuel vehicle.

"Owner" means any person who has legal or equitable title to a motor vehicle.

"Person" means any individual, business, corporation, organization, partnership, firm, association, trust, estate, public or private institution, group, municipality, political subdivision of a state, any agency, department, or instrumentality of the United States, and any officer, agent or employee of any of the above. A car dealer, ~~or~~ car dealership or lessee of a motor vehicle is not a person for the purposes of this Part.

"Private fueling operation" means any activity in which alternate fuel or domestic renewable fuel is transferred from a stationary or mobile source to a fuel storage system used to provide fuel to the engine or motor of that vehicle where the fuel is not available to the public.

"Project expenditures" means the purchase costs of electric vehicles and costs of supporting infrastructure for an electric vehicle car sharing grant.

"Proof of payment" means a copy of a cancelled check, an invoice or bill showing that the applicable amount has been paid or that no remaining balance exists, or other appropriate proof, acceptable to the Agency, that payment has been made for the related purchase.

"Public fueling operation" means any site where alternate fuel or domestic renewable fuel is transferred from a stationary source to a fuel storage system used to provide fuel to the engine or motor of that vehicle, and is a retail operation.

"Purchase costs" means the base MSRP of an electric vehicle.

"Retail" means to sell directly to the ultimate consumer in small quantities (e.g., gallons) and deliver fuel to a fuel storage system used to provide fuel to the engine or motor of a vehicle.

"Small fleet owner" means a person who owns or operates no more than 30 motor vehicles and employs 100 or fewer employees.

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"Supporting infrastructure" means equipment and installation of equipment for the recharging of electric vehicles purchased under a grant project.

(Source: Amended at 36 Ill. Reg. 14230, effective September 10, 2012)

Section 275.130 Abbreviations and Acronyms

Agency	Illinois Environmental Protection Agency
ASTM	ASTM International
CARB	California Air Resources Board
FEIN	Federal Employer Identification Number
GVWR	gross vehicle weight rating
HDV	heavy-duty vehicle
<u>MSRP</u>	<u>Manufacturer's suggested retail price</u>
OEM	original equipment manufacturer
USEPA	United States Environmental Protection Agency
VIN	vehicle identification number

(Source: Amended at 36 Ill. Reg. 14230, effective September 10, 2012)

SUBPART C: ELECTRIC VEHICLE CAR SHARING GRANTS**Section 275.300 Availability and Limitations of Grants**

- a) Once in each of fiscal years 2012 and 2013, in accordance with the Act and this Subpart, a car sharing organization may submit a grant proposal to the Agency for the purchase of new electric vehicles from an Illinois car dealership.
- b) Grant funds may only be used for purchasing electric vehicles [415 ILCS 120/30(c)(4)]. Grant funding may not exceed 25 percent of the actual project expenditures.
- c) The availability of grants in any fiscal year is limited to the Agency's estimate of the amount of the annual appropriation and funding remaining after all alternate fuel rebates, as authorized by the Act and Subpart B of this Part, for the applicable fiscal year, have been accounted for.
- d) Grants shall be awarded on a competitive basis.

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- e) The Agency may elect to partially fund a grant project.
- f) Grant projects must be performed within one year after the date of the grant award.
- g) An electric vehicle purchased using grant funding is not eligible for any rebate authorized by the Act and Subpart B of this Part.
- h) A grant recipient, if determined to be in noncompliance with this Subpart or the grant agreement, may not be eligible to receive an additional grant until compliance has been achieved and the grant recipient provides sufficient assurances to the Agency that it has addressed or will timely address the previous noncompliance.

(Source: Added at 36 Ill. Reg. 14230, effective September 10, 2012)

Section 275.310 Grant Application Requirements

- a) To be considered for a grant under this Subpart, eligible grant applicants must submit to the Agency a grant proposal that includes complete application forms and any other required information. Grant applicants must use application forms furnished by the Agency.
- b) Grant proposals must include the following:
 - 1) Name, principal address, chief officers, and locations of the car sharing organization and its operations within Illinois;
 - 2) Description of the car sharing organization, including the number and types of vehicles currently in the fleet and how the vehicles are strategically located to maximize their usage, along with a summary of the demographic populations being served [415 ILCS 120/30(c)(1)(B)];
 - 3) Summary of average miles per year driven by the vehicles currently in the fleet [415 ILCS 120/30(c)(1)(C)];
 - 4) Narrative description of the project, including the overall plans of the organization in acquiring electric vehicles, the makes and models and the number of electric vehicles that will be acquired by the funding, estimated

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purchase costs for each vehicle, how the vehicles will be refueled, and whether the refueling locations are available to the public or other entities, are private facilities solely used by the organization, or a combination of both [415 ILCS 120/30(c)(1)(D)]; and

- 5) Detailed project budget, including purchase costs of the electric vehicles and costs of the supporting infrastructure.
- c) Grant proposals must be submitted by hard copy and postmarked by May 1 of the applicable fiscal year, unless otherwise specified by the Agency.

(Source: Added at 36 Ill. Reg. 14230, effective September 10, 2012)

Section 275.320 Agency Action on Grant Applications

- a) Subject to the availability and limitations of grants as specified in Section 275.300, the Agency may award grants and set initial and final grant funding amounts.
- b) In awarding a grant, the Agency shall consider the overall level of environmental benefits to be realized by the proposed grant project and, in doing so, shall evaluate grant applications taking into consideration the degree to which the grant proposal meets the following factors, ranked in order of importance:
 - 1) Whether the car sharing organization's current and proposed vehicles are or will be located in an ozone nonattainment area;
 - 2) The extent of the geographic distribution of the car sharing organization's current and proposed vehicles and the variety of demographic populations being served;
 - 3) The availability of refueling locations to the public and other entities;
 - 4) The period of time it takes to refuel vehicles and the environmental efficiency of the power supply for electric vehicle recharging equipment;
 - 5) The average miles driven per year by the car sharing organization's current vehicles;

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- 6) The number of proposed vehicles, including the make and model; and
 - 7) The extent to which a greater portion of the estimated total project expenditures will fund the purchase of new electric vehicles.
- c) Grant Funding Amounts
- 1) Initial and final grant funding amounts shall be based only on the base MSRP of the electric vehicle and its electric motor and drivetrain system as depicted on the window sticker or similar documents and not on add-on options such as cabin-related product or component upgrades and extended warranties.
 - 2) Initial grant funding amounts shall not exceed 25 percent of the estimated project expenditures. Final grant funding amounts shall not exceed 25 percent of the actual project expenditures. In the event there is a difference between initial and final grant funding amounts such that initial grant funding exceeds 25 percent of the actual project expenditures, the grant recipient shall reimburse the State of Illinois that excess portion of the initial grant funding amount in accordance with Section 275.410(a).
- d) The Agency may request that the grant applicant revise its grant proposal.
- e) Grant applicants are not eligible to obtain grant funding by default due to failure by the Agency to act upon a grant proposal.

(Source: Added at 36 Ill. Reg. 14230, effective September 10, 2012)

Section 275.330 Grant Agreement and Amendments

- a) If selected for a grant, the Agency shall send the grant applicant a grant agreement. The grant applicant shall sign and return the grant agreement within the time period specified by the Agency. If the grant applicant fails to submit the signed grant agreement to the Agency within the time period specified, the grant award may be considered null and void.
- b) The grant agreement, any grant amendments, and this Subpart shall govern the grant.

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- c) Following acceptance of the grant agreement by the State of Illinois, the Agency shall award the grant by issuing a grant project confirmation letter, including a signed copy of the grant agreement, to the grant recipient that authorizes the grant recipient to begin the grant project.
- d) The grant recipient may propose changes to the grant project, and the Agency and grant recipient may mutually agree to amend the grant. Any changes to the grant project must be made in writing, signed by the Agency and grant recipient, as an amendment.

(Source: Added at 36 Ill. Reg. 14230, effective September 10, 2012)

Section 275.340 Access

- a) Any entity with grant oversight authority, and any representative of that entity, shall have access, during normal business hours and at any other time during which the grant project is being performed, to the premises where any grant project is being performed or where any electric vehicles are located. After completion of the grant project, any entity with grant oversight authority, and any representative of that entity, shall have access to the resulting grant project, including electric vehicles, for five years, during normal business hours. During any access under this subsection, interviews of persons may be conducted.
- b) Failure by the grant recipient to provide access as required by this Section after 3 business days written notice from the Agency may result in the Agency taking any of the actions specified by Section 275.380(a)(1)-(a)(4) (Noncompliance).

(Source: Added at 36 Ill. Reg. 14230, effective September 10, 2012)

Section 275.350 Audit and Records

- a) The grant recipient shall maintain books, records, documents, reports, papers, agreements, and other evidentiary material and accounting procedures and practices ("records") as required by the grant agreement and any applicable law or regulation, and consistent with generally accepted accounting standards.
- b) For purposes of this Section, "records" shall include, but not be limited to, the following:

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- 1) Documentation of the receipt and disposition by the grant recipient of all grant funds received for the grant project; and
- 2) Documentation of the project expenditures for the grant project, including all direct and indirect costs of whatever nature incurred for the performance of the grant project.
- c) The grant recipient's facilities, or any facilities engaged in the performance of the grant project, and the grant recipient's records shall be subject to inspection and audit by any entity with grant oversight authority, and any representative of that entity, at the times specified in Section 275.340 (Access).
- d) The grant recipient shall preserve and make its records available to any entity with grant oversight authority, and any representative of that entity, for the following record retention periods:
 - 1) Five years after submission of the final report;
 - 2) If the grant is completely or partially terminated, the records relating to the terminated work shall be preserved and made available for 5 years after any resulting final termination settlement
 - 3) If any dispute, litigation, claim, negotiation, audit or other action involving the records has been started before expiration of the record retention period specified in subsection (d)(1), until completion of the action and resolution of all issues that arise from it.
- e) Failure of the grant recipient to make records available as required by this Section after 3 business days written notice from the Agency may result in the Agency taking any of the actions specified by Section 275.380(a)(1) through (a)(4) (Noncompliance).
- f) The rights of access under this Section are not limited to the applicable record retention period, but shall last as long as the records are retained.
- g) The grant recipient shall comply with any investigations and interviews relating to the grant project and related records.

(Source: Added at 36 Ill. Reg. 14230, effective September 10, 2012)

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Section 275.360 Grant Reporting Requirements

- a) Within one year after the date of the grant award, the grant recipient shall submit a final report to the Agency. Final reports shall be submitted by hard copy and postmarked within one year after the date of the grant award.
- b) Final reports shall include, at a minimum, the following information:
- 1) The make, model and model year of each electric vehicle purchased;
 - 2) The purchase date of each electric vehicle;
 - 3) The VIN of each electric vehicle purchased;
 - 4) The license plate number and the state of registration of each electric vehicle purchased;
 - 5) A copy of the window sticker or similar document showing the base MSRP and all options for each electric vehicle purchased;
 - 6) A copy of the purchase invoice for each electric vehicle, showing proof of payment and identifying the Illinois car dealership where the vehicle was purchased; and
 - 7) A complete accounting of any and all costs attributable to the supporting infrastructure.
- c) For grants in excess of \$25,000, the grant recipient shall submit quarterly reports to the Agency. Quarterly reports shall describe the progress of the grant project and expenditure of grant funds. Quarterly reports shall be submitted to the Agency by hard copy within 30 days after October 1, January 1, April 1, and July 1, as applicable.
- d) Failure by the grant recipient to submit any report when due, as required by this Section, may result in the Agency taking any of the actions specified by Section 275.380(a)(1)-(a)(4) (Noncompliance).

(Source: Added at 36 Ill. Reg. 14230, effective September 10, 2012)

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Section 275.370 Final Inspection

The Agency shall conduct a final inspection of the grant project within 60 calendar days after receipt of the final report required by Section 275.360 of this Subpart or within 60 days after the grant award expires, whichever comes first. If the Agency concludes at final inspection that performance of the grant project is deficient, the Agency shall notify the grant recipient in writing within 30 calendar days after final inspection. Within 30 calendar days after receipt of the Agency's written notice of deficiency, the grant recipient shall satisfy the deficiency and notify the Agency in writing of completion. The Agency shall schedule a follow-up inspection, or other appropriate review, within 30 calendar days after receipt of the notice.

(Source: Added at 36 Ill. Reg. 14230, effective September 10, 2012)

Section 275.380 Noncompliance

- a) In the event of noncompliance with any provision of the grant agreement or this Part, the Director may take any necessary action as provided by law or by the grant agreement against the grant recipient, including, but not limited to, one or more of the following actions:
- 1) Commence legal action in a court of competent jurisdiction;
 - 2) Declare all grant funds revoked immediately and recover all grant funds;
 - 3) Terminate the grant pursuant to Section 275.400 (Grant Termination by the Agency);
 - 4) Suspend all or part of the grant project pursuant to Section 275.390 (Project Suspension); or
 - 5) Reduce the amount of the grant by the amount of misused funds.
- b) In determining whether to take action, the Agency shall, at a minimum, consider mitigating or aggravating factors, including, but not limited to, the severity and number of the violations, whether the violation is a continuing one, whether the grant recipient can remedy or has remedied the violation, and whether the grant recipient remains capable of performing the grant project.

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(Source: Added at 36 Ill. Reg. 14230, effective September 10, 2012)

Section 275.390 Project Suspension

- a) In the event of any violation of this Subpart or noncompliance with any provision of the grant agreement, the Agency may, by written notice and order, require the grant recipient to suspend all or any part of the grant project for a period of not more than 30 calendar days after the date of the order, and for any further period to which the parties may agree. Any such order shall include a list of the grant project activities to which it applies. Upon receipt of a project suspension order, the grant recipient shall immediately comply with its terms and shall minimize the incurrence of costs allocable to the grant project activities covered by the order during the period of suspension. Within 30 days after the date of the project suspension order, or within the period of any extension to which the parties have agreed, the Agency may:
- 1) Cancel the project suspension order upon resolution of the violation or cause leading to that project suspension order; or
 - 2) Terminate the work covered by the project suspension order, as provided in Section 275.400 (Grant Termination by the Agency).
- b) If a project suspension order is cancelled or the period of the order or any extension of the order expires, the grant recipient shall resume the grant project activities. An adjustment may be made in the grant period, the grant funding, or any combination of these, and the grant may be amended accordingly, if the grant recipient submits a written claim for an adjustment to the Agency within 30 calendar days after the end of the project suspension. Any such adjustment is at the discretion of the Agency.
- c) All costs that are incurred by the grant recipient after the receipt of a project suspension order, or during any extension of the project suspension order period to which the Agency and the grant recipient have agreed, shall be deemed unallowable costs unless otherwise authorized by the Agency in writing.

(Source: Added at 36 Ill. Reg. 14230, effective September 10, 2012)

Section 275.400 Grant Termination by the Agency

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The Agency may terminate the grant for any of the following reasons:

- a) Availability of Appropriation. The Agency, by written notice to the grant recipient, may immediately terminate a grant, in whole or in part, without penalty or further payment being required, if the Illinois General Assembly fails to make an appropriation sufficient to pay the grant obligation, or if funds needed are insufficient for any reason.
- b) Cause. The Agency, by written notice to the grant recipient, may immediately terminate a grant, in whole or in part, if it is determined that the actions, or failure to act, of the grant recipient, its agents, employees or contractors have caused, or reasonably could cause, jeopardy to health, safety or property. If the grant recipient fails to perform to the Agency's satisfaction any material requirement of a grant or is in violation of a material provision of a grant or this Subpart, the Agency shall provide written notice to the grant recipient requesting that the breach or noncompliance be remedied within the period of time specified in the Agency's written notice. If the breach or noncompliance is not remedied by that date, the Agency may either immediately terminate the grant without additional written notice or enforce the terms and conditions of the grant, and, in either event, may seek any available legal or equitable remedies and damages.
- c) Convenience. Following 30 days written notice, the Agency may terminate a grant in whole or in part without the payment of any penalty or incurring any further obligation to the grant recipient. Following any termination for convenience, the grant recipient shall be entitled to compensation upon submission of invoices and proof of claim for grant project work performed under the grant agreement up to and including the date of termination.

(Source: Added at 36 Ill. Reg. 14230, effective September 10, 2012)

Section 275.410 Agency Recovery and Reimbursement of Grant Funds

- a) If there are grant funds remaining at the time of submitting the final report, the remaining grant funds shall be returned to the State of Illinois within 45 days after submitting the final report.
- b) The State of Illinois shall be reimbursed for any grant funds that have not been spent in accordance with this Part or the grant agreement.

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- c) If the Agency determines that any grant funds are being misspent or improperly held by the grant recipient, the Agency or the Attorney General shall have the authority to recover those funds and take any action authorized by the Illinois Grant Funds Recovery Act [30 ILCS 705].
- d) Electric vehicles purchased with grant funds must remain registered and in service with the grant recipient in Illinois for a minimum of 5 years after purchase. If an electric vehicle is sold or otherwise taken out of service in Illinois earlier than that time, the grant recipient shall refund to the State of Illinois a prorated amount of the grant funds used to purchase that vehicle based on MSRP within 45 days after being sold or taken out of service, except if the vehicle is replaced with a comparable vehicle or can no longer be safely operated due to an accident or other damage.

(Source: Added at 36 Ill. Reg. 14230, effective September 10, 2012)

Section 275.420 Indemnification

The grant recipient agrees to defend, indemnify and hold harmless the State of Illinois, its agencies, officers, employees, agents and volunteers from any and all costs, demands, expenses, losses, claims, suits, causes of action, fines, damages, liabilities, settlements and judgments, including in-house and contracted attorneys' fees and expenses, relating to bodily injuries to persons, including death, and for loss of, damage to, or destruction of real or tangible personal property, including property of the State of Illinois, resulting from the negligence or misconduct of the grant recipient, its employees, agents or contractors in the performance of the grant project or related performances of the grant project. The grant recipient shall require any contractor engaged by the grant recipient to agree in writing to look solely to the grant recipient for performance of its sub-agreement with the grant recipient and for satisfaction of any and all claims arising under the sub-agreement.

(Source: Added at 36 Ill. Reg. 14230, effective September 10, 2012)

Section 275.430 Disputes

- a) Any dispute arising under a grant that is not disposed of by agreement shall be decided by the Director, or his or her authorized representative, who shall render a decision in writing. This decision shall be furnished to the grant recipient by mail, electronic mail, facsimile, personal service or similar means. The decision

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of the Director shall be in accordance with this Subpart and shall be final and conclusive.

- b) Subsection (a) shall not preclude the Director from considering questions of law or equity in any decision.

(Source: Added at 36 Ill. Reg. 14230, effective September 10, 2012)

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1) Heading of the Part: Boxing and Full-contact Martial Arts Act

2) Code Citation: 68 Ill. Adm. Code 1370

3) Section Numbers: Adopted Action:

1370.10	New Section
1370.20	New Section
1370.30	New Section
1370.40	New Section
1370.50	New Section
1370.60	New Section
1370.70	New Section
1370.80	New Section
1370.90	New Section
1370.100	New Section
1370.110	New Section
1370.120	New Section
1370.130	New Section
1370.140	New Section
1370.150	New Section
1370.160	New Section
1370.170	New Section
1370.180	New Section
1370.190	New Section
1370.200	New Section
1370.210	New Section
1370.220	New Section
1370.230	New Section
1370.240	New Section
1370.300	New Section
1370.400	New Section
1370.410	New Section
1370.420	New Section
1370.430	New Section
1370.440	New Section
1370.450	New Section
1370.460	New Section
1370.470	New Section
1370.500	New Section

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1370.510	New Section
1370.520	New Section
1370.530	New Section
1370.540	New Section
1370.550	New Section
1370.560	New Section
1370.570	New Section
1370.600	New Section
1370.610	New Section
1370.620	New Section
1370.630	New Section
1370.640	New Section
1370.650	New Section
1370.660	New Section
1370.700	New Section
1370.710	New Section
1370.720	New Section
1370.730	New Section
1370.740	New Section
1370.750	New Section
1370.760	New Section
1370.770	New Section
1370.780	New Section

- 4) Statutory Authority: Implementing the Boxing and Full-contact Martial Arts Act [225 ILCS 105] and authorized by Section 2105-15 of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15]
- 5) Effective date of rulemaking: September 14, 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 rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: March 30, 2012 at 36 Ill. Reg. 4467.

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- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Differences between Proposal and Final Version: Various nonsubstantive changes have been made throughout for both clarification and stylistic purposes.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rules: On June 1, 2008, Public Act 95-593, became effective and made significant changes to the Professional Boxing Act, including providing for the regulation of mixed martial arts contests. As a result, the rules were extensively overhauled and the former Part 1370 was repealed and replaced with a new Part number (1371) and title/heading (Professional Boxing and Martial Arts Contests-the title of the Statute/Act remained the Professional Boxing Act).

Public Act 97-119, effective on July 14, 2011, changed the title of the Professional Boxing Act to the Boxing and Full-contact Martial Arts Act and provided for the regulation of amateur full-contact martial arts in addition to boxing and made changes to what was contained in the former Professional Boxing Act such as defining what constitutes a "sanctioning body" within the scope of the Act and the establishment of an "Athletics Supervision and Regulation Fund" in the State Treasury.

As a result, the current Part 1371 is being repealed and replaced with this new Part 1370.

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

Department of Financial and Professional Regulation
Division of Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, Illinois 62786

217/785-0813

Fax: 217/557-4451

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

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TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1370

BOXING AND FULL-CONTACT MARTIAL ARTS ACT

SUBPART A: GENERAL PROVISIONS

Section

1370.10	Definitions
1370.20	The State of Illinois Athletic Board
1370.30	Fees
1370.40	Promoters
1370.50	Judges
1370.60	Inspectors
1370.70	Matchmakers
1370.80	Seconds
1370.90	Timekeepers
1370.100	Referees
1370.110	Physicians and EMTs
1370.120	Access to Venue
1370.130	Safety Requirements and Physical Appearance for Contestants
1370.140	Weigh Ins
1370.150	Bouts and Contests
1370.160	Manager-Contestant Contracts
1370.170	Tickets and Payment of Taxes
1370.180	Prohibited Contests
1370.190	Disciplinary Action
1370.200	Suspensions and Mandatory Rest Periods
1370.210	Renewals
1370.220	Administration or Use of Drugs
1370.230	Therapeutic Use Exemption
1370.240	Granting Variances

SUBPART B: APPLICATION FOR PERMIT FOR A PROFESSIONAL CONTEST,
AN AMATEUR CONTEST OR COMBINATION OF BOTH

Section

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1370.300 Application for a Permit

SUBPART C: PROVISIONS FOR BOXING AND
FULL-CONTACT MARTIAL ARTS LICENSING

Section

1370.400 Application for License as a Promoter
1370.410 Application for License as a Matchmaker
1370.420 Application for License as a Manager
1370.430 Application for License as a Second
1370.440 Application for License as a Boxing Contestant
1370.450 Application for License as a Boxing Timekeeper, Referee or Judge – Boxing
1370.460 Application for License as a Full-contact Martial Arts Contestant
1370.470 Application for License as a Full-contact Martial Arts Timekeeper, Referee or Judge

SUBPART D: PROFESSIONAL BOXING

Section

1370.500 Classes and Weights of Contestants – Boxing
1370.510 Attire and Equipment for Contestants – Boxing
1370.520 Structure of the Ring for Contests
1370.530 Intentional and Accidental Fouls and Injuries
1370.540 Rounds
1370.550 Types of Bout Results
1370.560 State of Illinois Boxing Championships
1370.570 Scoring – Boxing

SUBPART E: PROFESSIONAL MIXED MARTIAL ARTS

Section

1370.600 Classes and Weights of Contestants
1370.610 Attire and Equipment
1370.620 Structure of the Fighting Area for Contests
1370.630 Intentional and Accidental Fouls and Injuries
1370.640 Rounds
1370.650 Types of Bout Results
1370.660 Scoring

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SUBPART F: AMATEUR MIXED MARTIAL ARTS

Section

1370.700	Sanctioning Bodies – Amateur
1370.710	Registration
1370.720	Classes and Weights of Contestants
1370.730	Attire and Equipment
1370.740	Structure of the Fighting Area for Contests
1370.750	Intentional and Accidental Fouls and Injuries
1370.760	Rounds
1370.770	Types of Bout Results
1370.780	Scoring

AUTHORITY: Implementing the Boxing and Full-contact Martial Arts Act [225 ILCS 105] and authorized by Section 2105-15 of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15].

SOURCE: Old Part repealed at 32 Ill. Reg. 17680, effective November 3, 2008; old Part repealed at 36 Ill. Reg. 14353 and new Part adopted at 36 Ill. Reg. 14249, effective September 14, 2012.

SUBPART A: GENERAL PROVISIONS

Section 1370.10 Definitions

Unless the text indicates otherwise, the following terms shall be defined as follows:

"Act" means the Boxing and Full-contact Martial Arts Act [225 ILCS 105].

"Amateur" means a person registered by the Division who is not competing for, and has never received or competed for, any purse or other article of value, directly or indirectly, either for participating in any contest or for the expenses of training for a contest, other than a non-monetary prize that does not exceed \$50 in value.

"Amateur contest" means a boxing or full-contact martial arts competition in which all of the participants competing against one another are amateurs and that the public is able to attend, and for which a fee is charged.

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"Announcer" means a person responsible for announcing the names of the officials and the contestants, the contestants' weights, and the decisions of the referee and judges during a bout.

"Board" means the State of Illinois Athletic Board.

"Bout" means one professional boxing, martial arts or mixed martial arts match between 2 contestants.

"Boxing" means the art of attack and defense with the fists, practiced as a sport.

"Contest" means a group of bouts organized as a single event.

"Contestant" means a person licensed by the Division who competes in a bout.

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

"Director" means the Director of the Division of Professional Regulation with the authority delegated by the Secretary.

"Division" means the Department of Financial and Professional Regulation-Division of Professional Regulation.

"Exhibition" means a show of boxing, martial arts or mixed martial arts, or sparring in which there is no score or decision.

"Fighting Area" means the ring, cage or physical area where the contestants compete.

"Inspector" means a person employed by the Division to attend contests and to ensure that all laws are adhered to by licensees.

"Judge" means a person licensed by the Division who serves as a member of a judging panel for contests. The panel is responsible for determining a decision in each bout.

"Main event" means the bout during a contest that is the main attraction for the contest.

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"Manager" means a person licensed by the Division who is not a promoter and who, under contract, agreement or other arrangement with any contestant, undertakes to directly or indirectly control or administer the affairs of a contestant.

"Martial Arts" means a discipline such as, but not limited to, Karate, Kung Fu, Jujitsu, Muay Thai, Tae Kwon Do and Kickboxing, or other similar sport.

"Matchmaker" means a person licensed by the Division who is responsible for matching the contestants for a bout based on weight and experience.

"Mixed Martial Arts" means the use of a combination of techniques from different disciplines of martial arts, including, without limitation, grappling, kicking and striking.

"Official" means referees, judges, timekeepers, physicians and Division representatives involved in professional events.

"Paramedic" means a person licensed under the Emergency Medical Services Systems Act [210 ILCS 50] as an Emergency Medical Technician-Paramedic.

"Permit" means authorization from the Division to hold a contest in the State of Illinois.

"Physician" means a person licensed under the Medical Practice Act of 1987 [225 ILCS 60] to practice medicine in all of its branches.

"Promoter" means a natural person who initiates or takes part in the organization or development of a contest or who provides financial backing for a contest and who must be licensed by the Division to conduct contests.

"Purse" means the financial guarantee or any other remuneration contestants receive for participating in a bout. It includes the contestant's share of any payment received for radio broadcasting, television or motion picture rights.

"Referee" means a person licensed by the Division who is responsible for enforcing the Act and this Part during any bout.

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"Second" means a person licensed by the Division who attends to the contestant between rounds.

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

"Sparring" means boxing or engaging in martial arts or mixed martial arts for practice or exhibition.

"Timekeeper" means a person licensed by the Division who is responsible for keeping accurate time during each bout.

Section 1370.20 The State of Illinois Athletic Board

Each member of the Board shall receive compensation as determined by the Secretary.

Section 1370.30 Fees

The following fees shall be paid to the Division and are not refundable:

- a) Application fees for professional events:
 - 1) The application fee for a license as a promoter is \$1000.
 - 2) The application fee for a license as a referee is \$300.
 - 3) The application fee for a license as a matchmaker is \$250.
 - 4) The application fee for a license as a manager is \$200.
 - 5) The application fee for a license as a contestant is \$100.
 - 6) The application fee for a license as a timekeeper is \$150.
 - 7) The application fee for a license as a judge is \$100.
 - 8) The application fee for a license as a second is \$50.
- b) Application Fees for Promoter of Amateur Events

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The application fee for a license as a promoter for a full-contact martial arts contest in which only amateur bouts are to be held is \$300.

c) Renewal Fees

- 1) The renewal fee for a license as a promoter of professional contests shall be calculated at \$500 per year.
- 2) The renewal fee for a license as a promoter of amateur contests shall be calculated at \$150 per year.
- 3) The renewal fee for a license as a referee shall be calculated at \$150 per year.
- 4) The renewal fee for a license as a matchmaker shall be calculated at \$125 per year.
- 5) The renewal fee for a license as a manager shall be calculated at \$100 per year.
- 6) The renewal fee for a license as a contestant shall be calculated at \$50 per year.
- 7) The renewal fee for a license as a timekeeper shall be calculated at \$75 per year.
- 8) The renewal fee for a license as a judge shall be calculated at \$50 per year.
- 9) The renewal fee for a license as a second shall be calculated at \$25 per year.

d) Permit Fees

- 1) The fees for a permit for a contest are determined by the total number of bouts held, using the following fee brackets:
 - A) Permit for a contest to be held with 3-6 bouts is \$500.
 - B) Permit for a contest to be held with 7-10 bouts is \$750.

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- C) Permit for a contest to be held with 11 or more bouts is \$1000.
- 2) In the event that bouts are added to the contest and the total number of bouts exceeds the current permit fee bracket, the promoter will be responsible for paying the difference in permit fees at the weigh-in or within 24 hours after the contest. Failure to pay shall result in discipline, including immediate suspension of the promoter's license up to and including revocation of the license. In the event that bouts are cancelled, there will be no refund of permit fees.
- 3) The fees for an amended permit application when an event location has been changed to a different location will be \$250.
- 4) The fees for a permit for a contest in which only amateur bouts will be held shall be \$500.
- e) General Fees
 - 1) The fee for the issuance of a duplicate license, for the issuance of a replacement certificate of registration for a certificate of registration that has been lost or destroyed, or for the issuance of a certificate of registration with a change of name or address, other than during the renewal period, is \$50. No fee is required for name and address changes on Division records when no duplicate certificate of registration is issued.
 - 2) The fee for a certification of a licensee's record for any purpose is \$50.
 - 3) The fee for a wall certificate showing licensure shall be the actual cost of producing and delivering the certificate.
 - 4) The fee for a roster of persons licensed in this State shall be the actual cost of producing and delivering the roster.
 - 5) The fee for the initial issuance of an Illinois national or federal ID, as described in Section 1370.150(j) or (k), will be \$5. The replacement fee for an Illinois national or federal ID shall be \$25.
- f) Fee for Restoration of License after Discipline

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- 1) The restoration fee for a license as a promoter is \$1000.
- 2) The restoration fee for a license as a referee is \$300.
- 3) The restoration fee for a license as a matchmaker is \$250.
- 4) The restoration fee for a license as a manager is \$200.
- 5) The restoration fee for a license as a contestant is \$100.
- 6) The restoration fee for a license as a timekeeper is \$150.
- 7) The restoration fee for a license as a judge is \$100.
- 8) The restoration fee for a license as a second is \$50.
- 9) The restoration fee for a license as a promoter of contests in which only amateur bouts are held is \$300.

Section 1370.40 Promoters

- a) No owner, officer, principal, association, partnership, corporation or limited liability company shall promote any contest without that person or a principal of that business obtaining a license from the Division.
- b) Responsibilities of promoters shall include:
 - 1) Full responsibility for all aspects of the contest and for meeting all deadlines for submission of contest permit and promoter licensure applications; and
 - 2) Supervision of their agents, employees and representatives, the conduct of those agents, employees and representatives, and any violation of the Act or this Part related to the contest. The Division shall deem any violation by an agent, employee or representative of a promoter a violation by the promoter.
- c) Promoters shall not permit another to use their license.

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- d) Promoters shall provide notification to contestants of the weigh-in time and location. The promoter shall also be responsible for notifying contestants when to report to their dressing room on the day of the contest; that time shall be approved by the Division.
- e) Promoters shall provide notification to contestants of proper attire and equipment, as defined in this Part.
- f) Promoters shall provide compensation to the referees, physicians, timekeepers and judges in the form of certified checks, money orders, or another Division-approved form of payment. Compensation for referees, judges, timekeepers and physicians shall be delivered to the Division, prior to commencement of the first bout, at a Division specified time and location. A Division representative will forward payment to the officials and provide a receipt to the promoter.
- g) Promoters shall provide compensation to the contestants. The promoter shall deliver the purse to each contestant directly after the contestant has competed in his or her scheduled bout in a manner determined by the Division and in the presence of a Division representative. The Division representative will serve as a witness of the payment of the purse and provide a receipt to the contestant and promoter unless the receipt is declined.
- h) Failing to provide payment as set forth in subsections (f) and (g), providing payment on an account that is insufficiently funded, or providing payment more than 24 hours after the conclusion of the contest to the Division, may result in immediate suspension or revocation of the promoter's license or other disciplinary action as the Division may deem proper
- i) Promoters shall arrange for at least one ambulance to be on-site, at all times, at each bout, along with 2 licensed emergency medical technicians (EMTs) at least one of whom shall be an emergency medical technician-paramedic (EMT-P), a stretcher, oxygen and proper resuscitation equipment as required by Emergency Medical Services and Trauma Center Code (77 Ill. Adm. Code 515). No bout shall continue without the presence of the 2 EMTs, at least one of whom shall be an EMT-P, and the equipment required by the Emergency Medical Services and Trauma Code.
- j) A promoter may not be a contestant in a contest he or she is promoting.

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- k) Promoters and organizations associated with the contests shall be deemed to have knowledge of the applicable laws and rules of the State. The promoter shall be responsible for ensuring that all requirements of this Part are strictly carried out.
- l) Promoters shall provide all materials necessary to conduct the contest, including but not limited to such items as:
 - 1) the fighting area;
 - 2) stools, buzzer or whistle, bell or gong, timer, gloves, gauze, tape for hand wraps and properly calibrated scales;
 - 3) a foul proof cup, clean towels, shoe laces, a professional mouthpiece, and medical tape;
 - 4) clean dressing room facilities, including washroom and shower for contestants and officials. Separate facilities shall be provided for male and female contestants;
 - 5) 3 small platforms or elevated chairs for the judges;
 - 6) at minimum, 2 buckets and 2 appropriately sized bottles for use by the contestants;
 - 7) Disposable garbage bags in garbage cans in each dressing room and ring or cageside; and
 - 8) Cleaning solution used to disinfect the ring, cage or other surfaces contaminated by blood, other bodily fluids and debris. There shall be at least one person designated by the promoter who shall be responsible for immediately cleaning blood, other bodily fluids and debris from the ring, fighting area and other areas before, during and after each bout.
- m) Promoters shall be responsible for ensuring the maintenance of adequate public safety for all contests. Failure to ensure adequate public safety may result in cancellation of a contest, discipline against a promoter's license, denial of future contest permits, or any combination of these actions.

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- n) For adequate public safety, the promoter is responsible for ensuring that no liquid refreshments or bottled or canned drinks, unless poured into disposable cups by vendors at the time of sale, are permitted in any hall or facility where any contest is being held. If the contest is staged out-of-doors, disposable cups also must be used on the site of the contest.
- o) At the discretion of the Division, chairs may be required to be attached so that they are not portable, for the safety of contestants, officials and the public.
- p) Spectator seats shall be at least 8 feet from the apron of the fighting area platform or at a distance approved by the Division. A physical barrier approved by the Division shall be placed 8 feet from the fighting area platform and shall have no more than 4 entry points. Security shall be placed at each of these entry points. The space immediately within 8 feet of the fighting area platform shall be under the jurisdiction of the Division for use by designated working officials, contestants, their seconds, timekeepers, judges, referees, physicians, announcers, medical representatives and others approved by the Division. Promoters are responsible for seeing that the working area is controlled and free of non-essential personnel.

Section 1370.50 Judges

- a) There shall be 3 judges required for each bout. All bouts shall be scored by each judge on a 10-point must system (see Sections 1370.570 and 1370.660).
- b) Contestants' techniques shall be judged based on the standards of their respective sport.
- c) The judges shall reach their decisions without conferring in any manner with any other official or person, including the other judges of the panel. Each judge shall make out his or her scorecard in accordance with provisions of the rules governing the respective sport. At the end of the round, the score shall be totaled and signed or initialed by each judge. The referee working the bout shall collect the scorecards after each round and hand them to the Division representative.
- d) Any erasures or changes on the scorecard shall be approved and initialed by the judge and the Division representative.
- e) Official scorecards from the Division shall be used and shall be retained in the

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custody of the Division representative who will transport them to the Division for archiving.

- f) The judges selected for the contest and for each bout shall be at the sole discretion of the Division and that determination shall be final. The Division shall set the amount of compensation to be provided to the judges.
- g) Judges shall not show any partiality to any contestant at any time. There shall be no discussion of any kind among officials or with the public with regard to the decision or contest before or during the bout. The officials shall not discuss previous bouts while the contest is in progress.

Section 1370.60 Inspectors

The Division shall determine and assign the number of inspectors at each contest as it deems necessary, with a minimum of 6 inspectors per event. The Division will assign more than 6 inspectors when necessary, as determined by the number of contests being held during the event.

- a) In all contests, contestants, promoters, managers, matchmakers, judges, referees, timekeepers, seconds, announcers and physicians at all times shall be under direction of the Division through its designated representatives and inspectors.
- b) Employees and inspectors of the Division shall not have, either directly or indirectly, any interest in, or connection with, any promotion of professional contestants or contests in this State.
- c) The Division and its inspectors shall supervise the sale of tickets, check the counting of receipts, and enforce the Act and this Part.
- d) When printed tickets are presented to the ticket taker, he or she shall immediately deposit every admission ticket, pass or complimentary ticket in a secure box. It shall be opened only in the presence of the Division inspector, who shall see that all tickets or passes are carefully counted and reported to the Division, along with the price of admission charged for each class of ticket and exchanges and the gross receipts of all tickets. If printed tickets are otherwise scanned or are electronically processed, a printed record reflecting all of the information required by this subsection shall be provided to the Division.
- e) Before the start of a contest, an inspector may check that all contestants,

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promoters, managers, matchmakers, seconds, timekeepers, referees and physicians are licensed by the Division. Any of those persons without a current license issued by the Division shall not participate in the contest, unless and until an application and fee have been received and the application is approved by the Division.

- f) An inspector shall be present in the dressing rooms at the designated time for observing contestants and inspecting all equipment.
- g) All hand wrappings must be approved by an inspector prior to being placed on contestants. All hand wraps that have been approved must be initialed by the inspector present.
- h) No contestant may be gloved outside the presence of an inspector. After approval of the gloving, the tape around the strings shall be initialed by the inspector present.
- i) The inspector is responsible for warning the seconds of violations of any rules relating to seconds. If the second does not conduct himself or herself in accordance with the rules, the inspector, referee or Division representative shall warn the second that further violations may result in disqualification of his or her contestant or his or her removal from the corner.
- j) Inspectors shall not show any partiality to any contestant at any time. There shall be no discussion of any kind among inspectors with regard to the decision or contest. The inspectors shall not discuss previous bouts while the contest is in progress.

Section 1370.70 Matchmakers

- a) The duties of the matchmaker shall include arranging the bouts and matching the contestants based on weight and experience.
- b) All bouts shall be approved by the Division. The Division may prohibit any bout deemed to be a mismatch based on the record, experience, skill and condition of the contestants as known or represented to the Division at or before the bout or that could expose one or both contestants to serious injury. Any contestant who has lost his or her last 6 bouts, regardless of type of loss, shall not compete in a bout without prior review and approval of the Division.

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- c) No matchmaker in a specific contest shall act in the capacity of a manager or second for that specific contest either directly or indirectly.

Section 1370.80 Seconds

- a) A minimum of 2 seconds per contestant is required. If requested, a maximum of 5 seconds per contestant may be allowed at the discretion of the Division. One second shall announce to the referee at the start of the bout that he or she is the chief second.
 - 1) For boxing contests: Only one second shall be inside the fighting area between rounds; the other 2 seconds may be on the ring platform outside the fighting area.
 - 2) For full-contact martial arts contests: When the fighting area is enclosed by a cage or similar barrier, up to 2 seconds may be inside the fighting area between rounds. When the fighting area is enclosed by ropes, only one second shall be inside the fighting area between rounds.
- b) Licensed managers shall be permitted to act as seconds without being licensed as a second. While acting as a second, a manager shall observe all rules pertaining to the conduct of seconds.
- c) Seconds shall comply with the following:
 - 1) Seconds shall not stand or lean on the fighting area apron during the round. Seconds must remain seated during the round. The second may not sit or lean on the steps leading to the fighting area.
 - 2) Seconds shall not yell. All coaching must be kept to a minimum. Continuous warnings may result in one or a combination of the following: removal of the second, disqualification of the contestant, or discipline of the second.
 - 3) Seconds shall not enter the fighting area until the timekeeper indicates the end of the round. Seconds must leave the fighting area when the timekeeper indicates 10 seconds before the beginning of the next round. If the chief second or anyone for whom the chief second is responsible enters

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the fighting area before the bell ending the round has sounded, his or her license may be subject to discipline and the contestant he or she is handling may be disqualified. While the round is in progress, the chief second may either mount the apron of the fighting area or otherwise attract the referee's attention, indicating the retirement of the contestant. A second shall not enter the fighting area unless the referee stops the bout and shall not interfere with a count that is in progress.

- 4) The chief second shall be responsible for the conduct of his or her assistant seconds during the contest.
- 5) Good sportsmanship is expected at all times.
- 6) It is mandatory for seconds to wear disposable rubber, plastic or latex gloves while working in a contestant's corner.
- 7) Seconds shall not use excessive amounts of water or ice and shall wipe up any water in the fighting area. Before leaving the fighting area and at the indication of the timekeeper, seconds must remove any obstruction such as buckets, stools, towels and other materials from the corner of the fighting area.
- 8) Seconds shall be responsible for compliance with Sections 1370.510(b) and 1370.610(b) relating to bandages and handwraps.
- 9) The second shall be equipped with:
 - A) A clear plastic bottle or water bottles sufficiently taped;
 - B) Water;
 - C) Chopped ice in buckets;
 - D) Clean towels;
 - E) Petroleum-based products (e.g., Vaseline);
 - F) Adhesive tape;

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- G) Sterile gauze pads;
 - H) Scissors;
 - I) Extra mouthpiece;
 - J) Sterile cotton swabs;
 - K) Pressure plates; and
 - L) Any other Division approved equipment.
- 10) No iron solution shall be used to stop hemorrhaging. Only the following substances may be used:
- A) A solution of adrenaline 1/1000;
 - B) Avitene;
 - C) Thrombin; or
 - D) Any other substance approved by the physician.
- d) Any violation of the requirements in subsection (c) of this Section may result in one or a combination of the following:
- 1) A deduction of points from the second's contestant;
 - 2) Immediate suspension of the second;
 - 3) Ejection of the second from the corner.

Section 1370.90 Timekeepers

- a) There shall be a timekeeper, licensed by the Division, responsible for keeping track of time during a contest.
- b) Timekeepers shall be equipped with a whistle, a knockdown watch, a 3- or 5-minute stopwatch, as appropriate, and a back-up gong or other audible device

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that has been approved by the Division.

- c) Timekeepers must adhere to the following:
- 1) The timekeeper shall be impartial. A timekeeper who signals interested parties at any time during bouts shall be subject to discipline.
 - 2) When there are 10 seconds remaining in the rest period between rounds, the timekeeper shall sound a whistle, buzzer or other audible device approved by the Division for such purpose to warn the referee, contestants and seconds of the beginning of the next round.
 - 3) The timekeeper shall indicate the commencing and conclusion of each round by sounding the gong, bell or other audible device approved by the Division for such purpose. The timekeeper shall also indicate by pounding the fighting area when there are 10 seconds remaining in the round to warn the referee of the end of the round.
 - 4) It is the duty of the timekeeper to keep accurate time of all bouts. The timekeeper shall keep an exact record of time taken out at the request of a referee for an examination of a contestant by the physician, or the replacement of a glove or adjustment of any equipment during a round and the timekeeper shall report the exact time of a bout being stopped.
 - 5) When applicable, the timekeeper shall be responsible for the knockdown count. The timekeeper shall begin counting each second during the knock-down count. If the knockdown occurs within 10 seconds prior to the end of the round, the timekeeper shall not ring the bell, or other audible device approved by the Division for such purpose, until the referee indicates the contestant is ready to continue.
 - 6) There shall be no discussion of any kind among officials with regard to the decision or program. The officials shall not discuss previous bouts while the program is in progress.
 - 7) The timekeeper selected for each bout shall be at the sole discretion of the Division and that determination shall be final.
- d) The Division shall set the amount of compensation to be provided to the

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timekeeper. The promoter is responsible for all compensation for the timekeeper.

Section 1370.100 Referees

- a) The referee is charged with the enforcement of provisions of the Act and this Part that apply to the conduct of contests and the conduct of the contestants and contestant's seconds while in the fighting area. The referee shall be the chief official and sole arbiter during all bouts.
- b) A referee shall be licensed by the Division and shall be selected and assigned to contests by the Division.
- c) A referee shall not show partiality to any contestant at any time.
- d) A referee shall adhere to the following:
 - 1) When a referee has cause to suspect a violation of the Act or this Part, he or she shall file a report with the Division describing the event.
 - 2) A referee must report for duty at least one hour before the scheduled starting time of the contest.
 - 3) A referee must first report to Division representatives, then to the physician for examination, and shall avoid conversation except with Division officials.
 - 4) Before starting each bout, the referee shall:
 - A) Check with each judge and timekeeper to determine if each is ready;
 - B) Ascertain the name of the chief second in each corner; and
 - C) Verify that the physician is present.
 - 5) At the beginning of the contest, the referee shall call contestants to the center of the ring. Contestants may be accompanied by their chief second only.

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- 6) It is mandatory for the referee to wear disposable rubber, plastic or latex gloves when refereeing a bout.
 - 7) The referee shall remain in the fighting area for the entire duration of the bout.
 - 8) The referee shall ensure that the contestant stays in his or her corner between rounds.
 - 9) The referee shall hold the chief second responsible for all conduct in his or her corner.
- e) In the event a bout terminates before its scheduled number of rounds, the referee shall inform the judges and the Division of the exact duration of the bout.
- f) The referee may stop or terminate a bout and render a decision for any of the following reasons:
- 1) The referee determines that one of the contestants is clearly less experienced or skilled than his or her opponent to the extent that allowing the bout to continue would pose a substantial risk of serious harm or injury to the less experienced or skilled contestant;
 - 2) The referee determines that one of the contestants is at substantial risk of serious harm or injury and, despite such harm or injury, cannot or will not submit, in the case of martial arts or mixed martial arts, or stop fighting in the case of boxing;
 - 3) The referee decides that a contestant is not making his or her best effort;
 - 4) To protect a badly beaten contestant who can no longer protect himself or herself. When a contestant sustains a cut eye or any other injury that, in the judgment of the referee, may incapacitate the contestant, the referee may call the physician into the fighting area to examine the contestant. In such cases, the referee shall be guided by the physician's advice;
 - 5) The referee determines that one contestant is hanging helplessly on or over the fighting area enclosure or the contestant is physically unable to continue a match or to defend himself or herself; or

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- 6) For any other reason the referee deems necessary to protect the health, safety or welfare of any contestant or any member of the public.
- g) When the fighting area is enclosed by ropes, the referee may stop the bout and require the contestants to resume the action in the center of the fighting area in the same hold the contestants were engaged in at the time the bout was stopped.
- h) The referee shall warn or penalize with a deduction of points a contestant who uses the ropes, cage or any other unfair means to gain advantage.
- i) Whenever a contestant has been injured, knocked out or technically knocked out, the referee shall immediately summon the attending physician to evaluate the injury of the stricken contestant. The physician may recommend the bout be stopped. Except at the request of the physician, no managers or seconds shall be permitted to aid the stricken contestant.
- j) The referee or Division representative shall warn the seconds of violations of any rules relating to seconds. If, after such a warning, the second does not conduct himself or herself in accordance with the rules, the second may be immediately suspended or removed from the corner or his or her contestant may be disqualified. Further disciplinary or non-disciplinary action may be imposed as the Division deems proper.
- k) The referee shall instruct judges to mark their scorecards accordingly when he or she has assessed a foul upon one of the contestants.
- l) The referee or Division representative shall deliver the official scorecards to the Division representative. When picking up the scorecards from the judges, the referee or Division representative shall see to it that the cards are completed and the contestants' and judges' names are recorded. If not, the judges shall be instructed to complete scorecards correctly.
- m) The referee shall ensure that a bout moves to its proper completion. Delaying or avoiding tactics, or both, should be avoided and the contestant who employs these tactics may be penalized in scoring or disqualified.
- n) The referee selected for each bout shall be at the sole discretion of the Division and that determination shall be final. The promoter is responsible for all

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compensation for the referee. The Division shall set the amount of compensation to be provided to the referee.

Section 1370.110 Physicians and EMTs

a) Physicians

- 1) The Division shall appoint at least one physician for all contests. Additional physicians shall be appointed as determined by the Division. The physician selected for each contest shall be at the sole discretion of the Division and that determination shall be final. The promoter is responsible for all compensation for the physician. The Division shall set the amount of compensation to be provided to the physician.
- 2) A physician shall perform all physical examinations.
- 3) The physician shall sit immediately adjacent to the fighting area at every contest with immediate access to the ring or cage. A contest may not proceed unless the physician is in his or her seat. The physician shall not leave the venue until after all contestants have left. If called upon, the physician shall be ready to advise the referee.
- 4) The physician may enter the fighting area between rounds on his or her own judgment and shall inform the referee about his or her opinion in relation to the physical condition of either contestant.
- 5) The physician shall coordinate with the EMTs to ensure that the appropriate drugs and medical supplies are available in the event of injury to a contestant.
- 6) The physician shall report in writing to the Division all injuries received by a contestant immediately following the contest. The physician shall also report on the fitness of the injured contestants to engage in further competition and determine any medical suspensions.

b) Emergency Medical Technicians (EMTs)

- 1) 2 EMTs, one of whom shall be an EMT-P, shall be available to assist the physician and provide emergency medical equipment, including

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resuscitation equipment.

- 2) 2 EMTs, one of whom shall be an EMT-P, shall be on site, at all times, at each contest, along with a stretcher, oxygen and proper resuscitation equipment. No contest shall continue without the presence of 2 EMTs, one of whom shall be an EMT-P, and the required equipment.
- 3) The EMTs are responsible for a comprehensive evacuation plan for the removal of any seriously injured contestant from the contest to a hospital facility where emergency medical care is provided.
- 4) The EMTs are responsible for knowing the location of the closest hospital emergency facility where adequate neurosurgical care is immediately available for skilled emergency treatment of an injured contestant.
- 5) The EMTs, at the direction of the physician, must check the vital signs of all contestants prior to their participation in a contest and after contestants complete their bouts. The EMTs shall record this information on forms provided by the Division.

Section 1370.120 Access to Venue

The promoter of a contest and officials of the venue shall permit the following persons full access to the site of the contest and the dressing rooms:

- a) Any Division employee authorized by the Division;
- b) Any authorized firefighters, police officers, security officers and any other authorized individuals assigned to work the event by the Division; and
- c) Any referee, judge, timekeeper, physician and medical personnel who are authorized by the Division and are assigned to the event and who present photo identification or an official badge or other credential evidencing that status.

Section 1370.130 Safety Requirements and Physical Appearance for Contestants

All contestants shall present a clean and tidy appearance and shall comply with the following:

- a) Fingernails and toenails shall be sufficiently trimmed to avoid the risk of cutting

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or scratching an opponent;

- b) Hair shall be trimmed or tied back, if possible, or maintained as otherwise directed by the Division representative, so that the hair does not interfere with the vision of the contestant or cover the contestant's eyes. The Division's representative shall determine whether a contestant's head and facial hair presents any safety hazard to the contestant or his or her opponent or would interfere with the supervision and conduct of the bout;
- c) Body grease, gels, balms or lotions applied to any part of a contestant's body, attire or equipment is prohibited. Petroleum jelly or other similar petroleum-based product may be applied to the facial area at ring or cage side in the presence of an inspector, referee or person designated by the Division. The referee or Division representative shall cause any excessive petroleum jelly or other permitted substance or any foreign substance to be removed to his or her satisfaction. Any contestant applying anything to any part of his or her body, attire or equipment, outside the presence of an inspector, referee or person designated by the Division may be penalized a point or disqualified;
- d) No cosmetics shall be worn during a bout;
- e) Jewelry or piercing accessories are prohibited;
- f) A contestant is prohibited from wearing corrective lenses or contact lenses in the fighting area; and
- g) If the head, facial hair or physical appearance of a contestant presents a hazard or will interfere with the supervision and conduct of the contest, the contestant may not compete in the contest unless the circumstances creating the hazard or potential interference are corrected to the satisfaction of the Division or its designee.

Section 1370.140 Weigh Ins

- a) The weigh-in shall be conducted by an inspector or Division representative at a time and place approved by the Division.
- b) Prior to engaging in a contest, all contestants must submit to a weigh-in and a physical examination by the physician at the time and place approved by the

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Division.

- 1) The physical examination given to contestants shall include, at a minimum, the following: weight, pulse, blood pressure, examination of the lungs and heart, and general physical condition.
 - 2) Contestants shall disclose all medical history and conditions to the physician during the physical examination. All female contestants must submit to a pregnancy test at a time and location to be determined by the Division and in the presence of a Division representative. Any female contestant who tests positive for pregnancy shall be prohibited from fighting.
 - 3) The physician shall conduct examinations and tests necessary to attest to the fitness of the contestants engaged in the contest. The physician shall certify in writing on a form prescribed by the Division those contestants who are in good physical condition to compete.
 - 4) If, upon physical examination, a contestant is determined by the physician to be unfit for competition, the contestant shall be prohibited from competing during that specific contest.
- c) The scale used for the weigh-in shall be provided by the promoter and approved by the Division representative. The scales must weigh accurately and be capable of weighing up to 10 pounds over the maximum weight of the heaviest contestant scheduled to compete. The Division may, in its discretion, use the scales furnished by the promoter or use its own scales. All scales furnished by the promoter shall be thoroughly tested and approved by the representative of the Division prior to being used in connection with any contest.
 - d) Each contestant shall be weighed in the presence of his or her opponent, unless waived by his or her opponent, a representative of the Division, and an official representing the promoter, on scales approved by the representative of the Division, at any place designated by the Division. Weigh-ins shall be open to the public.
 - e) Contestants shall have all weights stripped from their bodies before weigh-in. Male contestants may wear shorts and socks. Female contestants may wear shorts, a sports bra and socks.

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- f) The representative of the Division may require contestants to be weighed more than once for any cause deemed sufficient.
- g) Contestants who fail to make the weight for their designated weight class shall be given up to 2 hours to make required weight. Any contestant who fails to make the weight shall be disqualified unless both contestants consent to participate in the scheduled bout. The weight differential shall be approved by the Division; bouts may be cancelled per the Division's discretion.
- h) At the weigh-in, no contestant may lose more than 3 pounds in less than a 2 hour period. This rule applies to a second day weigh-in also. This does not apply to boxing contestants who compete in light heavyweight class and above.
- i) For title bouts, contestants may weigh no more than 10 pounds heavier on the day of the bout or contest than their weight at the weigh-in.
- j) Contestants who fail to arrive or arrive later than one half hour after the appointed start time of the weigh-in may be disqualified, immediately suspended for no more than 6 months, or both.

Section 1370.150 Bouts and Contests

- a) All licensed individuals, contestants and organizations associated with the contests shall be deemed to have knowledge of the applicable laws and rules of the State. Any questions or interpretations shall be referred to the representative of the Division. If an immediate decision is required, it shall be referred to the Division or its designee who shall make a determination on the matter. In the event a situation occurs at the contest and there are no regulations in place to cover the situation, the representative of the Division shall make a decision on the matter. The Division's or its designee's ruling shall be final. The authority of the Division and the inspectors shall be respected. No one shall interfere with the inspectors' duties, use foul language towards the inspectors, or make threats of physical harm toward the inspectors. Any interference, unprofessional conduct, use of foul language, or threats of physical harm towards the inspectors will be cause for disciplinary action.
- b) The Division shall approve each bout.

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- c) No bout shall be advertised or promoted as a championship bout unless it has the specific approval of the Division.
- d) Contestants shall at all times abide by the Act and this Part.
- e) Contestants shall at all times observe the directions and decisions of all officials.
- f) All contestants shall have a pre- and post-bout physical conducted by a physician to attest to the contestant's physical fitness to compete.
- g) A minimum of one day prior to the date of the contest, each contestant shall provide to the Division medical test results dated no more than 6 months prior to the date of the contest. Medical tests shall include, but not be limited to, the following:
 - 1) Complete annual physical examination;
 - 2) A blood test that verifies the applicant is HIV negative (quantitative RNA);
 - 3) A blood test that verifies the applicant is Hepatitis B (HBsAg) negative;
 - 4) A blood test that verifies the applicant is Hepatitis C (HCVAb) negative; and
 - 5) Any other test the Department or event physician may require.
- h) The Division may request the contestant provide a CAT scan (CT) with contrast MRI or MRI/MRA examination when a contestant:
 - 1) Has lost 3 bouts in a row by KO or TKO;
 - 2) Has lost five bouts in a row;
 - 3) Has an extensive losing record; or
 - 4) In any other circumstances that lead the Division to determine that the health, safety or welfare of the contestant may be at risk.

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- i) Any contestant who has lost his or her last 6 bouts, regardless of the type of loss, shall not compete in a bout without prior review and approval of the Division.
- j) All mixed martial arts contestants must have a current national identification number issued by any state, tribal athletic commission, territory, federal agency or county recognized by the Association of Boxing Commissions in order to compete in a contest. If the contestant has not applied for or does not have a current national identification number, he or she shall apply or re-apply for one and pay the required fee per the issuing state's fee schedule.
- k) All boxing contestants must have a federal identification number issued by any state, tribal athletic commission, territory, federal agency or county recognized by the Association of Boxing Commissions in order to compete in a contest. If a contestant has not applied for or does not have a current federal identification number, he or she shall apply or re-apply for one and pay the required fee per the issuing state's fee schedule.
- l) A contestant shall not compete in more than one contest within a 15 day period. The Division may determine that more time between contests is necessary to protect the health and safety of the contestant.
- m) Each contestant shall report to the representative of the Division in the dressing rooms at least one hour before the scheduled time of the first bout of the contest. Failure to do so may result in the contestant being disallowed to participate in the bout.
- n) The administration or use of any drugs or stimulants prohibited by Section 1370.230, either before or during a bout, to or by any contestant is prohibited. Any contestant violating this subsection shall be subject to disqualification and immediate suspension under Section 1370.190.
- o) During a bout or contest, contestants shall only be permitted to drink water. No other fluids shall be permitted.
- p) Before starting a bout, the referee shall ascertain from each contestant the name of his or her chief second who shall be held responsible for the conduct of the assistant seconds during the progress of the bout. The referee shall call contestants together before each bout for final instructions, at which time each contestant shall be accompanied by the chief second only.

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- q) The 3 judges shall be stationed at the sides immediately adjacent to the fighting area, each at a separate side. The judges shall turn scorecards over to the referee or Division representative after each round. The referee or Division representative shall then hand the scorecards to the Division or an official it has designated. A final decision shall be made before the judges may leave the area. Any erasures or changes on the card shall be approved and initialed by the judge and Division or its designee.
- r) After receiving instructions, the contestants may shake hands and retire to their corners.
- s) The contestants and the referee shall be the only persons allowed in the fighting area during the progress of a round. When the referee calls a timeout, he or she may permit the physician to enter the fighting area.
- t) Under no circumstances shall a contest be held with fewer than 3 bouts.
- u) Contests with Both Professional and Amateur Bouts
 - 1) If amateur bouts and professional bouts are scheduled during the same contest or event, the professional bouts shall be approved and scheduled as determined by the Division.
 - 2) There shall be a minimum of one amateur bout and a minimum of 3 professional bouts.
 - 3) There shall be no less than 15 minutes and no more than 30 minutes, as determined by the Division under the Act and this Part, between the amateur and professional bouts.
 - 4) The Division or its designee shall have sole discretion to reassign officials such as physicians, referees, judges and timekeepers, who have been assigned to the professional bouts, to the amateur bouts scheduled during the same event.
- v) The contest shall commence no later than 30 minutes after the start time stated on the contest permit unless otherwise approved by the Division.

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- w) Any person who has competed in any professional contest shall not participate in any amateur contest of the same discipline in the State of Illinois. The Division may discipline a registrant or the license of any contestant, promoter, manager, matchmaker or second who violates, or assists or enables another to violate, the provisions of this subsection.
- x) The promoter shall provide an adequate room for the attending physician to conduct physical examinations. Whenever a contestant, because of illness or injuries, is unable to take part in a contracted bout, the contestant or the manager shall immediately report that fact to the inspector. The contestant shall then submit to an examination by a physician designated by the Division.
- y) Tables immediately surrounding the fighting area shall be no higher than the level of the fighting area platform.
- z) The gong, bell, buzzer, horn or other audible device approved by the Division shall be sufficiently loud so that the officials and contestant can hear it clearly. The 10 second warning before the start of a round may be by whistle or by gong, bell, buzzer, horn or other audible device approved by the Division for that purpose.
- aa) The promoter may provide video screens during any bout or contest that meets the approval of the Division and that allows patrons to view the action inside the fighting area without obstruction. Video screens may also be provided to officials for use during a bout.
- bb) The Division shall not release the names of officials assigned to an event until the day of the event or at another time deemed appropriate by the Division.

Section 1370.160 Manager-Contestant Contracts

- a) A manager and contestant shall file their contract with the Division.
- b) The Division shall recognize the filed document until such time as both parties appear before the Division to cancel the contract, or a court of law notifies the Division that the contract is null and void.

Section 1370.170 Tickets and Payment of Taxes

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- a) The right of admission to view a contest in person shall not be sold or otherwise granted to a person or entity unless that person or entity is provided with a ticket.
- b) The Division shall have supervision over the sales of tickets, ticket boxes, entrances and exits for the purpose of checking admission controls. The Division shall ensure that all tickets are counted and that the final accounting includes the:
 - 1) number of complimentary tickets;
 - 2) face value of each ticket;
 - 3) total number of each ticket price category sold; and
 - 4) gross receipts from all ticket sales.
- c) Every ticket shall be printed with the price, the name of the promoter and the date of the contest. Unless otherwise authorized by the Division, the ticket stub of each ticket shall indicate the price of the ticket. All complimentary tickets shall be printed as such or reflect a zero dollar value.
- d) A promoter shall not issue complimentary tickets for professional or professional and amateur combined contests for more than 4% of the seats in the house. The promoter shall be responsible to pay the taxes provided for in Section 13 of the Act for all complimentary tickets over and above the 4% cap on complimentary tickets. If the Division approves the issuance of complimentary tickets over and above the 4% cap, the complimentary tickets that are exempt from the tax shall be based on the lowest value of sold tickets distributed.
- e) To facilitate assessment of the taxes required to be paid by the promoter pursuant to Section 13 of the Act, the following procedures shall be followed:
 - 1) Tickets shall be printed in a format approved by the Division.
 - 2) 7 days prior to a contest, the promoter shall submit to the Division a notarized printer's manifest for the amount and price of tickets printed for a contest. General admission tickets shall be consecutively numbered. When available, an electronic printout is to be given to a Division representative on the day of a contest. No tickets of admission to that contest shall be sold except tickets declared on the notarized printer's

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manifest.

- 3) The total number of tickets printed shall not exceed the total seating capacity of the premises where the contest is to be held.
- 4) The final accounting of printed tickets shall be completed by the promoter on an official ticket inventory prior to or during the last bout and provided to the Division. Taxes shall be assessed and collected on all the printed face value of the tickets declared on the official ticket inventory. Taxes shall also be assessed and collected for all unaccounted tickets.
- 5) No ticket holder shall pass through the gate without having the ticket separated from the stub or otherwise accounted for. However, members of the news media assigned to work by their regular employers, as approved by the promoter, policemen and firemen in uniform and on duty, and persons of similar vocation are admitted free and the promoter shall not be liable for any tax for their admission.
- 6) When it is determined that a promoter has made an incorrect statement of gate receipts, has used tickets not appearing on the inventory, or by any subterfuge purports to reduce the amount of tax due under the law, discipline of the promoter's license, up to and including revocation, and forfeiture of bond may occur.

Section 1370.180 Prohibited Contests

- a) Any licensee holding or promoting a contest for which no permit has been issued by the Division, or participating in such a contest as a promoter, contestant, second, referee, judge, manager, trainer, announcer or timekeeper, may be subject to discipline pursuant to Section 16 of the Act.
- b) The Division shall enter an order to cease and desist to any individual or entity involved in a contest for which no permit has been issued by the Division. If the individual or entity fails to comply with the order, the Division may send the order to the Attorney General or State's Attorney for civil or criminal enforcement with respect to prohibited contests, or the Division may file a complaint for imposition of civil penalties for violation of the Act.

Section 1370.190 Disciplinary Action

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- a) All licensees may be disciplined for any violation of the Act or this Part.
- b) The administration or use of any drugs, alcohol or stimulants, or injections in any part of the body or applied topically to any part of the body, either before or during a bout, to or by any contestant is prohibited. Any contestant violating this Section shall be subject to disqualification or other disciplinary or non-disciplinary action as the Division may deem proper.
- c) The Division or its designee may order the purse withheld from a contestant for failing to perform to the best of his or her ability. The contestant may request a hearing in writing within 15 days after the contest to determine the amount of the purse, if any, that will be transferred to the contestant. The purse shall be returned to the promoter 15 days after the contest if no hearing is requested. The hearing shall be held within 30 days after the date the request is received by the Division. When a hearing is held, any amount of purse not awarded to the contestant shall be returned to the promoter.
- d) If a licensed contestant or contestant that has fought in any event not approved by the Division then competes against an amateur contestant, he or she may be immediately suspended for a period of not more than one year.
- e) A contestant who refuses to fight or fails to appear at the weigh-in or in the bout for which he or she signed a bout agreement shall be immediately suspended for not more than 6 months. The Division may terminate the suspension if the contestant is released from the bout agreement by mutual agreement between the contestant and the promoter. The promoter shall provide the Department notice of this agreement of release in writing.
- f) If, prior to a bout, a contestant files a certificate from a physician stating that the contestant is unable to fulfill a bout agreement because of physical disability, the contestant shall be immediately placed on a medical suspension for 60 days and be reinstated from the suspension in the same manner as provided for in Section 25.1 of the Act.
- g) A promoter's license may be immediately suspended for failure to pay taxes as required by Section 13 of the Act. Any promoter whose license has been suspended shall not promote a contest until he or she has shown the Division proof that any outstanding taxes have been paid in full. A promoter's license may

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be subject to further discipline for late payment of taxes.

- h) A promoter's license may be immediately suspended until payment of compensation is made to contestants and other participants. Any promoter whose license has been suspended pursuant to this subsection shall not promote a contest until he or she has satisfied any disciplinary requirements imposed by the Division. A promoter's license may be subject to further discipline for late payment of compensation.
- i) The Division may immediately suspend the license of any licensee who misrepresents or falsifies information, data or documentation for application or other purposes. The Division may immediately report any action taken against a licensee to any keeper of records.
- j) Any registrant who misrepresents or falsifies information, data or documentation for registration or other purposes shall void his or her registration. The Division may deny future registration or licensure to that registrant. The Division may immediately report the voiding or denial of that registration to any keeper of records.
- k) A promoter, contestant, manager, second or representative of the contestant may not verbally harass, physically abuse, throw any object at, or make illicit gestures toward any person present at the venue, including, but not limited to, officials, inspectors or other Division representatives before, during or after any contest. Any promoter, contestant, manager, second or any representative of the contestant violating this Part may be immediately suspended or subject to any other disciplinary or non-disciplinary action the Division deems proper.
- l) Throwing the mouthpiece into the audience during or after the contest may result in an immediate suspension or subject the offender to any other disciplinary or non-disciplinary action the Division deems proper.
- m) No contestant or promoter may play any type of entrance theme that includes music, video or any type of physical display that contains any profane, offensive or derogatory remarks. Anyone violating this subsection may be immediately suspended or subject to any other disciplinary or non-disciplinary action the Division deems proper.
- n) When a bout is cancelled because a contestant fails to make the required weight

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listed in his or her contestant/promoter contract, the contestant shall be subject to a fine not to exceed 25% of the purse amount and any other disciplinary or non-disciplinary action the Division deems proper. The contestant may request a hearing in writing within 15 days after the contest to appeal the suspension. The hearing shall be held within 30 days after the date the request for hearing is received by the Division.

- o) In instances in which the Division immediately suspends or revokes a license, a hearing must be commenced within 30 days after the suspension and completed without appreciable delay. A license suspended pursuant to this Section may be subject to further discipline for violation of the Act and/or this Part.

Section 1370.200 Suspensions and Mandatory Rest Periods

- a) The Division shall report all contestants' suspensions and mandatory rest periods to Fight Fax, Mixedmartialarts.com (the official recordkeepers designated by the Association of Boxing Commissions (ABC)) or other recordkeeper designated by the Division.
 - 1) Physician's Suspension
 - A) A licensee who is determined by the physician to be unfit to compete or officiate shall be immediately suspended until it is shown that he or she is fit for further competition or officiating.
 - B) Prior to reinstatement, any contestant suspended for his or her medical protection shall satisfactorily pass a medical examination upon the direction of the Division. The examining physician may require any necessary medical procedures during the examination.
 - C) Failure to report or comply with the post-contest examination by the physician will result in a minimum suspension of 90 days.
 - 2) Knockout Suspension
In the event of a knockout (KO) by a blow to the head, the contestant shall be immediately suspended for a period of not less than 45 days. The Division may also suspend a contestant from contact sparring.
 - 3) Technical Knockout Suspension

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In the event of a technical knockout (TKO), the contestant shall be immediately suspended for a period of not less than 30 days. The Division may also suspend a contestant from contact sparring.

- 4) **Disqualification Suspension**
In the event a contestant is disqualified for any reason, that contestant shall be suspended for a minimum of 45 days. The Division may also suspend a contestant from contact sparring.
- b) A contestant shall not compete until 15 days have elapsed from his or her last bout. The 15 day period starts the day following the event in which he or she competed. The license of any contestant found to be competing during the 15 day rest period shall be immediately suspended.
- c) The Division shall honor the suspension of a contestant by any state, tribal athletic commission, territory, federal agency or county that regulates contests in another jurisdiction if the suspension is ordered for:
 - 1) Medical safety;
 - 2) A violation of a law or regulation governing boxing or full-contact martial arts that would constitute a violation of the laws or regulations of this State; or
 - 3) Any other conduct that discredits boxing or full-contact martial arts, as determined by the Division.

Section 1370.210 Renewals

- a) Every license issued under the Act shall expire on September 30 of each odd numbered year. The holder of a license may renew the license during the month preceding the expiration date by paying the required fee and completing any required forms.
- b) Licensed contestants shall provide with their renewal proof of completion of any required certification courses and a complete physical examination by a physician as specified in Sections 1370.440 and 1370.460 (license application process). Failure to provide the proof shall result in expiration of the license. No contestant may participate in any contest while his or her license is expired.

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- c) A contestant over age 35 who has not competed in a contest within the last 36 months, or other period determined by the Division, may be required to appear before the Board to determine, on a case-by-case basis, his or her fitness to participate in a contest.
- d) It is the responsibility of each licensee to notify the Division of any change of address in writing within 30 days after the change becomes effective. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to renew a license.
- e) A licensee who changes his or her name must notify the Division in writing within 30 days after the change becomes effective. Licensees are required to submit legal documentation proving the name change.

Section 1370.220 Administration or Use of Drugs

- a) The administration or use of any drugs, alcohol or stimulants, or injections in any part of the body or applied topically to any part of the body, either before or during a bout, to or by any contestant is prohibited. Any contestant violating this Section shall be subject to disqualification or other disciplinary or non-disciplinary action the Division deems proper.
- b) The Division may request, at any time, that a contestant submit to a drug screen at the contestant's expense when the test is ordered for a permitted contest.
- c) A person who applies for or holds a license as a professional contestant and who has at any time had a positive drug test confirmed by any state, tribal athletic commission, territory, federal agency or county that regulates contests in another jurisdiction for any substance described in subsection (c) shall be required as a condition of licensure or renewal to provide a urine specimen. In addition, contestants shall provide a urine specimen for drug testing either before or after the bout, as directed by the Division representative.
- d) A positive test for any of the following substances shall be conclusive evidence of a violation of subsection (a):
 - 1) Stimulants

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- 2) Narcotics
- 3) Cannabinoids (marijuana)
- 4) Anabolic agents (exogenous and endogenous)
- 5) Peptide hormones
- 6) Masking agents
- 7) Diuretics
- 8) Glucocorticosteroids
- 9) Beta-2 agonists (asthma medications) except salbutamol (maximum 1600 micrograms over 24 hours) and salmeterol by inhalation
- 10) Anti-estrogenic agents
- 11) Alcohol
- 12) Any drug identified on the Prohibited List published by the World Anti-Doping Agency (2012), which is hereby incorporated by reference. The most current edition of the Prohibited List may be obtained, free of charge, from the World Anti-Doping Agency, Stock Exchange Tower, 800 Place Victoria, Suite 1700, PO Box 120, Montreal, Quebec, Canada, H4Z 1B7 or at www.wada-ama.org. This incorporation includes no later editions or amendments.

Section 1370.230 Therapeutic Use Exemption

- a) An applicant, licensee or registrant who believes he or she has a therapeutic reason to use a substance described in Section 1370.220(d) may request a therapeutic use exemption (TUE) to permit continued use of that substance. Such a request may only be granted by the Division. The applicant or licensee shall submit the request in writing to the Division. The request shall be accompanied by supporting medical information sufficient to allow the Division to determine whether to grant the request. In reaching its decision, the Division will, at a minimum, determine whether all of the following criteria have been met:

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- 1) The applicant or licensee would experience a significant impairment to health if the prohibited substance were to be withheld in the course of treating an acute or chronic medical condition;
 - 2) The therapeutic use of the prohibited substance would produce no additional enhancement of performance other than that which might be anticipated by a return to a state of normal health following the treatment of a legitimate medical condition;
 - 3) Either reasonable therapeutic alternatives to the use of the otherwise prohibited substance have been tried or no reasonable alternative exists; and
 - 4) The necessity for the use of the otherwise prohibited substance is not a consequence, wholly or in part, of a prior non-therapeutic use of any substance described in Section 1370.220(d).
- b) The Division may, in its sole discretion, either grant or deny the request based on the criteria in subsections (a)(1) through (4).
 - c) Failure to disclose the use of a substance described in Section 1370.220(d) constitutes a violation of Section 1370.220(a).

Section 1370.240 Granting Variances

The Director may grant variances from this Part in individual cases when he or she finds that:

- a) The provision from which the variance is granted is not statutorily mandated;
- b) No party will be injured by the granting of the variance; and
- c) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

**SUBPART B: APPLICATION FOR PERMIT FOR A PROFESSIONAL CONTEST,
AN AMATEUR CONTEST OR COMBINATION OF BOTH****Section 1370.300 Application for a Permit**

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- a) Permits shall not be issued for applications listing less than 3 bouts.
- b) A promoter shall submit a completed application for a permit to conduct a contest on forms supplied by the Division at least 20 days prior to the scheduled event. The application shall include:
 - 1) The legal names, addresses, phone numbers, fax numbers (if available) and email addresses (if available) of the promoter and matchmaker;
 - 2) The time, date and location of the contest;
 - 3) The seating capacity of the location where the contest is to be held;
 - 4) A copy of the written agreement for use of the venue by the promoter or proof of ownership of venue by the promoter;
 - 5) The admission charge or charges to be made;
 - 6) Proof of sufficient security in compliance with the Private Detective, Private Alarm, Private Security, Fingerprint Vendor and Locksmith Act of 2004 [225 ILCS 447];
 - 7) The name, address and phone number of the nearest hospital with a neurosurgical unit;
 - 8) A letter or other written statement indicating the weigh-in location, date and time, which shall be subject to the approval of the Division;
 - 9) Proof of contract indicating the requisite registration and sanctioning by a Division approved sanctioning body for any full-contact martial arts contest with scheduled amateur bouts;
 - 10) Organizational or internationally accepted rules, per discipline, for professional or amateur full-contact martial arts contests for which the Division does not provide the rules of competition; and
 - 11) The required fee set forth in Section 1370.30.

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- c) Permit fees are non-refundable.
- d) The promoter may request, in writing, to amend the permit application to hold a professional or amateur contest or combination of both in a location different than the location the original application stated. The promoter shall obtain prior written approval from the Division for any venue changes for the contest. Under Section 1370.30, the Division requires additional permit fees for any venue change.
- e) The promoter shall obtain a new permit from the Division for any change of date for a previously issued permit. The original permit shall be deemed null and void once the new permit is issued.
- f) A minimum of 10 days prior to the contest, the promoter shall submit the following to the Division:
 - 1) The names of the ringside physicians and their respective license numbers;
 - 2) The names of the contestants and current information from an official recordkeeper designated by the Division such as Fight Fax, Mixedmartialarts.com or any equivalent determined by the Division;
 - 3) A completed ambulance agreement letter;
 - 4) Written notice to the Division indicating the name of the announcer for the contest. The announcer shall be subject to approval by the Division; and
 - 5) Proof of insurance required by Section 8 of the Act:
 - A) Contestant's accidental death and dismemberment insurance for not less than \$25,000, with any deductible paid by the promoter;
 - B) Contestant's excess medical insurance for not less than \$25,000, with any deductible paid by the promoter;
 - C) Public liability insurance, with a \$1,000,000 minimum;
 - D) Property damage insurance, with \$25,000 minimum.

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- g) Five days prior to the contest, the promoter shall submit to the Division a notarized printer's manifest for the amount and price of tickets printed for contest promotions. General admission tickets shall be consecutively numbered. When available, an electronic printout is to be given to a Division representative on the day of the show. All complimentary tickets shall designate that they are complimentary or reflect a zero dollar value.
- h) At least one day prior to the contest, the promoter shall submit to the Division a copy of the contracts, including replacement bout contracts, for the bouts, which shall be signed by the promoter, contestant and manager, if applicable.
- i) Within 24 hours prior to the event, the promoter shall provide to the Division the payments for the officials, as required by Section 1370.40(f).
- j) The Division will not approve permits for:
 - 1) Bouts between members of the opposite sex;
 - 2) Bouts between professional and amateur contestants;
 - 3) Bouts between human contestants and nonhumans; or
 - 4) Contests with more than 2 contestants competing in the same bout.
- k) The Division may, in its discretion, deny an application for a permit or grant a limited, restricted or conditional permit. Instances in which the Division may take these actions include, but are not limited to:
 - 1) instances in which the Division determines that denying or restricting a permit is in the best interest of the contestants, officials, or public's health, welfare and safety; or
 - 2) when a formal complaint has been filed against the promoter requesting the permit or when a complaint relates to the request to permit the event.
- l) No promoter, official or contestant shall serve in any capacity at a contest for which the Division has denied a permit or for which a permit has not been issued. Participation in non-permitted contests may be grounds for discipline.

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- m) The promoter must have an approved permit before any advertisement, publicity or other public announcement is issued for the contest unless there is prominently displayed a disclaimer stating that the contest has not yet been approved. Violation of this provision may be grounds for discipline.

SUBPART C: PROVISIONS FOR BOXING AND
FULL-CONTACT MARTIAL ARTS LICENSING**Section 1370.400 Application for License as a Promoter**

- a) Promoters shall be separately licensed for either boxing or full-contact martial arts.
- b) Promoters shall be separately licensed as either a promoter of professional contests or a promoter of amateur contests.
- c) All promoters must be licensed.
- d) An applicant must be at least 18 years of age.
- e) An applicant for licensure as a promoter shall file a completed, signed application with the Division, on forms provided by the Division, that includes:
- 1) A copy of a current government issued photo identification (e.g., driver's license, passport);
 - 2) Proof of a surety bond of no less than \$5,000, as required by Section 11 of the Act, to cover financial obligations;
 - 3) a \$10,000 performance bond guaranteeing payment of all obligations relating to the promotional activities;
 - 4) Proof of good moral character. The applicant shall notify the Division of any criminal convictions other than minor traffic violations. The Division may consider any criminal convictions or discipline in another jurisdiction in which the applicant is licensed when determining if the applicant is qualified for licensure;
 - 5) One passport size photo; and

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- 6) The required fee set forth in Section 1370.30.
- f) When the accuracy or sufficiency of any submitted documentation is questioned by the Division or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure may be requested to:
 - 1) Provide the necessary information; and/or
 - 2) Appear for an interview before the Division to clarify information or clear up any discrepancies or conflicts in information.
- g) The Division may deny an application for licensure if, without limitation, the applicant fails to meet the qualifications specified in this Section, fails to pass a required examination or certification course, or otherwise fails to complete requirements to the satisfaction of the Division.

Section 1370.410 Application for License as a Matchmaker

- a) Matchmakers shall be separately licensed for either boxing or full-contact martial arts.
- b) All matchmakers must be licensed.
- c) An applicant for a license shall complete an application provided by the Division.
- d) An applicant must be at least 18 years of age.
- e) Licensees shall comply with all applicable federal regulations governing boxing or full-contact martial arts.
- f) Applications for licensure as a matchmaker shall include:
 - 1) A copy of a current government issued photo identification (e.g., driver's license, passport);
 - 2) Proof that the applicant has matched contestants in a minimum of 5 amateur or professional contests. The Division may examine any

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applicant for licensure as a matchmaker to determine whether the applicant has sufficient knowledge of the sport and is otherwise competent to perform as a matchmaker;

- 3) Proof of good moral character. The applicant shall notify the Division of any criminal convictions other than minor traffic violations. The Division may consider any criminal convictions or discipline in another jurisdiction in which the applicant is licensed when determining if the applicant is qualified for licensure;
 - 4) One passport size photo; and
 - 5) The required fee set forth in Section 1370.30.
- g) When the accuracy or sufficiency of any submitted documentation of stated experience is questioned by the Division or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure may be requested to:
- 1) Provide the necessary information; and/or
 - 2) Appear for an interview before the Division to clarify information or clear up any discrepancies or conflicts in information.
- h) The Division may deny an application for licensure if, without limitation, the applicant fails to meet the qualifications specified in this Section, fails to pass a required examination or certification course, or otherwise fails to complete requirements to the satisfaction of the Division.

Section 1370.420 Application for License as a Manager

- a) Managers shall be separately licensed for either boxing or full-contact martial arts.
- b) All managers shall be licensed.
- c) An applicant for a license shall complete an application provided by the Division.
- d) An applicant must be at least 18 years of age.

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- e) Licensees shall comply with all applicable federal regulations governing boxing or full-contact martial arts.
- f) Proof of good moral character. The applicant shall notify the Division of any criminal convictions other than minor traffic violations. The Division may consider any criminal convictions or discipline in another jurisdiction in which the applicant is licensed when determining if the applicant is qualified for licensure.
- g) The applications for licensure as a manager shall include, but not be limited to:
 - 1) a copy of current government issued photo identification (e.g., driver's license, passport);
 - 2) One passport size photo; and
 - 3) The required fee set forth in Section 1370.30.
- h) When the accuracy or sufficiency of any submitted documentation of stated experience is questioned by the Division or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure may be requested to:
 - 1) Provide the necessary information; and/or
 - 2) Appear for an interview before the Division to clarify information or clear up any discrepancies or conflicts in information.
- i) The Division may deny an application for licensure if, without limitation, the applicant fails to meet the qualifications specified in this Section, fails to pass a required examination or certification course, or otherwise fails to complete requirements to the satisfaction of the Division.

Section 1370.430 Application for License as a Second

- a) Seconds shall be separately licensed for either boxing or full-contact martial arts.
- b) All seconds must be licensed.

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- c) An applicant for a license shall complete an application provided by the Division.
- d) An applicant must be at least 18 years of age.
- e) Licensees shall comply with all applicable federal regulations governing boxing or full-contact martial arts.
- f) The application for licensure as a second shall include:
 - 1) A copy of a current government issued photo identification (e.g., driver's license, passport);
 - 2) Proof of good moral character. The applicant shall notify the Division of any criminal convictions other than minor traffic violations. The Division may consider any criminal convictions or discipline in another jurisdiction in which the applicant is licensed when determining if the applicant is qualified for licensure;
 - 3) One passport size photo; and
 - 4) The required fee set forth in Section 1370.30.
- g) When the accuracy or sufficiency of any submitted documentation of stated experience is questioned by the Division because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure may be requested to:
 - 1) Provide the necessary information; and/or
 - 2) Appear for an interview before the Division to clarify information or clear up any discrepancies or conflicts in information.
- h) The Division may deny an application for licensure if, without limitation, the applicant fails to meet the qualifications specified in this Section, fails to pass a required examination or certification course, or otherwise fails to complete requirements to the satisfaction of the Division.

Section 1370.440 Application for License as a Boxing Contestant

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- a) The Division may deny an application for licensure if the applicant fails to meet the qualifications specified in this Section, fails to pass a required examination, or otherwise fails to complete training to the satisfaction of the Division.
- b) No contestant shall participate in a contest without being licensed.
- c) Contestants shall be separately licensed for either boxing or full-contact martial arts.
- d) An applicant for a license shall complete an application provided by the Division.
- e) An applicant must be at least 18 years of age.
- f) An applicant must show proof of State residency.
- g) An applicant shall disclose in writing, on a form provided by the Division, a complete medical history, including any prior or existing medical conditions.
- h) All costs involved with medical examinations and/or tests required in this Section shall be the responsibility of the applicant.
- i) Licensees shall comply with all applicable federal regulations governing boxing.
- j) Proof of good moral character. The applicant shall notify the Division of any criminal convictions other than minor traffic violations. The Division may consider any criminal convictions or discipline in another jurisdiction in which the applicant is licensed when determining if the applicant is qualified for licensure.
- k) When the accuracy or sufficiency of any submitted documentation of stated experience is questioned by the Division or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure may be requested to:
 - 1) Provide the necessary information; and/or
 - 2) Appear for an interview before the Board to clarify information or clear up any discrepancies or conflicts in information.

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- l) Applications for licensure as a contestant shall be completed on forms provided by the Division and shall include without limitation:
 - 1) A copy of current government issued photo identification (e.g., driver's license, passport);
 - 2) Proof of age (e.g., driver's license or copy of birth certificate);
 - 3) Social Security Number or tax identification number, as appropriate;
 - 4) Documentation of a minimum of 2 years of boxing experience as an amateur or professional, including the total number of bouts and a breakdown of wins and losses. The applicant shall have a minimum of 20 bouts or demonstrate exceptional fighting ability, as determined by the Division, based on the applicant's competition and training history;
 - 5) One passport size photo; and
 - 6) The required fee set forth in Section 1370.30.
- m) All contestants must submit proof of completion of a complete physical examination by a physician. All physical examination and laboratory results submitted shall be dated no more than 6 months prior to the date of application. The examining physician shall conduct examinations and tests necessary to attest to the fitness of the applicant to engage in contests. Physical examinations of female contestants shall also include a pelvic, abdominal and breast exam.
- n) Each applicant shall provide medical test results to the Division, dated no more than 6 months prior to the date of application, that shall include without limitation:
 - 1) Complete physical examination;
 - 2) Any results of an MRI report and cerebral magnetic resonance angiography dated within the last 5 years;
 - 3) A blood test that verifies the applicant is HIV negative (quantitative RNA);

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- 4) A blood test that verifies the applicant is Hepatitis B (HBsAg) negative;
 - 5) A blood test that verifies the applicant is Hepatitis C (HCVAb) negative;
 - 6) An eye examination by an optometrist or a physician licensed to practice medicine in all its branches who specializes in ophthalmology with results of dilated eye exam; and
 - 7) Any other test a physician may require.
- o) A contestant over age 35 who has not competed in a contest within the last 36 months, or as otherwise determined by the Division, may be required to appear before the Board to determine his or her fitness to participate in a contest.
 - p) The Division may deny a contestant a license if the contestant's license to participate or compete as a contestant has been denied, refused or disciplined for a medical condition by another state, tribal athletic commission, territory, federal agency or county.
 - q) If an applicant for licensure has suffered a serious head injury, including but not limited to a cerebral hemorrhage, the applicant must have his or her application for licensure or renewal reviewed by the Division before a license is issued or renewed.
 - r) The Division will not issue or renew a license to an applicant who is found to be blind in one eye or whose vision in one eye is so poor that a physician recommends that the license not be granted or renewed. This subsection is effective regardless of the acuity of vision the applicant may have in the other eye.

Section 1370.450 Application for License as a Timekeeper, Referee or Judge – Boxing

- a) The Division may deny an application for licensure if the applicant fails to meet the qualifications specified in this Section, fails to pass a required examination, or otherwise fails to complete training to the satisfaction of the Division.
- b) All timekeepers, referees or judges shall be licensed.

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- c) Timekeepers, referees and judges shall be separately licensed for either boxing or full-contact martial arts.
- d) An applicant for a license shall complete an application provided by the Division.
- e) An applicant must be at least 18 years of age.
- f) All fees involved with medical examinations and/or tests required in this Section shall be the responsibility of the applicant.
- g) Licensees shall comply with all applicable federal regulations governing boxing.
- h) Proof of good moral character. The applicant shall notify the Division of any criminal convictions other than minor traffic violations. The Division may consider any criminal convictions or discipline in another jurisdiction in which the applicant is licensed when determining if the applicant is qualified for licensure.
- i) When the accuracy or sufficiency of any submitted documentation of stated experience is questioned by the Division or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure may be requested to:
 - 1) Provide the necessary information; and/or
 - 2) Appear for an interview before the Board to clarify information or clear up any discrepancies or conflicts in information.
- j) The application for licensure as a referee, judge or timekeeper shall be completed on forms provided by the Division and shall include, but not be limited to:
 - 1) A copy of current government issued photo identification (e.g., driver's license, passport);
 - 2) A passport size photo;
 - 3) The required fee set forth in Section 1370.30;

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- 4) An eye examination by an optometrist or physician licensed to practice medicine in all its branches who specializes in ophthalmology, dated no more than 6 months prior to the date of application, reflecting that the applicant has corrected or uncorrected visual acuity of at least 20/40 in both eyes; and
- 5) Documented experience in boxing as a referee, judge or timekeeper, as appropriate, which shall include but not be limited to:
 - A) 3 of the last 4 years in amateur or professional boxing or a minimum of 300 bouts;
 - B) experience in amateur or professional, local or national tournaments or contests; or
 - C) proof of active licensure in another jurisdiction.
- k) The Division may also require the applicant to submit to a minimum of one on-site evaluation of his or her working as a judge, referee or timekeeper during an actual bout to complete an applicant's portfolio of eligibility for licensure.
- l) In addition to the other requirements of this Section, applicants for licensure as a referee shall provide proof of a complete physical examination by a physician, dated no more than 6 months prior to the date of application, to determine whether the applicant is in good physical condition and has the speed and reflexes necessary for the protection of both fighters.

Section 1370.460 Application for License as a Full-contact Martial Arts Contestant

- a) The Division may deny an application for licensure if the applicant fails to meet the qualifications specified in this Section, fails to pass a required examination, or otherwise fails to complete training to the satisfaction of the Division.
- b) No contestant shall participate in a contest without being licensed.
- c) Contestants shall be separately licensed for either boxing or full-contact martial arts.

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- d) An applicant for a license shall complete an application provided by the Division, which shall include the fee set forth in Section 1370.30.
- e) An applicant must be at least 18 years of age.
- f) An applicant must show proof of state residency.
- g) Disclose in writing, on a form provided by the Division, a complete medical history, including any prior or existing medical conditions.
- h) All costs involved with medical examinations and/or tests required in this Section shall be the responsibility of the applicant.
- i) Proof of good moral character. The applicant shall notify the Division of any criminal convictions other than minor traffic violations. The Division may consider any criminal convictions or discipline in another jurisdiction in which the applicant is licensed when determining if the applicant is qualified for licensure.
- j) When the accuracy or sufficiency of any submitted documentation of stated experience is questioned by the Division or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure may be requested to:
 - 1) Provide the necessary information; and/or
 - 2) Appear for an interview before the Board to clarify information or clear up any discrepancies or conflicts in information.
- k) Applicants for licensure as a contestant shall be completed on forms provided by the Division and shall include, without limitation:
 - 1) A copy of current government issued photo identification (e.g., driver's license, passport);
 - 2) Proof of age (e.g., driver's license or copy of birth certificate);
 - 3) Social Security Number or tax identification number, as appropriate;

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- 4) Documentation of one year of mixed martial arts experience as a contestant, including the total number of bouts and a breakdown of wins and losses. The applicant shall have a minimum of 5 bouts or demonstrate exceptional fighting ability, as shown by the applicant's competition and training history, in combat sports, wrestling, grappling or martial arts, as determined by the Division;
 - 5) A passport size photo; and
 - 6) The required fee set forth in Section 1370.30.
- l) All contestants must submit proof of a complete physical examination by a physician. All physical exams and laboratory results submitted shall be dated no more than 6 months prior to the date of application. The examining physician shall conduct examinations and tests necessary to attest to the fitness of the applicant to engage in contests. Physical examinations of female contestants shall also include a pelvic, abdominal and breast exam.
 - m) Each applicant shall provide medical test results to the Division dated no more than 6 months prior to the date of application, which shall include but not be limited to:
 - 1) Complete physical examination;
 - 2) Any results of an MRI report and cerebral magnetic resonance angiography dated within the last 5 years;
 - 3) A blood test that verifies the applicant is HIV negative (quantitative RNA);
 - 4) A blood test that verifies the applicant is Hepatitis B (HBsAg) negative;
 - 5) A blood test that verifies the applicant is Hepatitis C (HCVAb) negative;
 - 6) An eye examination by an optometrist or a physician licensed to practice medicine in all its branches who specializes in ophthalmology with results of dilated eye exam; and
 - 7) Any other test the Division or event physician may require.

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- n) A contestant over age 35 who has not competed in a contest within the last 36 months, or as otherwise determined by the Division, may be required to appear before the Board to determine his or her fitness to participate in a contest.
- o) The Division may deny a contestant a license if the contestant's license to participate or compete as a contestant has been denied, refused or disciplined for a medical condition by another state, tribal athletic commission, territory, federal agency or county.
- p) If an applicant for licensure has suffered a serious head injury, including but not limited to a cerebral hemorrhage, the applicant must have his or her application for licensure or renewal reviewed by the Division before a license is issued or renewed.
- q) The Division will not issue or renew a license to an applicant who is found to be blind in one eye or whose vision in one eye is so poor that a physician recommends that the license not be granted or renewed. This subsection is effective regardless of the acuity of vision the applicant may have in the other eye.

Section 1370.470 Application for License as a Full-contact Martial Arts Timekeeper, Referee or Judge

- a) The Division may deny an application for licensure if the applicant fails to meet the qualifications specified in this Section, fails to pass a required examination, or fails to otherwise complete training to the satisfaction of the Division.
- b) All timekeepers, referees or judges shall be licensed.
- c) Timekeepers, referees and judges shall be separately licensed for either boxing or full-contact martial arts.
- d) An applicant for a license shall complete an application provided by the Division.
- e) An applicant must be at least 18 years of age.
- f) All fees involved with medical examinations and/or tests required in this Section shall be the responsibility of the applicant.

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- g) Proof of good moral character. The applicant shall notify the Division of any criminal convictions other than minor traffic violations. The Division may consider any criminal convictions or discipline in another jurisdiction in which the applicant is licensed when determining if the applicant is qualified for licensure.
- h) When the accuracy or sufficiency of any submitted documentation of stated experience is questioned by the Division or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure may be requested to:
 - 1) Provide the necessary information; and/or
 - 2) Appear for an interview before the Division to clarify information or clear up any discrepancies or conflicts in information.
- i) The application for licensure as a referee, judge or timekeeper shall be completed on forms provided by the Division and shall include, without limitation:
 - 1) A copy of current government issued photo identification (e.g., driver's license, passport);
 - 2) An eye examination by an optometrist or physician licensed to practice medicine in all its branches who specializes in ophthalmology, dated no more than 6 months prior to the date of application reflecting that the applicant has corrected or uncorrected visual acuity of at least 20/40 in both eyes;
 - 3) A passport size photo;
 - 4) The required fee set forth in Section 1370.30; and
 - 5) Documented experience in martial arts or full-contact martial arts, which shall include, without limitation:
 - A) 3 of the last 4 years in amateur or professional martial arts or full-contact martial arts contests or a minimum of 100 bouts;

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- B) exceptional ability as a referee, judge or timekeeper, as determined by the Division based on the applicant's experience; or
 - C) proof of active licensure in another jurisdiction.
- j) The Division may also require the applicant to submit to a minimum of one in-person evaluation of his or her working as a judge, referee or timekeeper during an actual bout to complete an applicant's portfolio of eligibility for licensure.
- k) In addition to the other requirements of this Section, applicants for licensure as a referee shall provide proof of a complete physical examination by a physician, dated no more than 6 months prior to the date of application, to determine whether the applicant is in good physical condition and has the speed and reflexes necessary for the protection of both fighters.

SUBPART D: PROFESSIONAL BOXING

Section 1370.500 Classes and Weights of Contestants – Boxing

- a) Contestants shall be classified under the following classifications:
- 1) Light Flyweight not over 108 pounds
 - 2) Flyweight over 108 to 112 pounds
 - 3) Bantamweight over 112 to 118 pounds
 - 4) Super Bantamweight over 118 to 122 pounds
 - 5) Featherweight over 122 to 126 pounds
 - 6) Super Featherweight over 126 to 130 pounds
 - 7) Lightweight over 130 to 135 pounds
 - 8) Super Lightweight over 135 to 140 pounds
 - 9) Welterweight over 140 to 147 pounds

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- 10) Super Welterweight over 147 to 154 pounds
 - 11) Middleweight over 154 to 160 pounds
 - 12) Super Middleweight over 160 to 168 pounds
 - 13) Light Heavyweight over 168 to 175 pounds
 - 14) Cruiserweight over 175 to 200 pounds
 - 15) Heavyweight over 200 pounds
- b) Any contestant's change in weight class must be approved by the Division.
- c) Contestants shall only fight contestants in their own weight class unless permission is granted by the Division.

Section 1370.510 Attire and Equipment for Contestants – Boxing

- a) Attire and Equipment for Contestants
All contestants shall comply with the following:
- 1) Contestants shall wear athletic shorts that do not extend below the knee, as specified in the bout agreement.
 - 2) Each contestant shall have available for the contest 2 uniforms of contrasting colors, consisting of a body shirt, athletic jersey and shorts. No leotard or other such costume is permitted.
 - 3) Shirts or gis shall not be worn by a contestant during a bout.
 - 4) Knee pads, elbow pads, chest protectors (for male contestants), and shin guards shall not be allowed.
 - 5) Shoes shall be of soft material and not fitted with spikes, cleats, hard soles or hard heels.
 - 6) All contestants shall wear an individually fitted mouthpiece, which shall be subject to examination and approval by the Division.

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- A) All contestants shall have available 2 mouthpieces; and
 - B) A round will not begin until both contestants have their respective mouthpieces in place.
- 7) Male contestants shall wear a foul-proof groin protector.
 - 8) Female contestants:
 - A) shall wear a breast protector during the contest with both contestants wearing the same type. The breast protector shall be subject to examination and approval by the Division; and
 - B) may wear a pelvic protector at the option of the contestant.
 - 9) A contestant shall be prohibited from wearing any attire or equipment that contains any metal substance.
 - 10) All equipment and attire are subject to approval by the Division. An inspector or other Division official may direct a contestant to change any attire or equipment that he or she determines gives unfair advantage or is a threat to the health, safety or welfare of the other contestant or the public.
- b) Bandages/Handwraps
In all weight classes, seconds must adhere to the following for wrapping hands:
- 1) Hand bandages shall be restricted to 15 yards of soft gauze bandage not more than 2 inches in width, held in place by not more than 6 feet of surgeon's tape, ½ inch in width, for each hand. Any deviation must have the approval of the Division official.
 - 2) Bandages shall be evenly distributed across the hand.
 - 3) The binding of surgeon's tape must not be applied within ½ inch of the knuckles of the contestant's hand.
 - 4) Bandages and tape shall be placed on the contestant's hand in the dressing room prior to the bout in the presence of the inspector. The opposing

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contestant for a title may also witness the bandaging of the opponent's hands. This privilege may be waived.

- 5) The Division official shall approve all bandages and taping prior to gloves being placed on any contestant and after gloves are removed. Under no circumstances are gloves to be placed on the hands of a contestant before approval by the inspector.
- c) Gloves
- 1) Contestants competing against each other in the same bout shall wear gloves that are of the same weight.
 - 2) The brand of glove used in a contest must be approved by the Division prior to the contest. Gloves shall be whole, clean and in good condition. Broken gloves are prohibited during any bout or contest.
 - 3) Gloves that are padded in the palm or fingertip area are prohibited.
 - 4) All gloves shall be inspected and approved by the inspector prior to each bout. The inspector or a designee of the Division may inspect gloves at any time.
 - 5) All gloves shall be furnished by the promoter. Webbed gloves with attached thumbs must be worn and must be approved by the Division or its designee. For all title bouts, gloves shall be new. Promoters must have extra sets of gloves in each size used during the contest to be used in case gloves are broken or in any way damaged during the course of a bout. Promoters are prohibited from furnishing gloves provided by a contestant.
 - A) Gloves shall be appropriate in weight for the contestants and shall be no less than 8 ounces and no more than 12 ounces in weight.
 - B) Male boxing contestants who are over 147 pounds shall wear gloves that are, at minimum, 10 ounces in weight.
 - C) Male boxing contestants who are 147 pounds and under shall wear gloves that are, at minimum, 8 ounces in weight.

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- D) Female contestants shall wear gloves that weigh at least 10 ounces.

Section 1370.520 Structure of the Ring for Contests

- a) Size of the Ring
- 1) The ring shall be square shaped.
 - 2) The ring for a contest shall be no less than 16 x 16 feet and no larger than 24 x 24 feet within the ropes. The ring floor shall be constructed of at least a 1 inch base of wood-based board padded with at least a 1 inch layer of foam rubber or foam rubber equivalents. There must be a top covering of canvas, duck or similar material tightly stretched and attached to the ring platform.
 - 3) The ring shall have 4 posts not less than 3 inches in diameter that extend from the floor of the ring to a height of no less than 48 inches and no more than 58 inches. The posts shall be securely anchored and adequately padded.
- b) The ring shall have, at minimum, 4 ropes of cotton, hemp, nylon or comparable material, each not less than one inch in diameter. The ropes shall be padded with a soft material.
- c) The floor of the ring shall not be more than 4 feet above the floor on which it is standing, and shall be supplied with steps for the entry and departure of contestants and officials.
- d) The platform of the ring must extend beyond the ropes for a distance of at least 2 feet.
- e) The ring shall be kept clear of obstructions.

Section 1370.530 Intentional and Accidental Fouls and Injuries

- a) Fouls
- 1) If one of the contestants falls to the ring floor, or otherwise indicates an unwillingness to continue because of a claim of a low-blow foul, and the

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referee does not agree, the contest may be terminated, and the referee may award the contest to the opponent.

- 2) In the case of a referee determined accidental foul, the referee shall determine whether the contestant who has been fouled can continue. If the contestant's chances have not been seriously jeopardized as a result of the foul, the referee may order the bout continued after an interval of not more than 5 minutes rest.
- 3) The following actions in a boxing bout or contest shall be considered fouls:
 - A) Hitting below the belt;
 - B) Hitting an opponent who is down;
 - C) Holding an opponent with one hand while hitting with the other;
 - D) Holding or clinching after the referee orders the contestants to break or hitting on the break;
 - E) Wrestling or kicking;
 - F) Butting with the head or shoulder;
 - G) Hitting with open gloves, hitting with the butt of the hand, wrist or elbow, and all back hand blows;
 - H) Roughing on the ropes;
 - I) Hitting in the back or kidney area;
 - J) Hitting on the back of the head or neck;
 - K) Jabbing the opponent's eyes with the thumb of the glove;
 - L) Hitting after the bell has sounded ending a round; and
 - M) Conduct that in the opinion of the referee is unsportsmanlike.

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- b) Injuries
 - 1) The referee, at his or her discretion, may request that the physician examine a contestant during the bout. Should the examination occur during the course of a round, the clock shall be stopped until the examination is completed. The physician may recommend that the referee stop the bout, in which case the referee shall render the appropriate decision.
 - 2) In the event of serious cuts or injuries, the referee shall summon the physician who shall advise whether the bout should be stopped.
 - 3) A referee shall consider the decision of the physician.
 - 4) The referee shall be authorized to determine if injuries were produced by a foul, and if the foul was intentional or accidental.
- c) Injuries Sustained as a Result of Fouls
 - 1) Intentional Fouls
 - A) If an intentional foul causes an injury, and the injury is severe enough to terminate the bout immediately, the contestant causing the injury shall lose by disqualification.
 - B) If an intentional foul causes an injury and the bout is allowed to continue, the referee will notify the Division representative and may deduct points from the contestant who caused the foul. Point deductions for intentional fouls will be mandatory.
 - C) If an intentional foul causes an injury and the injury results in the bout being stopped in a later round, the injured contestant will win by technical decision if he or she is ahead on the score cards, or the bout will result in a technical draw if the injured boxing contestant is behind or even on the score cards.
 - D) If a contestant injures himself or herself while attempting to intentionally foul his or her opponent, the referee will not take any

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action in his or her favor, and this injury will be the same as one produced by a fair blow.

- E) If the referee believes that a contestant has conducted himself or herself in an unsportsmanlike manner, the referee may stop the bout and disqualify the contestant.

2) Accidental Fouls

- A) If an accidental foul causes an injury severe enough for the referee to stop the bout immediately, the bout will result in a no decision if stopped before 4 completed rounds. Four rounds are complete when the bell rings signifying the end of the fourth round.
- B) After four rounds have occurred, if an accidental foul causes an injury severe enough for the referee to stop the bout immediately, the bout will result in a technical decision, awarded to the contestant who is ahead on the score cards at the time the bout is stopped.
- C) Partial or incomplete rounds will be scored. If no action has occurred, the round should be scored as an even round. This is at the discretion of the judges.

- 3) A contestant who is hit with an accidental low blow must continue after a reasonable amount of time, but no more than 5 minutes, or he or she will lose the fight.

- d) Loss of mouthpiece. When a mouthpiece is knocked out of a contestant's mouth, the referee may call time when he or she deems that there is a lull in action (not in the heat of battle). The referee may have the second replace the mouthpiece. The referee may call a time out based on loss of a mouthpiece one time per contestant during the bout without points being deducted from the contestant whose mouthpiece came out, at the discretion of the referee

Section 1370.540 Rounds

- a) Non-Title Bouts. Each non-title bout shall be no fewer than 4 rounds and no more than 12 rounds of 3 minutes duration, with a one minute rest period between

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rounds.

- b) Title Bouts. Each title bout shall be no fewer than 8 rounds and no more than 12 rounds of 3 minutes duration, with a one minute rest period between rounds.
- c) Women's boxing bouts shall have 2 minute rounds, with a one minute rest period between rounds.

Section 1370.550 Types of Bout Results

- a) A contestant shall be considered by the referee to be knocked down when any part of his or her body other than the feet is on the fighting area floor, or if the contestant is hanging over the ropes and unable to defend himself or herself.
- b) A contestant hanging over the ropes is not officially "down" until so pronounced by the referee.
- c) When a contestant is knocked down, the referee shall order the opponent to retire to the farther neutral corner of the ring, pointing to the corner, and immediately pick up the count from the timekeeper and continue counting over the contestant who is down.
- d) The referee shall announce the passing of the seconds, audibly, accompanying the count with motions of his or her arm, the downward motion indicating the end of each second.
- e) There shall be a mandatory 8-count. Any contestant who is knocked down shall not be allowed to resume boxing until after the referee has finished counting 8. The contestant may take this count either on the floor or standing.
- f) Three knockdowns in one round shall be regarded as justifiable reason for the referee to halt a contest. The referee may allow a fight to continue after a contestant has been knocked down 3 times if, in his or her judgment, the contestant is able to continue.
- g) If the contestant taking the count is still down when the referee calls the count of 10, the referee shall wave both arms to indicate that the contestant has been knocked out and has lost the bout.

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- h) Should the opponent fail to stay in the neutral corner, the referee shall cease counting until the opponent has returned to it; the referee will then go on with the count from the point at which it was interrupted.
- i) Contestants who have been knocked out shall be kept lying down until they have recovered. When a contestant is knocked out, no one shall touch him or her, except that the referee shall remove the contestant's mouthpiece, until the ringside physician enters the ring and personally attends to the contestant and issues necessary instructions to the contestant's seconds.
- j) The bell does not save the contestant in any round.
- k) If any contestant fails or refuses to resume fighting when the bell sounds starting the next round, the referee may award a technical knockout to the opponent as of the last completed round plus one second of the current round.
- l) Cessation of contest because of unexpected reasons. Should unexpected or accidental reasons determine the cessation of a contest before completion of the scheduled rounds, a technical decision shall be awarded to the contestant who is ahead in points on the scorecard of judges and the determination of the referee, provided that at least 4 rounds have been completed when the cessation occurs. If the cessation occurs before 4 rounds have been completed, the decision will be a technical draw.
- m) No manager or second shall bring about the termination of a contest by tossing in a towel. The manager or second shall notify the physician or referee that the bout needs to be stopped. Seconds cannot walk into the ring. The chief second may mount the apron of the fighting area and attract the referee's attention, indicating the retirement of the contestant.

Section 1370.560 State of Illinois Boxing Championships

- a) All title bouts will be 8, 10 or 12 rounds, each of which is 2 or 3 minutes, with one minute of rest between rounds.
- b) Scoring will be the 10-point must system as described in Section 1370.570. The scoring will be done by 3 judges. The referee will be a non-scoring official.
- c) In the event a contestant is knocked down, there will be a mandatory 8-count.

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There is no standing 8-count.

- d) The bout will be stopped any time the referee or physician considers it necessary for the safety of either contestant.
- e) The weigh-in will be set by the Division. The champion and challenger will have 2 hours after the initial weigh-in to make weight; if either fails to make weight, no title will be at stake.
- f) A champion must keep his or her contestant license up to date. He or she will have 30 days after the expiration date, as set forth in Section 1370.210, to renew his or her license. If the license is not renewed, the contestant's title will be vacated.
- g) A champion must defend or have a contract to defend his or her title every 6 months or his or her title will be vacated.
- h) If a champion is convicted of any felony, his or her title will be declared vacant.
- i) If a champion wins a major title, such as International Boxing Federation (IBF), World Boxing Organization (WBO), World Boxing Council (WBC), World Boxing Association (WBA), North American Boxing Federation (NABF), North American Boxing Organization (NABO), or United States Boxing Association (USBA), he or she must relinquish his or her State title.
- j) All championship bouts must be approved by the Division.
- k) A 10% fee above the normal scale will be paid to the officials who work the championship bout.
- l) The championship belt must be provided by the promoter for a new champion.
- m) It is the responsibility of the champion's manager to contact a promoter for the defense of the champion's title.
- n) There will be no permit fee for the championship bout.
- o) Gloves

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- 1) Male contestants who are over 147 pounds shall wear thumb web gloves that are, at minimum, 10 ounces in weight.
 - 2) Male contestants who are 147 pounds and under shall wear thumb web gloves that are, at minimum, 8 ounces in weight.
 - 3) Female contestants shall wear gloves that weigh at least 10 ounces.
- p) A contestant must be licensed in Illinois and residing in Illinois or an adjacent state, as demonstrated by providing a driver's license, a utility bill or a lease in the contestant's name, or similar documentation, before he or she is eligible to be rated. He or she must also have at least one fight every 6 months.

Section 1370.570 Scoring – Boxing

- a) Scoring shall be by 3 licensed judges in attendance to score each bout, stationed on different sides of the ring, and the referee. The judges shall watch every phase of the bout and make a decision if the contest lasts the full number of rounds scheduled. They shall be ready at all times, if requested by the referee, to assist in deciding whether fouls have been committed.
- b) The following shall be considered by judges while scoring:
 - 1) Clean blows, not otherwise prohibited by this Part, in proportion to their damaging effects.
 - 2) Aggressiveness.
 - 3) Defensive maneuvers for avoiding or blocking a blow.
 - 4) Conspicuous command of the fighting area, which includes such factors as the ability to take advantage of an opportunity; to cope with, foresee and neutralize an opponent's attack; or to force an opponent to adopt a style of fighting at which he or she is not skillful.
- c) System for Scoring a Contest
 - 1) The scoring of the contest by the judges will be by the 10-point must system.

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- 2) Under the 10-point must system, the winner of each round receives 10 points and the loser a proportionately lower number.
- 3) If the round is even, each contestant receives the full number of points. No fractions of points are to be used.
- 4) If a round is stopped by a referee due to an accidental foul, the round shall be scored.
- 5) The winner of the round shall be awarded 10 points and the loser of the round shall be awarded 9 or fewer points, except for rare instances of an even round for which each contestant shall be awarded 10 points.

SUBPART E: PROFESSIONAL MIXED MARTIAL ARTS

Section 1370.600 Classes and Weights of Contestants

- a) In full-contact martial arts contests, contestants shall be classified under the following classifications:

	Weight Class	Weights	Allowances
1)	Straw Weight	up to 115 pounds	3 pounds
2)	Flyweight	over 115 to 125 pounds	3 pounds
3)	Bantamweight	over 125 to 135 pounds	3 pounds
4)	Featherweight	over 135 to 145 pounds	5 pounds
5)	Lightweight	over 145 to 155 pounds	5 pounds
6)	Welterweight	over 155 to 170 pounds	5 pounds
7)	Middleweight	over 170 to 185 pounds	7 pounds
8)	Light Heavyweight	over 185 to 205 pounds	7 pounds

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- 9) Heavyweight over 205 to 265 pounds 7 pounds
- 10) Super Heavyweight over 265 pounds
- b) Any contestant's change in weight class must be approved by the Division.
- c) Contestants shall only fight contestants in their own weight class unless permission is granted by the Division. With permission of the Division, a contestant can compete against a competitor in his or her own weight class or in one of the 2 higher or 2 lower weight classes.

Section 1370.610 Attire and Equipment

- a) Attire and Equipment for Contestants
All contestants shall comply with the following:
 - 1) Contestants shall wear athletic shorts that do not extend below the knee, such as mixed martial arts shorts, grappling or fighting shorts, boxing shorts or kickboxing shorts, or as specified in the bout agreement.
 - 2) Each contestant shall have available for the contest 2 uniforms of contrasting colors, consisting of athletic shorts as described in this subsection. No leotard or other such costume is permitted.
 - 3) Shirts or gis shall not be worn by a contestant during a bout, unless approved by the Division.
 - 4) Knee pads, elbow pads, chest protectors (for male contestants), shin guards, headgear, or closed toe shoes shall not be allowed.
 - 5) All contestants shall wear an individually fitted mouthpiece, which shall be subject to examination and approval by the Division.
 - A) All contestants shall have available 2 mouthpieces; and
 - B) A round will not begin until both contestants have their respective mouthpieces in place.
 - 6) Male contestants shall wear a foul-proof groin protector.

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- 7) Female contestants:
 - A) shall wear a breast protector during the contest with both contestants wearing the same type. The breast protector shall be subject to examination and approval by the Division; and
 - B) may wear a pelvic protector at the option of the contestant.
 - 8) Taping of hands, wrists and ankles is subject to approval by the Division.
 - 9) A contestant shall be prohibited from wearing any attire or equipment that contains any abrasive material, metal substance, or other hard material such as plastic or buckles.
 - 10) All equipment and attire, such as neoprene ankle or knee sleeves, or other emerging market materials that comprise equipment and attire, are subject to approval by the Division. An inspector or other Division representative may direct a contestant to change any attire or equipment that he or she determines gives unfair advantage or is a threat to the health, safety or welfare of the other contestant or the public or could be deemed a detriment to the sport.
- b) Bandages/Handwraps
In all weight classes, seconds must adhere to the following for wrapping hands:
- 1) The bandages/handwraps shall consist of soft gauze type cloth that is no more than 15 yards in length and not more than 2 inches in width and held in place by no more than 10 feet or one winding of surgeon's tape not over 2 inches wide. Up to one 20 yard roll of bandage may be used to complete the wrappings for each hand;
 - 2) The surgeon's tape shall be placed directly on each hand for protection near the wrist. The tape may cross the back of the hand twice but may not extend within three-fourths of an inch of the knuckles when the hand is clenched to make a fist;
 - 3) Bandages shall be evenly distributed across the hand;

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- 4) Bandages and tape shall be placed on the contestant's hand in the dressing room prior to the bout in the presence of the inspector. The opposing contestant for a title may also witness the bandaging of the opponent's hands. This privilege may be waived; and
 - 5) The Division official shall approve all bandages and taping prior to gloves being placed on any contestant and after gloves are removed. Under no circumstances are gloves to be placed on the hands of a contestant before approval by the inspector.
- c) Gloves for Contestants
- 1) Contestants competing against each other in the same bout shall wear the same weighted gloves. Gloves shall be clearly marked or have sewn into the lining a tag with the official weights by the manufacturer. When gloves are manufactured with a size mark or tag (e.g., Small, Medium, Large or Extra Large) rather than the official weight of the glove, the promoter must provide the glove manufacturer's documentation reflecting the size to weight ratio of the gloves.
 - 2) Gloves shall be whole, clean and in good condition. Broken gloves are prohibited during any bout or contest.
 - 3) Gloves that are padded in the palm or fingertip area are prohibited.
 - 4) All gloves shall be inspected and approved by the inspector prior to each bout. The inspector or a designee of the Division may inspect gloves at any time.
 - 5) All gloves shall be furnished by the promoter. For all title bouts gloves shall be new. Promoters must have extra sets of gloves in each size used during the contest to be used in case gloves are broken or in any way damaged during the course of a bout. Promoters are prohibited from furnishing gloves to the Division that were provided by a contestant.
 - 6) Gloves shall be appropriate in size for the contestant and shall be no less than 4 ounces and no more than 8 ounces in weight.

Section 1370.620 Structure of the Fighting Area for Contests

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- a) Contests shall be held in a ring, cage or a fenced area.
- b) The fighting area shall be approved by the Division, including all padding or enclosures. Fighting areas that are not approved by the Division shall not be used. The fighting area shall meet the following requirements:
 - 1) The fighting area:
 - A) shall be constructed in a manner that does not pose a substantial risk to the safety or health of any person. The fighting area must be circular or have as many as 8 equal sides for a contest. The fighting area shall be no smaller than 16 feet wide and no larger than 32 feet wide within the ropes, cage or fenced area;
 - B) shall have a corner with a blue designation and the corner directly across shall have a red designation;
 - C) floor shall extend at least 24 inches beyond the ropes or other barrier. The floor must be of a canvas, duck or similar material that shall be padded with at least a one inch layer of foam padding that shall extend over the edge of the platform of the fighting area. Vinyl or other plastic rubberized covering is prohibited. Materials that may gather in lumps or ridges during the bout or contest are prohibited;
 - D) platform shall be a minimum of one foot and no more than 4 feet above the floor on which it is standing and must have suitable steps or ramps for use by officials and the contestants;
 - E) shall have 5 fighting area ropes, when fighting area ropes are used, not less than one inch in diameter and wrapped in soft material. The lowest rope must be no higher than 12 inches from the fighting area floor; and
 - F) must not be obstructed by any object, including, without limitation, a triangular border, on any part of the fighting area floor.
 - 2) When fighting area ropes are used, the post:

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- A) must be made of metal no less 3 inches and not more than 6 inches in diameter, and must be properly padded in a manner approved by the Division; and
 - B) must be 18 inches away from the fighting area ropes.
- 3) The fence or cage specifications for martial arts and mixed martial arts are:
- A) the fence or cage shall be made of material that will prevent a contestant from falling out or breaking through the fighting area onto the floor beneath the fighting area or onto spectators. The enclosure may be composed of vinyl-coated chain link fencing or other similar material;
 - B) any exposed metal on the interior of the fenced or caged area must be covered and padded in a manner approved by the inspector or Division representative. The covering shall not be abrasive to the contestants;
 - C) any metal parts used to reinforce the fenced or caged area enclosure shall not interfere with the safety of the contestants;
 - D) unless otherwise approved by the Division, the enclosure shall provide 2 separate entries onto the fighting area canvas that are sufficient to allow easy access to the fighting area by officials and emergency personnel. The entrances must be padded or covered so that there is no exposed metal on the interior of the fence or caged area;
 - E) The enclosure shall not obstruct or limit the supervision and regulation of the bout by officials or Division representatives; and
 - F) The enclosure shall not inhibit the judging of the bout in any manner.

Section 1370.630 Intentional and Accidental Fouls and Injuries

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- a) The following actions in a bout or contest shall be considered fouls:
- 1) Butting with the head;
 - 2) Eye gouging of any kind;
 - 3) Biting;
 - 4) Hair pulling;
 - 5) Fishhooking;
 - 6) Groin attacks of any kind;
 - 7) Putting a finger into any orifice or into any cut or laceration of an opponent;
 - 8) Small joint manipulation;
 - 9) Striking to the spine or the back of the head;
 - 10) Striking downward, "sky to earth", using the point of the elbow;
 - 11) Throat strikes of any kind, including, without limitation, grabbing the trachea;
 - 12) Clawing, pinching or twisting the flesh;
 - 13) Grabbing the clavicle;
 - 14) Kicking the head of a grounded opponent;
 - 15) Kneeing the head of a grounded opponent;
 - 16) Stomping a grounded opponent;
 - 17) Kicking to the kidney with the heel;
 - 18) Spiking an opponent to the canvas on his head or neck;

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- 19) Throwing an opponent out of the ring or fenced area;
 - 20) Holding the shorts or gloves of an opponent;
 - 21) Spitting at an opponent;
 - 22) Engaging in any unsportsmanlike conduct that causes injury to an opponent;
 - 23) Holding the ropes or the fence;
 - 24) Using abusive language in the ring or fenced area;
 - 25) Attacking an opponent during the break;
 - 26) Attacking an opponent who is under the care of the referee;
 - 27) Attacking an opponent after the bell has sounded the end of the period of unarmed combat;
 - 28) Flagrantly disregarding the instructions of the referee;
 - 29) Timidity, including, without limitation, avoiding contact with an opponent, intentionally or consistently dropping the mouthpiece or faking an injury;
 - 30) Interference by the corner from anyone working a contestant's corner, including leaving the corner's designated area;
 - 31) Any act that, in the judgment of the referee, is detrimental and places an opponent at a disadvantage or risk, such as applying a foreign substance to one's hair, body, clothing or gloves prior to or during a contest; and
 - 32) Throwing in the towel during competition.
- b) Injuries

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- 1) The referee, at his or her discretion, may request that the physician examine a contestant during the bout. Should the examination occur during the course of a round, the clock shall be stopped until the examination is completed. The physician may recommend that the referee stop the bout, in which case the referee shall render the appropriate decision.
 - 2) In the event of serious cuts or injuries, the referee shall summon the physician who shall advise whether the bout should be stopped.
 - 3) A referee may consider the decision of the physician.
 - 4) The referee shall be authorized to determine if injuries were produced by a foul, and if the foul was intentional or accidental.
- c) Injuries Sustained by Fair Blows and Fouls
- 1) Fair Blows
If an injury is severe enough to terminate a contest, the injured contestant loses by technical knockout (TKO).
 - 2) Fouls
 - A) Intentional
 - i) If an intentional foul causes an injury, and the injury is severe enough to terminate a bout immediately, the contestant causing the injury shall lose by disqualification.
 - ii) If an intentional foul causes an injury and the bout is allowed to continue, the referee may notify the Division representative and may deduct points from the contestant who caused the foul.
 - iii) If an intentional foul causes an injury and the injury results in the bout being stopped in a later round, the injured contestant shall win by technical decision if he or she is ahead on the scorecards, or the bout shall result in a

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technical draw if the injured contestant is behind or even on the scorecards.

- iv) If a contestant injures himself or herself while attempting to intentionally foul his or her opponent, the referee shall not take any action in his or her favor, and this injury shall be the same as one produced by a fair blow.
- v) If the referee believes that a contestant has conducted himself or herself in an unsportsmanlike manner, the referee may stop the bout and disqualify the contestant.

B) Accidental

- i) If the referee determines, either from his or her own observation or on the advise of the physician, that the bout should not continue because of the injury from the accidental foul, the bout will be declared a no contest if the foul occurred:
 - during the first 2 rounds of a non-championship bout; or
 - during the first 3 rounds of a championship bout.
- ii) If the referee determines, either from his or her own observation or on the advise of the physician, that the bout should not continue because of the injury from the accidental foul, the bout will be determined by scoring the completed rounds and the round in which the referee stops the bout if the foul occurred:
 - after the completion of the second round in a non-championship bout; or
 - after the completion of the third round in a championship bout.

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- iii) A contestant who is hit with an accidental low-blow must continue after a reasonable amount of time, but no more than 5 minutes, or he or she may lose the bout by technical knockout.
 - iv) If an injury from an accidental foul later becomes aggravated by fair blows and the referee orders the bout stopped because of the injury, the outcome must be determined by scoring the completed rounds and the round in which the referee stops the contest.
- 3) In assessing fouls, the referee shall weigh the cause, as well as the effect. If the referee has seen an unauthorized blow, strike or attack delivered that has a damaging effect, the referee may permit a rest period to the victim not to exceed 5 minutes. During the rest period, seconds may not assist or coach the injured contestant. The offending contestant shall go to a neutral corner and shall not be coached during the period.
 - 4) At the discretion of the referee, the referee may give an official warning or penalty to the offending contestant for the unauthorized blow, strike or attack, and then may give the command to continue after the end of the rest period if the contestant who received the unauthorized blow, strike or attack indicates ability to continue the bout. If the injured contestant refuses to continue after a 5 minute rest period, the opponent shall be named the winner.
 - 5) Repeated unauthorized blows, strikes or attacks shall be penalized with deduction of points from the offending contestant or disqualification of the offending contestant.
 - 6) A contestant cannot be named the winner of a bout as the result of receiving an unauthorized blow, strike or attack, or low blow unless, in the opinion of the referee, the unauthorized blow, strike or attack was delivered deliberately and with enough force to seriously incapacitate the injured contestant so that he or she could not continue the bout. Under this condition, the offender shall be disqualified immediately.
 - 7) A fouled contestant has up to 5 minutes to recuperate.

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- 8) Only the referee can assess a foul and any point deductions. If the referee does not call the foul, judges shall not make that assessment on their own.
- 9) If a foul is committed:
 - A) The referee shall call time.
 - B) The referee shall check the fouled contestant's condition and safety.
 - C) The referee shall then assess the foul to the offending contestant, deduct points and notify the seconds, judges and official scorekeeper.
- 10) If a bottom contestant commits a foul, unless the top contestant is injured, the contest will continue.
 - A) The referee will verbally notify the bottom contestant of the foul.
 - B) When the round is over, the referee will assess the foul and notify both corners, the judges and the official scorekeeper.
 - C) The referee may terminate a bout based on the severity of a foul. If the referee terminates a bout under such circumstances, the contestant committing the foul shall lose by disqualification.
- 11) When any injury is severe enough for the referee to stop the contest immediately after 2 rounds of a 3 round contest, or after 3 rounds of a 5 round contest, are complete, the results of the bout shall be determined as if the bout were completed.
- 12) Disqualification occurs after any combination of 3 fouls or if the referee determines the foul to be intentional.
- 13) Except as provided in this Section, any contestant guilty of committing a foul in a round shall be given an immediate warning and points may be deducted from the contestant's total score as determined by the referee. The use of foul tactics may also result in the disqualification of the contestant.

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Section 1370.640 Rounds

- a) Non-championship/non-title bouts. Each non-championship/non-title bout shall be no fewer than 3 rounds of 5 minutes in length, with a one minute rest period between rounds and with a 10 second warning signal.
- b) Main or championship bouts. Each main or championship bout shall be no more than 5 rounds and no fewer than 3 rounds of 5 minutes in length, with a one minute rest period between rounds and with a 10 second warning signal.
- c) Women's bouts shall be no fewer than 3 rounds of 2 to 5 minutes in length, with up to a 1½ minute rest period between rounds.

Section 1370.650 Types of Bout Results

A bout may end under the following results:

- a) Submission:
 - 1) Tap out: when a contestant physically uses his or her hands to indicate that he or she no longer wishes to continue.
 - 2) Verbal tap out: when a contestant verbally announces to the referee that he or she does not wish to continue.
- b) Knockout (KO): Failure to rise from canvas.
- c) Technical Knockout (TKO):
 - 1) Referee stops bout because contestant can no longer defend himself or herself;
 - 2) Physician advises referee to stop the bout and the referee does so; or
 - 3) An injury as a result of a legal maneuver is severe enough to terminate the bout.
- d) Decision Via Scorecards:

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- 1) Unanimous decision: when all 3 judges score the bout for the same contestant.
 - 2) Split decision: when 2 judges score the bout for one contestant and one judge scores for the opponent.
 - 3) Majority decision: when 2 judges score the bout for the same contestant and one judge scores the bout a draw.
- e) Draws:
- 1) Unanimous: when all 3 judges score the bout a draw.
 - 2) Majority: when 2 judges score the bout a draw.
 - 3) Split: when all 3 judges score it differently and the score total results in a draw.
- f) Disqualification: When a contestant has intentionally fouled his or her opponent severely enough to terminate the contest or engages in other unsportsmanlike conduct.
- g) Forfeit: When a contestant fails to begin competition or prematurely ends the contest for reasons other than injury or indicating a tap out.
- h) Technical Draw: When an injury sustained during competition as a result of an intentional foul causes the injured contestant to be unable to continue and the injured contestant is even or behind on the scorecards at the time of the stoppage.
- i) Technical Decision: When the bout is prematurely stopped due to an injury and a contestant is leading on the scorecards.
- j) No Contest: When a contestant is prematurely stopped due to accidental injury and a sufficient number of rounds have not been completed to render a decision via scorecards.

Section 1370.660 Scoring

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- a) Scoring shall be by 3 licensed judges in attendance to score each bout, stationed on different sides of the ring, and the referee. The judges shall watch every phase of the bout and make a decision if the contest lasts the full number of rounds scheduled. They shall be ready at all times, if requested by the referee, to assist in deciding whether fouls have been committed.
- b) Judges shall evaluate each contestant's mixed martial arts technique using the following criteria for scoring:
 - 1) Effective and efficient striking – determining the total number of legal strikes landed.
 - 2) Effective grappling – considering the amount of successful executions of legal takedowns and reversals. Factors to consider are takedowns from the standing position to a mount position, passing the guard to the mount position, and bottom position fighters using an active threatening guard.
 - 3) Effective control – which contestant is dictating the pace, location and position of the bout. Factors to be considered are countering a grappler's attempt at a takedown by remaining standing and legally striking, taking an opponent down to force a ground fight, creating threatening submission attempts, passing the guard to achieve a mount and creating striking opportunities.
 - 4) Effective aggressiveness – moving forward and landing legal strikes.
 - 5) Effective defense – avoiding being struck by one's opponent, takedowns or reversals while countering with offensive strikes.
- c) System for Scoring a Contest
 - 1) The scoring of the contest by the judges will be by the 10-point must system.
 - 2) Under the 10-point must system, the winner of the round shall be awarded 10 points and the loser of the round shall be awarded 9 or fewer points, except for rare instances of an even round for which each contestant shall be awarded 10 points.

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- 3) If the round is even, each contestant receives the full number of points. No fractions of points are to be used unless otherwise directed by the Division for a particular contest.
- 4) If a round is stopped by a referee due to an accidental foul, the round shall be scored.

SUBPART F: AMATEUR MIXED MARTIAL ARTS

Section 1370.700 Sanctioning Bodies – Amateur

- a) In determining whether an amateur sanctioning body shall be approved pursuant to Section 7 of the Act, the Division shall consider, but is not limited to, the following factors:
 - 1) the sanctioning body is exclusively or primarily dedicated to advancing the sport;
 - 2) the sanctioning body limits participation in its events to its registered members;
 - 3) the sanctioning body has a record of enforcing the rules governing a contest or exhibition;
 - 4) the record for safety of the sanctioning body; and
 - 5) Whether the rules for the sanctioning body provide substantially similar protections for the health, safety and welfare of the contestants as the Act and this Part.
- b) In seeking approval under this Section, the sanctioning body shall submit this information, and other information the sanctioning body believes relevant, to the Division. The Division may request additional information, including an appearance before the Board, to clarify information or clear up any discrepancies. The Division may discipline up to and including revocation of approval of a sanctioning body if the sanctioning body fails to effect or enforce those representations made to the Division in obtaining approval or anytime during the course of a sanctioned event. Unless otherwise provided for in Sections 6 and 7 of the Act, amateur events not sponsored by an approved sanctioning body are not

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exempt events.

- c) There shall be a non-refundable application processing fee of \$250. The approval shall be valid until September 30 of each odd numbered year. The sanctioning body shall re-apply for approval on forms provided by the Division and pay a non-refundable application processing fee of \$250.

Section 1370.710 Registration

- a) No contestant shall participate in a contest without being registered.
- b) A registrant shall complete an application provided by the Division.
- c) A registrant must be at least 18 years of age.
- d) A registrant shall disclose in writing, on a form provided by the Division, a complete medical history, including any prior or existing medical conditions.
- e) Amateur contestants must register with the Division, on forms provided by the Division, and shall include, without limitation:
 - 1) A copy of current government issued photo identification (e.g., driver's license, passport);
 - 2) Proof of age (e.g., driver's license or copy of birth certificate);
 - 3) Social Security Number or tax identification number, as appropriate; and
 - 4) A passport size photo.

Section 1370.720 Classes and Weights of Contestants

- a) In mixed martial arts contests, contestants shall be classified under the following classifications:

	Weight Class	Weights	Allowances
1)	Straw Weight	up to 115 pounds	3 pounds

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2)	Flyweight	over 115 to 125 pounds	3 pounds
3)	Bantamweight	over 125 to 135 pounds	3 pounds
4)	Featherweight	over 135 to 145 pounds	5 pounds
5)	Lightweight	over 145 to 155 pounds	5 pounds
6)	Welterweight	over 155 to 170 pounds	5 pounds
7)	Middleweight	over 170 to 185 pounds	7 pounds
8)	Light Heavyweight	over 185 to 205 pounds	7 pounds
9)	Heavyweight	over 205 to 265 pounds	7 pounds
10)	Super Heavyweight	over 265 pounds	

- b) Any contestant's change in weight class must be approved by the Division or sanctioning body.
- c) Contestants shall only fight contestants in their own weight class.

Section 1370.730 Attire and Equipment

- a) Attire and Equipment for Contestants
All contestants shall comply with the following:
 - 1) Contestants shall wear athletic shorts that do not extend below the knee, such as mixed martial arts shorts, grappling or fighting shorts, boxing shorts or kickboxing shorts, or as specified in the bout agreement.
 - 2) Each contestant shall have available for the contest 2 uniforms of contrasting colors, consisting of athletic shorts as described in subsection (a)(1). No leotard or other such costume is permitted.
 - 3) Shirts or gis shall not be worn by a contestant during a bout, unless approved by the Division.

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- 4) Knee pads, elbow pads, chest protectors (for male contestants), shin guards, headgear, or closed toe shoes shall not be allowed.
 - 5) All contestants shall wear an individually fitted mouthpiece, which shall be subject to examination and approval by the Division.
 - A) All contestants shall have available 2 mouthpieces; and
 - B) A round will not begin until both contestants have their respective mouthpieces in place.
 - 6) Male contestants shall wear a foul-proof groin protector.
 - 7) Female contestants:
 - A) shall wear a breast protector during the contest with both contestants wearing the same type. The breast protector shall be subject to examination and approval by the Division; and
 - B) may wear a pelvic protector at the option of the contestant.
 - 8) Taping of hands, wrists and ankles will be subject to approval by the Division.
 - 9) A contestant shall be prohibited from wearing any attire or equipment that contains any abrasive material, metal substance, or other hard material such as plastic or buckles.
 - 10) All equipment and attire, such as neoprene ankle or knee sleeves, or other emerging market materials that comprise equipment and attire, are subject to approval by the Division. An inspector or other Division representative may direct a contestant to change any attire or equipment that he or she determines gives unfair advantage or is a threat to the health, safety or welfare of the other contestant or the public or could be deemed a detriment to the sport.
- b) Bandages/Handwraps
In all weight classes, seconds must adhere to the following for wrapping hands:

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- 1) The bandages/handwraps shall consist of soft gauze type cloth that is no more than 15 yards in length and not more than 2 inches in width and held in place by no more than 10 feet or one winding of surgeon's tape not over 2 inches wide. Up to one 20 yard roll of bandage may be used to complete the wrappings for each hand;
 - 2) The surgeon's tape shall be placed directly on each hand for protection near the wrist. The tape may cross the back of the hand twice but may not extend within three-fourths of an inch of the knuckles when the hand is clenched to make a fist;
 - 3) Bandages shall be evenly distributed across the hand;
 - 4) Bandages and tape shall be placed on the contestant's hand in the dressing room prior to the bout in the presence of the inspector. The opposing contestant for a title may also witness the bandaging of the opponent's hands. This privilege may be waived; and
 - 5) The Division official shall approve all bandages and taping prior to gloves being placed on any contestant and after gloves are removed. Under no circumstances are gloves to be placed on the hands of a contestant before approval by the inspector.
- c) Gloves for Contestants
- 1) Contestants competing against each other in the same bout shall wear the same weighted gloves. Gloves shall be clearly marked or have sewn into the lining stating the official weights by the manufacturer. When gloves are manufactured with a size mark or tag (e.g. Small, Medium, Large or Extra Large) rather than the official weight of the glove, the promoter must provide the glove manufacturer's documentation reflecting the size to weight ratio of the gloves.
 - 2) Gloves shall be whole, clean and in good condition. Broken gloves are prohibited during any bout or contest.
 - 3) Gloves that are padded in the palm or fingertip area are prohibited.

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- 4) All gloves shall be inspected and approved by the Division or sanctioning body prior to each bout. The designee of the Division may inspect gloves at any time.
- 5) Promoters must have extra sets of gloves in each size used during the contest to be used in case gloves are broken or in any way damaged during the course of a bout. Promoters are prohibited from furnishing gloves to the Division that were provided by a contestant.
- 6) Gloves shall be appropriate in size for the contestant and shall be no less than 6 ounces and no more than 8 ounces in weight.

Section 1370.740 Structure of the Fighting Area for Contests

- a) Contests shall be held in a ring, cage or a fenced area.
- b) The fighting area shall be approved by the Division, including all padding or enclosures. Fighting areas that are not approved by the Division shall not be used. The fighting area shall meet the following requirements:
 - 1) The fighting area:
 - A) shall be constructed in a manner that does not pose a substantial risk to the safety or health of any person. The fighting area must be circular or have as many as eight equal sides for a contest. The fighting area shall be no smaller than 16 feet wide and no larger than 32 feet wide within the ropes, cage or fenced area;
 - B) shall have a corner with a blue designation and the corner directly across shall have a red designation;
 - C) floor shall extend at least 24 inches beyond the ropes or other barrier. The floor must be of a canvas, duck or similar material that shall be padded with at least a one inch layer of foam padding that shall extend over the edge of the platform of the fighting area. Vinyl or other plastic rubberized covering is prohibited. Materials that may gather in lumps or ridges during the bout or contest are prohibited;

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- D) platform shall be a minimum of one foot and no more than 4 feet above the floor on which it is standing and must have suitable steps or ramps for use by officials and the contestants;
 - E) shall have 5 fighting area ropes, when fighting area ropes are used, not less than one inch in diameter and wrapped in soft material. The lowest rope must be no higher than 12 inches from the fighting area floor; and
 - F) must not be obstructed by any object, including, without limitation, a triangular border, on any part of the fighting area floor.
- 2) When fighting area ropes are used, the post:
- A) must be made of metal no less 3 inches and not more than 6 inches in diameter, and must be properly padded in a manner approved by the Division; and
 - B) must be 18 inches away from the fighting area ropes.
- 3) The fence or cage specifications for martial arts and mixed martial arts are:
- A) the fence or cage shall be made of material that will prevent a contestant from falling out or breaking through the fighting area onto the floor beneath the fighting area or onto spectators. The enclosure may be composed of vinyl-coated chain link fencing or other similar material;
 - B) any exposed metal on the interior of the fenced or caged area must be covered and padded in a manner approved by the inspector or Division representative. The covering shall not be abrasive to the contestants;
 - C) any metal parts used to reinforce the fenced or caged area enclosure shall not interfere with the safety of the contestants;
 - D) the enclosure shall provide 2 separate entries onto the fighting area canvas that are sufficient to allow easy access to the fighting area

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by officials and emergency personnel, unless otherwise approved by the Division. The entrances must be padded or covered so that there is no exposed metal on the interior of the fence or caged area;

- E) the enclosure shall not obstruct or limit the supervision and regulation of the bout by officials or Division representatives; and
- F) the enclosure shall not inhibit the judging of the bout in any manner.

Section 1370.750 Intentional and Accidental Fouls and Injuries

- a) The following actions in a bout or contest shall be considered fouls:
 - 1) Butting with the head;
 - 2) Eye gouging of any kind;
 - 3) Biting;
 - 4) Hair pulling;
 - 5) Fishhooking;
 - 6) Groin attacks of any kind;
 - 7) Putting a finger into any orifice or into any cut or laceration of an opponent;
 - 8) Small joint manipulation;
 - 9) Striking to the spine or the back of the head;
 - 10) Striking with the elbow;
 - 11) Knee strikes to the head;
 - 12) Heel hooks or angled leg locks;

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- 13) Spine locks;
- 14) Neck cranks;
- 15) Excessive slamming;
- 16) Throws against a joint;
- 17) Twisting leg submissions;
- 18) Throat strikes of any kind, including, without limitation, grabbing the trachea;
- 19) Clawing, pinching or twisting the flesh;
- 20) Grabbing the clavicle;
- 21) Kicking the head of a grounded opponent;
- 22) Kneeing the head of a grounded opponent;
- 23) Stomping a grounded opponent;
- 24) Kicking to the kidney with the heel;
- 25) Spiking an opponent to the canvas on his head or neck;
- 26) Throwing an opponent out of the ring or fenced area;
- 27) Holding the shorts or gloves of an opponent;
- 28) Spitting at an opponent;
- 29) Engaging in any unsportsmanlike conduct that causes injury to an opponent;
- 30) Holding the ropes or the fence;
- 31) Using abusive language in the ring or fenced area;

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- 32) Attacking an opponent during the break;
 - 33) Attacking an opponent who is under the care of the referee;
 - 34) Attacking an opponent after the bell has sounded the end of the period;
 - 35) Flagrantly disregarding the instructions of the referee;
 - 36) Timidity, including, without limitation, avoiding contact with an opponent, intentionally or consistently dropping the mouthpiece or faking an injury;
 - 37) Interference by the corner from anyone working a contestant's corner, including leaving the corner's designated area;
 - 38) Any act in the judgment of the referee that is detrimental and places an opponent at a disadvantage or risk, such as applying a foreign substance to one's hair, body, clothing or gloves prior to or during a contest; and
 - 39) Throwing in the towel during competition.
- b) Injuries
- 1) The referee, at his or her discretion, may request that the physician examine a contestant during the bout. Should the examination occur during the course of a round, the clock shall be stopped until the examination is completed. The physician may recommend that the referee stop the bout, in which case the referee shall render the appropriate decision.
 - 2) In the event of serious cuts or injuries, the referee shall summon the physician who shall advise whether the bout should be stopped.
 - 3) A referee may consider the decision of the physician.
 - 4) The referee shall be authorized to determine if injuries were produced by a foul, and if the foul was intentional or accidental.

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- c) Injuries Sustained by Fair Blows and Fouls
 - 1) Fair Blows
If injury is severe enough to terminate a contest, the injured contestant loses by technical knockout (TKO).
 - 2) Fouls
 - A) Intentional
 - i) If an intentional foul causes an injury, and the injury is severe enough to terminate a bout immediately, the contestant causing the injury shall lose by disqualification.
 - ii) If an intentional foul causes an injury and the bout is allowed to continue, the referee may notify the Division representative and may deduct points from the contestant who caused the foul.
 - iii) If an intentional foul causes an injury and the injury results in the bout being stopped in a later round, the injured contestant shall win by technical decision if he or she is ahead on the scorecards, or the bout shall result in a technical draw if the injured contestant is behind or even on the scorecards.
 - iv) If a contestant injures himself or herself while attempting to intentionally foul his or her opponent, the referee shall not take any action in his or her favor, and this injury shall be the same as one produced by a fair blow.
 - v) If the referee believes that a contestant has conducted himself or herself in an unsportsmanlike manner, the referee may stop the bout and disqualify the contestant.
 - B) Accidental
 - i) If the referee determines, either from his or her own observation or on the advise of the physician, that the bout

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may not continue because of the injury from the accidental foul, the bout will be declared a no contest if the foul occurred:

- during the first 2 rounds of a non-championship bout; or
 - during the first 3 rounds of a championship bout.
- ii) If the referee determines, either from his or her own observation or on the advise of the physician, that the bout may not continue because of the injury from the accidental foul, the bout will be determined by scoring the completed rounds and the round in which the referee stops the bout if the foul occurred:
- after the completion of the second round in a non-championship bout; or
 - after the completion of the third round in a championship bout.
- iii) A contestant who is hit with an accidental low-blow must continue after a reasonable amount of time, but no more than 5 minutes, or he or she may lose the bout by technical knockout.
- iv) If an injury from an accidental foul later becomes aggravated by fair blows and the referee orders the bout stopped because of the injury, the outcome must be determined by scoring the completed rounds and the round in which the referee stops the contest.
- 3) In assessing fouls, the referee shall weigh the cause, as well as the effect. If the referee has seen an unauthorized blow, strike or attack delivered that has a damaging effect, the referee may permit a rest period to the victim not to exceed 5 minutes. During the rest period, seconds may not assist or coach the injured contestant. The offending contestant shall go to a neutral corner and shall not be coached during the period.

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- 4) At the discretion of the referee, the referee may give an official warning or penalty to the offending contestant for the unauthorized blow, strike or attack, and then may give the command to continue after the end of the rest period if the contestant who received the unauthorized blow, strike or attack indicates ability to continue the bout. If the injured contestant refuses to continue after a 5 minute rest period, the opponent shall be named the winner.
- 5) Repeated unauthorized blows, strikes or attacks shall be penalized with deduction of points from the offending contestant or disqualification of the offending contestant.
- 6) A contestant cannot be named the winner of a bout as the result of receiving an unauthorized blow, strike or attack, or low blow unless, in the opinion of the referee, the unauthorized blow, strike or attack was delivered deliberately and with enough force to seriously incapacitate the injured contestant so that he or she could not continue the bout. Under this condition, the offender shall be disqualified immediately.
- 7) A fouled contestant has up to 5 minutes to recuperate.
- 8) Only the referee can assess a foul and any point deductions. If the referee does not call the foul, judges shall not make that assessment on their own.
- 9) If a foul is committed:
 - A) The referee shall call time.
 - B) The referee shall check the fouled contestant's condition and safety.
 - C) The referee shall then assess the foul to the offending contestant, deduct points and notify the seconds, judges and official scorekeeper.
- 10) If a bottom contestant commits a foul, unless the top contestant is injured, the contest will continue.

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- A) The referee will verbally notify the bottom contestant of the foul.
 - B) When the round is over, the referee will assess the foul and notify both corners, the judges and the official scorekeeper.
 - C) The referee may terminate a bout based on the severity of a foul. If the referee terminates a bout under such circumstances, the contestant committing the foul shall lose by disqualification.
- 11) When any injury is severe enough for the referee to stop the contest immediately after 2 rounds of a 3 round contest, or after 3 rounds of a 5 round contest, are complete, the results of the bout shall be determined as if the bout was completed.
 - 12) Disqualification occurs after any combination of 3 fouls or if the referee determines the foul to be intentional.
 - 13) Except as provided in this Section, any contestant guilty of committing a foul in a round shall be given an immediate warning and points may be deducted from the contestant's total score as determined by the referee. The use of foul tactics may also result in the disqualification of the contestant.

Section 1370.760 Rounds

- a) Non-championship/non-title bouts. Each non-championship/non-title bout shall be no fewer than 3 rounds of 3 minutes in length, with up to a 1½ minute rest period between rounds, with up to a 15 second warning signal.
- b) Championship/title bouts. Each championship/title bout shall be no more than 5 rounds and no fewer than 3 rounds of 3 minutes in length, with a one minute rest period between rounds, with up to a 15 second warning signal.
- c) Women's bouts shall be no more than 3 rounds of 2 minutes in length up to 3 minutes in length, with up to a 1½ minute rest period between rounds, with up to a 15 second warning signal.

Section 1370.770 Types of Bout Results

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A bout may end under the following results:

- a) Submission:
 - 1) Tap out: when a contestant physically uses his or her hands to indicate that he or she no longer wishes to continue.
 - 2) Verbal tap out: when a contestant verbally announces to the referee that he or she does not wish to continue.
- b) Knockout (KO): Failure to rise from canvas.
- c) Technical Knockout (TKO):
 - 1) Referee stops bout because contestant can no longer defend himself or herself;
 - 2) Physician advises referee to stop the bout and the referee does so; or
 - 3) An injury as a result of a legal maneuver is severe enough to terminate the bout.
- d) Decision Via Scorecards:
 - 1) Unanimous decision: when all 3 judges score the bout for the same contestant.
 - 2) Split decision: when 2 judges score the bout for one contestant and one judge scores for the opponent.
 - 3) Majority decision: when 2 judges score the bout for the same contestant and one judge scores the bout a draw.
- e) Draws:
 - 1) Unanimous: when all 3 judges score the bout a draw.
 - 2) Majority: when 2 judges score the bout a draw.

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- 3) Split: when all 3 judges score it differently and the score total results in a draw.
- f) Disqualification: when a contestant has intentionally fouled his or her opponent severely enough to terminate the contest or engages in other unsportsmanlike conduct.
- g) Forfeit: when a contestant fails to begin competition or prematurely ends the contest for reasons other than injury or indicating a tap out.
- h) Technical Draw: when an injury sustained during competition as a result of an intentional foul causes the injured contestant to be unable to continue and the injured contestant is even or behind on the scorecards at the time of the stoppage.
- i) Technical Decision: when the bout is prematurely stopped due to an injury and a contestant is leading on the scorecards.
- j) No Contest: when a contest is prematurely stopped due to accidental injury and a sufficient number of rounds have not been completed to render a decision via scorecards.

Section 1370.780 Scoring

- a) Scoring shall be by 3 judges in attendance to score each bout, stationed on different sides of the ring, and the referee. The judges shall watch every phase of the bout and make a decision if the contest lasts the full number of rounds scheduled. They shall be ready at all times, if requested by the referee, to assist in deciding whether fouls have been committed.
- b) Judges shall evaluate each contestant's mixed martial art technique using the following criteria for scoring:
 - 1) Effective and efficient striking – determining the total number of legal strikes landed.
 - 2) Effective grappling – considering the amount of successful executions of legal takedowns and reversals. Factors to consider are takedowns from the standing position to a mount position, passing the guard to the mount position, and bottom position fighters using an active threatening guard.

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- 3) Effective control – which contestant is dictating the pace, location and position of the bout. Factors to be considered are countering a grappler's attempt at a takedown by remaining standing and legally striking, taking an opponent down to force a ground fight, creating threatening submission attempts, passing the guard to achieve a mount, and creating striking opportunities.
 - 4) Effective aggressiveness – moving forward and landing legal strikes.
 - 5) Effective defense – avoiding being struck by one's opponent, takedowns or reversals while countering with offensive strikes.
- c) System for Scoring a Contest
- 1) The scoring of the contest by the judges will be by the 10-point must system.
 - 2) Under the 10-point must system, the winner of the round shall be awarded 10 points and the loser of the round shall be awarded 9 or fewer points, except for rare instances of an even round for which each contestant shall be awarded 10 points.
 - 3) If the round is even, each contestant receives the full number of points. No fractions of points are to be used unless otherwise directed by the Division for a particular contest.
 - 4) If a round is stopped by a referee due to an accidental foul, the round shall be scored.

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NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Professional Boxing and Martial Arts Contests
- 2) Code Citation: 68 Ill. Adm. Code 1371
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1371.10	Repealed
1371.15	Repealed
1371.20	Repealed
1371.30	Repealed
1371.40	Repealed
1371.50	Repealed
1371.60	Repealed
1371.70	Repealed
1371.80	Repealed
1371.90	Repealed
1371.100	Repealed
1371.110	Repealed
1371.120	Repealed
1371.130	Repealed
1371.140	Repealed
1371.150	Repealed
1371.160	Repealed
1371.170	Repealed
1371.180	Repealed
1371.190	Repealed
1371.200	Repealed
1371.210	Repealed
1371.220	Repealed
1371.230	Repealed
1371.240	Repealed
1371.250	Repealed
1371.260	Repealed
1371.270	Repealed
1371.280	Repealed
1371.300	Repealed
1371.310	Repealed
1371.320	Repealed
1371.330	Repealed
1371.340	Repealed

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NOTICE OF ADOPTED REPEALER

1371.350	Repealed
1371.360	Repealed
1371.370	Repealed
1371.380	Repealed
1371.400	Repealed
1371.410	Repealed
1371.420	Repealed
1371.430	Repealed
1371.440	Repealed
1371.450	Repealed
1371.460	Repealed
1371.470	Repealed

- 4) Statutory Authority: Professional Boxing Act [225 ILCS 105]
- 5) Effective date of repealer: September 14, 2012
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, 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 Repealer published in the *Illinois Register*: March 30, 2012, at 36 Ill. Reg. 4571.
- 10) Has JCAR issued a Statement of Objections to this Repealer? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this repealer replace any emergency repealer currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No

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NOTICE OF ADOPTED REPEALER

- 15) Summary and Purpose of Repealer: On June 1, 2008, Public Act 95-593, became effective and made significant changes to the Professional Boxing Act, including providing for the regulation of mixed martial arts contests. As a result, the rules were extensively overhauled and the former Part 1370 was repealed and replaced with a new Part number (1371) and title/heading (Professional Boxing and Martial Arts Contests-the title of the Statute/Act remained the Professional Boxing Act).

Public Act 97-119, effective on July 14, 2011, changed the title of the Professional Boxing Act to the Boxing and Full-contact Martial Arts Act and provided for the regulation of amateur full-contact martial arts in addition to boxing and made changes to what was contained in the former Professional Boxing Act such as defining what constitutes a "sanctioning body" within the scope of the Act and the establishment of an "Athletics Supervision and Regulation Fund" in the State Treasury.

As a result, the current Part 1371 is being repealed and replaced with a new Part 1370.

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

Department of Financial and Professional Regulation
Division of Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, Illinois 62786

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

DEPARTMENT OF THE LOTTERY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Lottery (General)
- 2) Code Citation: 11 Ill. Adm. Code 1770
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1770.10	Amendment
1770.20	Amendment
1770.30	Amendment
1770.40	Amendment
1770.50	Amendment
1770.60	Amendment
1770.70	Amendment
1770.80	Amendment
1770.90	Amendment
1770.100	Amendment
1770.120	Amendment
1770.130	Amendment
1770.140	Amendment
1770.145	New
1770.150	Amendment
1770.160	Amendment
1770.170	Amendment
1770.180	Amendment
1770.190	Amendment
1770.200	Amendment
1770.220	Amendment
- 4) Statutory Authority: 20 ILCS 1605/7.1 and 7.2
- 5) Effective date of rulemaking: September 14, 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 amendments, including any material incorporated by reference, is on file and is available for public inspection at the Department of the Illinois Lottery, 100 W. Randolph Street, Suite 7-900, Chicago, IL 60601.

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- 9) Notice of Proposal published in the *Illinois Register*: June 1, 2012; 36 Ill. Reg. 8136
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No substantive changes were made to the text of the proposed amendments.
- 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 other proposed rulemakings pending on this Part? No
- 15) Summary and purpose of rulemaking: The majority of the amendments to Section 1770 are intended to enhance readability by improving flow, using plainer language, applying consistent punctuation and capitalization, and otherwise conforming to the current Secretary of State Style Manual and Joint Committee on Administrative Rules preferences for rulemaking. The more substantive modifications to the rules are as follows.

Section 1770.10 has been amended to reflect the fact that a prize winner claiming a prize through a revocable living trust need not be named the initial trustee under the trust. This provision was originally added in order to avoid potential violation of Section 13 of the Lottery Law [20 ILCS 1605/13]. However, since a revocable living trust is a grantor trust and the winner, as grantor, remains responsible for taxes associated with the prize, no violation of Section 13 will occur regardless of the trustee designation.

Section 1770.10 also reflects new terminology utilized within the Lottery since the selection of a private manager pursuant to Section 9.1 of the Illinois Lottery Law [20 ILCS 1605/9.1] and separation of the Lottery from the Department of Revenue pursuant to Public Act 97-464. Examples are the definition of "private manager"; references to "prize centers" rather than regional offices, since the regional sales office function has transferred to the private manager; and the designation of "Superintendent" for the chief executive officer of the Department of the Lottery.

Section 1770.10 previously defined "prize" in terms of the Internal Revenue Code provision that the cost of a wager be deducted from the prize value of a winner ticket before income tax withholding amounts were determined. Section 1770.190 relied upon

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this definition in stating that prizes of less than \$600 could be redeemed for cash by a licensed Lottery retailer. This has caused confusion among Lottery staff and perceived inconsistency with informational literature produced for the public that states prizes up to \$600 may be redeemed by a retailer. For this reason, Section 1770.10 now merely explains the application of the Internal Revenue Service rule, but restores references in Section 1770.190 to the face value of the prize, which is what the players and the retailers see.

Section 1770.20(c) previously mandated that the Lottery waive the \$50 license application fee if the term of a license was 30 days or less. Because the application fee is intended to defray the costs of processing a license application, and in particular the performance of criminal history, tax compliance and financial background checks, the fee waiver is now tied to whether background checks are required. If, as in most instances, these short-term licenses are requested by licensed retailers in order to participate in a fair, festival or other special event, no additional background checks will be required and the fee will be waived.

Section 1770.20(d) set forth a mandatory list of items to be considered in determining whether a retailer would be granted on-line status to sell tickets for draw games such as Lotto. One of these elements was the retailer's success selling instant tickets. Because of the greater availability of gaming system terminals today, the majority of retailers sell all products from the outset, and instant sales history is not a factor. Consequently, we are deleting that element from mandatory consideration.

Section 1770.40 regarding license suspension or revocation without notice has been reorganized so that elements referenced in the introductory language are now enumerated along with the other bases for suspension or revocation. Further, subsection 1770.40(c) has been incorporated into subsections 1770.40(a) and (b) since the criteria for both suspensions and revocations, or for the Superintendent to uphold or overturn suspensions or revocations, are the same.

Section 1770.60(b) has been amended to include the requirement that Lottery retailers conduct promotions as directed by the Department. In the past, the Lottery has experienced losses due to retailers redeeming coupons multiple times or failing to properly account for discounted or free lottery tickets during a promotion. This amendment makes clear that following instructions for promotions is also a condition of licensing.

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Both subsections 1770.60(c) and 1770.60(r) referenced the ability or prohibition of a licensed retailer selling other gaming products. This language has been consolidated under what is now 1770.60(s).

The Lottery no longer provides an "Authorized Lottery Agent" decal to its retailers, but instead has various advertising elements that can be utilized on doors, in windows and in other locations based upon the location's particular needs. Consequently, the requirement to display the "Authorized Lottery Agent" decal has been deleted from Section 1770.70.

There is no longer a separate settlement schedule for retailers selling only instant tickets and those selling all Lottery products. Consequently, references in Section 1770.90 to different settlement schedules and different schedules of sanctions for delinquencies have been eliminated. In addition, because suspension and revocation of retailer licenses is already governed by Sections 1770.40 and 1770.50, the specific references to suspension with or without prior notice and opportunity for hearing have been deleted from Section 1770.90.

Section 1770.145(j) has been clarified at the request of JCAR staff to indicate the circumstance that would result in cancellation of an internet Lottery player account.

Section 1770.150(f) has been modified to indicate that the requirement for Lottery proceeds to be segregated as a trust fund is a statutory requirement. The statutory citation has been added.

Section 1770.190(n) has been amended to more accurately describe how the proceeds from specially-designated games, payments to the private manager, and transfers to the Common School Fund impact funds ultimately transferred to the Capital Projects Funds, as well as to memorialize the inflation formula utilized by the Department in calculating the monthly, inflation-adjusted transfers to the Common School Fund.

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

Tracy Jacobson
Illinois Lottery
100 W. Randolph Street, Suite 7-900
Chicago, IL 60601

312/793-3300

DEPARTMENT OF THE LOTTERY

NOTICE OF ADOPTED AMENDMENTS

tracy.jacobson@illinois.gov

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

DEPARTMENT OF THE LOTTERY

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE C: LOTTERY

CHAPTER II: DEPARTMENT OF THE LOTTERY

PART 1770

LOTTERY (GENERAL)

Section

1770.10	Definitions
1770.20	Selection of Lottery Sales Agents; License Application and Fee; On-Line Status
1770.30	Special Licenses
1770.40	License Revocation Without Prior Notice
1770.50	License Revocation, Suspension, Non-Renewal or Denial With Prior Notice
1770.60	Conditions of Licensing
1770.70	License to be Displayed
1770.80	Change of Name, Ownership, or Form of Business Organization
1770.90	Delinquent Financial Obligations
1770.100	Bonding of Agents
1770.110	License Expiration and Renewal
1770.120	Agent Financial Adjustments
1770.130	Lost, Stolen, and Damaged Winning Tickets and other Discrepancies
1770.140	Sales by Department Directly
1770.145	<u>Internet Pilot Program</u>
1770.150	Sales, Inspection, Compensation, and Ticket Purchases
1770.160	Lottery Tickets
1770.170	Lottery Games
1770.180	Drawings
1770.190	Prize Payment, Claiming or Redeeming of Prizes and Transfers to Common School Fund
1770.200	Eligibility to Buy
1770.210	Promotional Items
1770.220	Priority of Rules
1770.230	Assignment of Lottery Prizes
1770.240	Voluntary Self-exclusion Program
1770.APPENDIX A	Affidavit
1770.APPENDIX B	Voluntary Self-exclusion Agreement

AUTHORITY: Implementing and authorized by Sections 7.1, 7.2, 7.12 and 7.15 of the Illinois Lottery Law [20 ILCS 1605/7.1, 7.2, 7.12 and 7.15].

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SOURCE: Filed by the Lottery Control Board July 11, 1974; amended at 2 Ill. Reg. 17, p. 130, effective April 1, 1978; amended at 4 Ill. Reg. 15, p. 201, effective March 30, 1980; codified as 11 Ill. Adm. Code 1670 at 5 Ill. Reg. 10713; transferred from 11 Ill. Adm. Code 1670 (Lottery Control Board) to 11 Ill. Adm. Code 1770 (Department of the Lottery) pursuant to Executive Order 86-2, effective July 1, 1986, at 11 Ill. Reg. 1582; Part repealed, new Part adopted at 13 Ill. Reg. 7908, effective May 16, 1989; amended at 17 Ill. Reg. 18816, effective October 19, 1993; amended at 18 Ill. Reg. 13439, effective August 23, 1994; amended at 19 Ill. Reg. 6810, effective May 8, 1995; amended at 20 Ill. Reg. 15039, effective November 6, 1996; emergency amendment at 22 Ill. Reg. 1964, effective January 15, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 9307, effective May 15, 1998; amended at 22 Ill. Reg. 22298, effective December 14, 1998; amended at 24 Ill. Reg. 16061, effective October 13, 2000; amended at 25 Ill. Reg. 12812, effective September 28, 2001; amended at 26 Ill. Reg. 8562, effective May 30, 2002; recodified from the Department of the Lottery to the Department of Revenue pursuant to Executive Order 2003-9 at 27 Ill. Reg. 16993; amended at 29 Ill. Reg. 13869, effective August 29, 2005; amended at 32 Ill. Reg. 14888, effective August 28, 2008; recodified from the Department of Revenue to the Department of the Lottery, pursuant to PA 97-464, at 36 Ill. Reg. 4942; emergency amendment at 36 Ill. Reg. 5856, effective March 27, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 14356, effective September 14, 2012.

Section 1770.10 Definitions

Terms defined in the Act have the same meanings when used in this Part. The following words and terms when used in this Part shall have the following meanings, unless the context clearly indicates otherwise:

"Act" means the Illinois Lottery Law [20 ILCS 1605].

~~"Agent", "Retailer", "Sales Agent" or "Distributor" means a person and his representative who has been licensed to distribute and/or sell Lottery tickets under Sections 9.d, 10 and 10.1 of the Act.~~

"Applicant" means a person who has applied to the Superintendent for a license to sell Lottery tickets to the public.

"Board" means the Lottery Control Board as established by Section 6 of the Act.

"Chairman" means the Chairman of the Lottery Control Board.

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"Change of Business Organization" means a change from one form of organization and ownership of the business to another, including, but not limited to, general partnerships, limited partnerships, corporations and proprietary ownership.

"Change of Name" means a change in the corporation or doing business as (dba) name shown on the records of the Secretary of State, County Clerk, or both, in the license granted to the licensed sales agent and in the Lottery sales agent's application for a license.

"Change of Ownership" means the transfer, in the aggregate, directly or indirectly, of more than 50% of the equity, management control, legal ownership or shares of stock of the licensed sales agent designated in the license to individuals other than those already having an interest of 5% or more in the licensed sales agent at the time of approval or renewal of the license.

"Claim" means to present a purported winning Illinois Lottery ticket to a licensed Lottery ~~sales agent~~Agent or a Lottery ~~prize center~~regional or administrative office for ~~later~~ payment. "Claim" shall additionally mean the process of completing an Illinois Lottery claim form or other documentation as required by this Part.

"Claimant" means a person, as defined in this Section, who presents a winning Lottery ticket to a licensed Lottery ~~sales agent~~Agent or a Lottery ~~prize center~~regional or administrative office for the purpose of receiving a prize.

"Department" means the Illinois Department of the Lottery.

"Game" means any individual or particular type of Lottery authorized by the Department.

"Internet Lottery Player Account" means a secure electronic record associated with a registered internet Lottery player that allows the internet player to access information about his or her Lottery internet account, including, but not limited to the transaction history of purchases, winnings and prize redemptions.

"License" means a license, issued by the Superintendent pursuant to Section 9 of the Act, under the authority of the Act, for an agent to sell Lottery tickets to the public. Licenses shall be effective for an initial period of two years from the date issued by the Department's Lottery licensing unit. Each license thereafter

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approved for renewal by the Department will be renewed for a two-year term dated from the date of expiration of the initial or last prior renewal term, as may be appropriate.

"Licensed Agent", "Licensed Lottery Sales Agent", "Lottery Agent", "Licensed Sales Agent", "Licensed Retailer" or "Lottery Retailer" means a person permitted by a license issued by the Superintendent under the authority of Sections 9.d, 10 and 10.1 of the Act to sell Illinois State Lottery tickets to the public, by an across-the-counter transaction at a specified point of sale~~Point of Sale~~ at a specifically licensed location.

"Lottery" or "State Lottery" means the Lottery established and operated pursuant to the Act.

"Lottery Internet Account" means a bank account established for a registered internet Lottery player for the sole purpose of purchasing Lottery tickets or subscriptions via the internet and receiving payment for any prizes won in connection with an internet Lottery purchase, up to \$25,000.

"On-line status" means the ability of a Lottery salesan agent to sell computer-generated Lottery game tickets or shares for the Lottery's draw games through a terminal connected to the Department'sa Lottery central gaming system.

"Person", when used in reference to a Lottery sales agent's license, shall be construed to mean and include an individual, association, partnership, corporation, limited liability company or partnership, club, trust, estate, society, company, joint stock company, receiver, trustee, referee, or any other person acting in a fiduciary or representative capacity, who is appointed by a court, or any other combination of individuals. "Person" includes any department, commission, agency or instrumentality of the State, including the Department, and also including any county, city, village, or township and any agency and instrumentality of this State.

"Person", when used in the context of a purchase of a lottery ticket or of a prize claim, shall be construed to mean and include an individual; a group of individuals; a partnership or club; a limited partnership, if registered prior to the date the prize was won; a corporation, if incorporated prior to the date the prize was won; a limited liability company, if registered prior to the date the prize was won; a revocable living trust, ~~provided the prize winner is the initial trustee~~; an

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irrevocable trust, if the trust agreement was executed prior to the date the prize was won, and provided all beneficiaries of the trust are named therein; a charitable organization, if registered prior to the date the prize was won; an estate; or a governmental entity other than the Department of the Lottery. Prize claims by any such "persons" are subject to eligibility requirements set forth in the Act, this Part, or game rules.

"Point of Sale" means the physical location where a licensed agent is authorized to conduct the sale of Lottery tickets to the public.

"Prize" means any award, financial or otherwise, awarded to a ticket holder pursuant to the rules of the Lottery. In determining whether a winning Lottery ticket may be redeemed for cash throughby a Lottery retailer or at a prize center, or must be presented to a Department office for payment, and whether a prize may be claimed in a group name or must be claimed by an individual group member, the Department will adhere to federal tax regulations and deduct the amount of the wager from the face value of the prize~~"prize" means the verified prize amount, less the dollar amount of the wager, in accordance with federal tax regulations.~~

"Prize Center" means a Lottery office or other authorized location where winning tickets with a face value up to \$25,000 may be redeemed pursuant to Section 20.1 of the Act, or larger prizes, or those subject to offset or investigation, may be claimed.

"Private Manager" means the company, and any permitted successor company, awarded a contract for the operation of the sales and marketing functions of the Illinois Lottery pursuant to Section 9.1 of the Act.

"Redeem" (and its variants) means to surrender a winning Illinois Lottery ticket to a Lottery retailer for immediate cash payment of the prize, or to a Lottery prize center for immediate payment by check, in accordance with Section 1770.190 ~~of this Part.~~

"Registered Internet Lottery Player" means an individual who has successfully established an internet Lottery player account after registering through the Lottery's web portal establishing the requisite age, location and other eligibility requirements.

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"Related terminal" means any player activated machine or any [Lottery sales](#) agent operated terminal in which an owner of ~~another salesan~~ agent location has 50% or greater interest.

"Secretary" means the Secretary of the Lottery Control Board.

"Service" means the mailing of any notice required by the Act or this Part by certified mail, return receipt requested. Service shall be deemed complete if the notice is returned undelivered or unclaimed when mailed, postage prepaid, to the intended recipient's last known address as disclosed in the Department's records, or if 30 days have elapsed from the date of mailing, to ~~that~~such address with no return of the item.

"Special License" means a license issued by the Superintendent limited in geographic scope and/or duration of validity, pursuant to Section 1770.30 ~~of this Part~~.

"State Lottery Fund" means the special fund created in the State Treasury by Section 20 of the Act, in which all revenues received by the State Lottery, as defined and limited by Section 20 of the Act, are deposited.

"Subscription" means a program that allows a registered internet Lottery player to make advance purchases to be automatically entered to play certain Lottery games for every drawing for a pre-selected, specific period of time. A subscription may also be purchased from the Lottery by phone or by mail.

"Superintendent" means the individual responsible for the executive oversight of the Department.

"Ticket", "[Lottery Ticket](#)" or "Lottery Game Ticket" means a Lottery scratch-off ticket; a paper ticket produced from the central gaming system, on official paper stock, by a licensed retailer; or a virtual ticket purchased as part of the Department's internet pilot program and recorded in the Department's central gaming system ~~or share issued by the Department for sale to the general public.~~

(Source: Amended at 36 Ill. Reg. 14356, effective September 14, 2012)

Section 1770.20 Selection of Lottery Sales Agents; License Application and Fee; On-Line Status

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- a) The Superintendent shall license as licensed sales agents, persons engaged in business activity dealing with the public, provided, ~~however,~~ that the sole proprietors, partners, corporate officers or principals of an applicant must be 18 years of age or older to be eligible to apply for a license. The total number of licensed sales agents shall be sufficient to assure that Lottery products are conveniently available to the public throughout the State, consistent with the constraints of the Department's budget. Any person interested in obtaining a license as a licensed sales agent, must first ~~complete~~fill out an application with the Department, ~~on such forms as may be provided by the Department.~~ The Department will have a representative meet with the applicant to discuss the responsibilities of selling Lottery products, and to gather information concerning the applicant and his or her business establishment ~~considering~~concerning the factors listed ~~in this subsection (a) below.~~ The Superintendent shall give careful consideration to the following factors in selecting as licensed sales agents those persons ~~that~~which one may expect to provide a high level of sales volume of Lottery products, proper security for the Lottery equipment, tickets and money, and a good public image for the State's Lottery products:-
- 1) The credit worthiness and financial responsibility of the applicant as disclosed by standard credit reporting services, the records of the State, and such other credible information bearing upon the credit worthiness of the applicant as may be brought to the attention of the Superintendent:-
 - 2) The criminal history and tax status of the applicant as disclosed in the application or in records of the State:-
 - 3) The physical security of the applicant's establishment in terms of the physical structure and design of the applicant's facilities as it would relate to the placement of Lottery equipment, the sale of Lottery products and the storage of Lottery receipts:-
 - 4) The public accessibility of the applicant's place of business or activity, including accessibility from roads, major highways, parking facilities ~~and,~~ public transit routes, accessibility by the disabled, proximity of pedestrian traffic, hours of operation of applicant's business, and the cleanliness, attractiveness and physical security of the premises:-
 - 5) The number of existing Lottery sales licenses in the vicinity:-

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- 6) The nature of the applicant's business and the volume of the applicant's sales from his or her regular business in order to assure that the sale of Lottery products will be ancillary to the applicant's regular business;
 - 7) The level of anticipated or projected sales from the general area in which the applicant's business is located, taking into consideration the demographics of the neighborhood or locality, the proximity of the location to population centers and the average sales for other comparable agents;
 - 8) The character of the applicant and his or her reputation for honesty and integrity in the community;
 - 9) The veracity of the information supplied in the license application;
 - 10) The merchandising skills and business experience of the applicant, including the tenure of applicant's business at the proposed location;
 - 11) ~~Any~~The applicant may provide any information relating to ~~these~~the above listed factors that the applicant provides to the Department's representative at the time of the site visit or ~~may include any information relating to these factors~~ at the time of submission of the application.
- b) The Superintendent shall make available forms for application for Lottery sales licensing as a Lottery retailer. Each license application shall be accompanied by a non-refundable \$50 application fee and shall, ~~which application and fee should be~~ mailed or delivered to the Office of the Superintendent ~~located at~~:
- Department of the Lottery
Lottery-Licensing Unit
101 West Jefferson Street, MC5-940
Springfield, Illinois 62794-9015
800/752-9568
- c) The license fee described in subsection (b) ~~may~~will be waived by the Department if the period of the license does not exceed 30 days and no new background checks are required for the applicants.

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- d) The Superintendent may grant a licensed sales agent on-line status based upon an evaluation conducted by an employee of the Department. The evaluation will include, but shall not be limited to:
- ~~1)~~ Performance as an instant sales agent, including sales volume, settlement practices and compliance with Department procedures;
 - ~~2)~~ Financial responsibility;
 - ~~3)~~ Proximity to existing on-line sales agents;
 - ~~4)~~ Ability to pay valid winning tickets;
 - ~~5)~~ Days and hours of operation;
 - ~~6)~~ Accessibility of the sales agent's place of business, including available parking, proximity of public transit stops and accessibility by the disabled; and
 - ~~7)~~ Anticipated volume of on-line sales.
- e) *Each Lottery ~~sales agent~~licensee granted on-line status pursuant to this Section~~the Department's rules~~ must pay a fee of \$10 per week as partial reimbursement for ~~communication~~telecommunications charges incurred by the Department in providing access to the Department's central~~Lottery's on-line~~ gaming system. [20 ILCS 1605/10.2]*

(Source: Amended at 36 Ill. Reg. 14356, effective September 14, 2012)

Section 1770.30 Special Licenses

- a) The Superintendent may issue ~~special licenses~~Special Licenses from time to time for the sale of Lottery products at public events of short-term duration and limited geographic scope. Examples of ~~thesesuch~~ events include, but are not limited to, State and county fairs, ethnic festivals, and street fairs. The Superintendent may also issue special licenses to undertake pilot ticket sales in order to evaluate the desirability and longer term viability of the location and nature of ticket sales or the person being granted the special license before that person is granted a traditional license. Subject to the provisions of subsection (c), a special license

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shall entitle the holder to conduct sales of instant tickets only for the term of the license; and on the licensed premises. The term of the special license shall be determined by the duration of the event or a pilot program.

- b) Factors ~~that~~which shall be considered by the Superintendent in determining whether ~~to license the~~the licensing of sale of Lottery products during the course of a public event, or otherwise under a special license, shall include, but are not limited to:
- 1) The anticipated public perception of the event or licensee as an appropriate vehicle for marketing of Lottery products;
 - 2) The term and expected attendance at the event, or traffic at the licensee's location, as a measure of anticipated sales; and
 - 3) Sensitivity of the sponsor or licensee to the preservation of the integrity of the Lottery and its products, ~~including as evidenced by~~ the sponsor's or licensee's conduct of similar activities or events, if any, in a responsible manner.
- c) Any person may apply for a special license. However, to be granted on-line status, an applicant must be a currently licensed Lottery ~~sales agent~~Sales Agent with on-line status authorized to sell on-line products. Applications for special licenses will be subject to the discretionary review of the Superintendent as provided in subsections (a) and (b). In granting on-line status, the Superintendent shall additionally consider the cost of installation and availability of equipment balanced against the anticipated volume of sales of Lottery products.
- d) Licensed Lottery sales agents holding special licenses are subject to the same responsibilities and restrictions as regular licensed sales agents as set forth in this Part. However, the Superintendent may, in his or her discretion, temporarily waive a particular condition of licensing, including the pre-existing on-line status requirement of subsection (c), in order to carry out the purposes of this Section.
- e) If the Superintendent determines Lottery tickets should be sold at a public event, and no application for special license is received for that event, the Superintendent may assign such personnel of the Department or of the Private Manager as may be appropriate to sell tickets to the public at the event.

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- f) The Superintendent may issue special licenses to veterans' service organizations permitting the organizations to sell the specialty tickets authorized by Section 21.6 of the Act on a year-round basis and with no requirement to sell other Lottery products. No application or renewal fee shall be charged for this special class of license, and the licensees shall not be required to redeem winning tickets. Bonuses and commissions earned by the veterans' service organizations shall be as specified in Section 10.8 of the Act.

(Source: Amended at 36 Ill. Reg. 14356, effective September 14, 2012)

Section 1770.40 License Revocation Without Prior Notice

- a) Pursuant to Section 10.1 of the Act, the Superintendent must act to assure that no person whom the Act declares to be "ineligible for a license" is granted a license, and that no licensed sales agent who becomes "ineligible" under the Act is allowed to remain as a licensed sales agent. ~~The Superintendent may revoke the license of any agent who violates the Act or any rule promulgated pursuant to the Act.~~ The Superintendent may revoke or suspend a license without notice or prior hearing, upon determining any of the following:
- 1) That the licensed sales agent has violated any of the provisions of the Act or this Part;
 - 2) That the licensed sales agent has failed to meet or maintain the eligibility requirements for licensing as provided in the Act and this Part, and the conditions of licensing set forth in Section 1770.60;
 - 3) That the licensed sales agent has been found guilty of fraud, deceit, misrepresentation or other conduct prejudicial to public confidence in the Lottery, including misrepresentation or failure to disclose a material fact on its application for the sale of lottery tickets;
 - 4) That the licensed sales agent has been convicted of a felony, unless the requirements of Section 10.1 of the Act have been met or any crime involving fraud, misrepresentation, moral turpitude or failure to pay taxes;
 - 5) That the licensed sales agent, or an employee of the licensed sales agent engaged in or responsible for Lottery ticket sales, has engaged in been arrested for bookmaking or any other forms of illegal gambling;

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- ~~63~~) That the licensed sales agent, or an employee of the licensed sales agent responsible for Lottery ticket sales, sold a Lottery ticket to a person under the age of 18~~That the agent has been found guilty of any fraud or misrepresentation;~~
- ~~74~~) That the licensed sales agent has commingled and has failed to segregate Lottery funds as a trust fund as required by the Act~~from other funds, or~~ has failed to surrender Lottery~~sueh~~ funds and/or unsold instant tickets upon demand by the Department or its authorized agent, ~~or~~ has carried an accounts receivable balance in excess of \$500 for more than 90 days, or has failed to post a bond or security deposit if required by the Superintendent;
- ~~85~~) That the licensed sales agent has failed to take reasonable security precautions with regard to the handling of Lottery tickets and related materials;
- ~~96~~) That the licensed sales agent has ceased to offer Lottery products for sale, or has changed business ownership, as defined in Section 1770.80(d), with no prior notice to the Department by the seller or buyer;
- ~~107~~) That, on the basis of information made available to the Superintendent since the licensed sales agent was licensed, the Superintendent finds that the licensed sales agent's character and general fitness are such that his or her participation as an agent is inconsistent with the public interest, convenience and necessity.
- b) In the event the Superintendent revokes or suspends a license without notice and an opportunity for a prior hearing, the Superintendent shall, by service of appropriate notice pursuant to 11 Ill. Adm. Code 1700.30 and this Part, afford the person whose license has been revoked an opportunity for a hearing within 30 days after the revocation order has been issued. As a result of any such hearing, the Superintendent may confirm the action revoking the license, or may order the restoration of the license. In determining whether to confirm the action revoking the license, or order the restoration of the license, the Superintendent shall take the following factors into consideration, if applicable:
- 1) The licensed sales~~the~~ agent's history of past offenses;

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- 2) ~~Whether~~ whether the licensed sales agent's course of conduct constituted a threat to the safety of the agent, Department ~~officials~~Officials, or others;
 - 3) ~~Any~~ evidence of the licensed sales agent's ignorance of a material fact ~~that~~which led to his or her improper or unlawful conduct;
 - 4) ~~The~~ degree of cooperation exhibited by the licensed sales agent with Department ~~officials~~Officials;
 - 5) ~~The~~ degree to which the licensed sales agent profited economically as a result of his or her conduct;
 - 6) ~~Any~~ other evidence offered and noted by the Hearing Officer as demonstrating factors in mitigation or factors in aggravation of the relief sought in the complaint.
- e) ~~The Superintendent may suspend, with or without notice or prior hearing, the license of any agent who violates the Act or this Part. In the event the Superintendent suspends a license without notice and an opportunity for prior hearing, the Superintendent shall, by service of appropriate notice, as provided by 11 Ill. Adm. Code 1700.30 and this Part, afford the person whose license has been suspended an opportunity for a hearing within 30 days after the suspension order has been issued. As a result of any such suspension, the Superintendent may confirm suspension of the license or may rescind the suspension. In determining whether to confirm the action confirming suspension or rescinding the suspension, the Superintendent shall take the following factors into consideration, if applicable:~~
- 1) ~~the agent's history of past offenses;~~
 - 2) ~~whether the agent's course of conduct constituted a threat to the safety of the agent, Department Officials, or others;~~
 - 3) ~~any evidence of the agent's ignorance of a material fact which led to his or her unlawful conduct;~~
 - 4) ~~the degree of cooperation exhibited by the agent with Department Officials;~~

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- 5) ~~the degree to which the agent profited economically as a result of his or her conduct;~~
- 6) ~~any other evidence offered and noted by the Hearing Officer as demonstrating factors in mitigation or factors in aggravation of the relief sought in the complaint.~~
- cd) Upon termination of ~~the licensed salesan~~ agent's license, the Department shall arrange, and the licensed sales agent shall participate in, a meeting with the Department's representative for the purpose of rendering the licensed sales agent's final Lottery accounting. At that meeting, the licensed sales agent shall surrender his or her agent's license, unsold Lottery tickets and other Lottery equipment and materials supplied to the licensed sales agent by the Department or its vendors.
- e) ~~Upon receipt of notice of revocation, the agent shall surrender immediately to the Superintendent or his or her designee, his or her agent's license and other Lottery equipment and materials supplied to the agent by the Department, its on-line games vendor or its instant ticket validation service vendor.~~
- df) Nothing in this Section shall be construed to prevent the immediate termination of ~~the licensed salesan~~ agent's license upon the licensed sales agent's request and the Department's approval, or upon the effective date of a change in ownership for which the Department has received written documentation, as required by Section 1770.80. The right to a hearing shall not apply in ~~thesesuch~~ circumstances.

(Source: Amended at 36 Ill. Reg. 14356, effective September 14, 2012)

Section 1770.50 License Revocation, Suspension, Non-Renewal or Denial With Prior Notice

The Superintendent may deny, suspend, not renew or revoke ~~a licensed salesan~~ agent's license with prior ~~service of~~ notice and opportunity for hearing for one or more of the following causes:

- a) Violation~~violation~~ of any of the provisions of the Act or this Part;
- b) Failure~~failure~~ to meet or maintain the eligibility requirements for licensing as provided in the Act and this Part, and the Conditions of Licensing set forth in Section 1770.60 of this Part;

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- c) ~~Fraud~~fraud, deceit, misrepresentation or other conduct prejudicial to public confidence in the Lottery;
- d) ~~The~~the misrepresentation of, or failure to disclose, a material fact to the Board or the Superintendent on any report, record, application, form or questionnaire required to be submitted to the Board or the Superintendent, including, but not limited to, the misrepresentation of or failure to disclose a criminal record, taxpayer status with the State of Illinois or relevant information bearing on the financial status of the applicant;
- e) ~~Failure~~failure to promptly produce for inspection, by a member of the Board, the Superintendent, or their authorized representatives, including law enforcement personnel, any book, record, account, document or item required by the Act or this Part;
- f) ~~Refusal~~refusal to permit access to members of the Board, the Superintendent, or their authorized representatives, including law enforcement personnel, to any place where a licensed Lottery activity is conducted;
- g) ~~Failure~~failure to file any returns or reports or to keep any records or reports as required by the Superintendent under the Act or this Part;
- h) ~~Failure~~failure to account for Lottery tickets received or the proceeds from the sale of Lottery tickets, or to post a bond, [letter of credit or security deposit](#) if so required by the Superintendent;
- i) ~~Failure~~failure to maintain sales levels established by Department directive;
- j) ~~Failure~~failure to comply with the instructions or directives of the Superintendent as to security procedures for the handling of Lottery tickets or the conduct of any Lottery game;
- k) ~~Knowingly~~knowingly causing, aiding, abetting or conspiring with any other person to violate the Act or this Part;
- l) ~~Making~~making a misrepresentation of fact to the purchaser, or prospective purchaser, of a Lottery ticket, or to the general public, with respect to the conduct of any Lottery game;

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- m) ~~Upon~~^{upon} a determination by the Superintendent that the number of [licensed](#) Lottery sales agents in [the licensed sales](#) agent's area of operation exceeds the number which can be efficiently supported by the Department's budget or personnel, or the public convenience in obtaining Lottery products is sufficiently served by other agent locations considering the total volume of sales in such area;
- n) ~~Failure~~^{failure} to pay the Department any obligation when the obligation becomes due;
- o) ~~Upon~~^{upon} a determination by the Superintendent that the licensed [sales](#) agent has become insolvent or unable or unwilling to pay his or her debts;
- p) ~~Failure~~^{failure} to display Lottery point-of-sale material in a manner which can be readily seen by the public, or make hand-out materials readily available to the public;
- q) ~~Upon~~^{upon} any change of [name, change of business](#) ownership, [change of](#) business organization or [change of](#) business location;
- r) ~~Selling~~^{selling} a ticket, giving a ticket or paying a prize to a person under the age of 18. (Section 15 of the Act) For the purposes of this Section, an action by an employee of the agent shall constitute an action by the sales agent.

(Source: Amended at 36 Ill. Reg. 14356, effective September 14, 2012)

Section 1770.60 Conditions of Licensing

Lottery sales licenses are subject to the following conditions of licensing:

- a) The Lottery sales license issued by the Department shall be issued to a person, as defined by Section 1770.10, for a specified point of sale, as defined by Section 1770.10, on the condition that the licensed sales agent maintains eligibility under the applicable criteria under which the license was granted by the Superintendent, as defined in Section 1770.20;
- b) [Licensed sales agents](#)~~Licensees~~ shall, at all times during the term of [their Lottery license](#)~~licensee~~, comply with the Act and any rules or instructions of the Superintendent concerning the security of Lottery equipment, tickets or money

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and the proper conduct of Lottery promotions;

- c) Each licensed sales agent shall make available for sale to the public, during its normal business hours, ~~the those Illinois State Lottery ticket products that which~~ the licensed sales agent has been licensed to sell. ~~No agent shall offer for sale any gambling or gaming tickets or chances other than those for which the agent is specifically licensed by the Department of the Lottery or other department, board or commission of the State of Illinois;~~
- d) No license issued pursuant to the Act shall be transferable or assignable;
- e) Lottery sales licenses and any placards or other point of sale materials stating game play odds for Lottery games shall be displayed in a conspicuous place on the business premises where the Lottery tickets are licensed to be sold;
- f) Licensed Lottery sales agents licensees shall actively promote the sale of Illinois State Lottery tickets;
- g) Licensed sales agents Licensees shall maintain authorized displays, drop boxes, equipment and properly display other promotional materials used in conjunction with sales in accordance with instructions issued by the Department.
- h) Each licensed sales agent licensee will be held responsible for all instant game tickets accepted from the Department or its vendors and tickets generated by the licensed sales agent from the Department's central gaming system distribution agents, by licensee, its agents or employees. All unsold tickets and receipts from sales, less commissions earned and prizes properly paid from such sales and less such sums as have been paid by licensees to winners of prizes in the manner prescribed by directives of the Department, shall be paid returned to the Department ~~or its distribution agents~~ by the stated settlement deadlines. Tickets not returned by settlement deadlines ~~dates~~ shall be considered to have been purchased by the agent;
- i) Each licensed sales agent shall maintain current and accurate records of all operations in conjunction with Lottery ticket sales in conformity with rules of the Department. ~~and make these records~~ Such records shall be made available to representatives of the Department and the Auditor General of Illinois upon request, during normal business hours;

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- j) No ~~person, including a licensed retailer,~~ person shall sell a ticket or share at a price greater or less than that ~~established~~ fixed by rule of the Department's game rules ~~Department~~, provided, the Department may authorize free ticket or discounted ticket ~~enter into ticket couponing and ticket discount couponing~~ promotions in support of marketing activities. No retailer may add a "service charge", "handling fee" or other cost ~~shall be added by any person to the~~ established price of a Lottery ticket or share. No person shall charge a fee to redeem valid winning tickets ~~or shares~~;
- k) No Lottery license as an agent to sell Lottery tickets or shares shall be issued to any person to engage in business exclusively as a Lottery sales agent;
- l) No person other than a licensed Lottery sales agent shall sell Lottery tickets;
- m) Licensed sales agents shall sell Lottery tickets on a face-to-face or authorized dispensing machine basis only at ~~on~~ the point of sale ~~business premises~~ designated in the license, and shall not conduct sales to off-premises customers by telephone, mail, parcel delivery service, or through an agent-sponsored vehicle such as a club, players' association, or similar entity;
- n) *No Lottery ticket shall be sold or given to a person under the age of 18 years, or any prize paid to a person under the age of 18 years (Section 15 of the Act);*
- o) Each licensed sales agent ~~licensee~~ shall hold the Department and the State of Illinois harmless with respect to any liability arising in connection with the licensed sales agent's ~~agent~~ ticket sales activities;
- p) Each licensed sales agent ~~licensee~~ shall immediately report to the Department the loss or theft of any Lottery tickets consigned to the licensed sales agent ~~licensee~~, with the ticket identification numbers;
- q) Each licensed sales agent ~~licensee~~ shall redeem all winning Lottery instant game tickets with a face value of \$600 or less, as long as the licensed sales agent sells the type of ticket being redeemed, ~~presented to the licensee for monetary prizes of less than \$600. Each on-line agent shall redeem all winning tickets of any Lottery games presented to the licensee for monetary prizes of less than \$600. No licensed sales agent shall redeem a winning ticket with a face value greater than \$600 for a prize of \$600 or more, but shall instead follow established prize claim procedures specified in Section 1770.190;~~

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- ~~r~~q) No license shall be granted to any applicant whose prior Lottery license has been revoked pursuant to this Part, when the effective date of revocation has been less than two years prior to the date of the current application;
- ~~s~~r) No licensed ~~retailer~~agent shall sell ~~lottery~~Lottery tickets or shares issued by any governmental entity, foreign or domestic, other than tickets and shares for games operated by the Illinois State Lottery. No licensed retailer shall sell any other type of gambling or gaming tickets or chances other than those for which the retailer is specifically licensed by a department, board or commission of the State of Illinois or a unit of local government;
- ~~t~~s) All Lottery proceeds are funds of the State of Illinois, must be ~~separately~~ segregated from other business or personal funds, must be held in trust on behalf of the Illinois Lottery, and the licensed sales agent must, under penalty of law, maintain a separate bank account exclusively for deposit and transfer of weekly Lottery fund settlements by means of an Electronic Fund Transfer system. The account must be designated on the bank's records as "Lottery Trust Fund Account:".

(Source: Amended at 36 Ill. Reg. 14356, effective September 14, 2012)

Section 1770.70 License to be Displayed

- a) Every licensed agent shall prominently display his or her license or a copy of the license in an area visible to the general public.
- ~~b) In addition, the "Authorized Lottery Agent" decal shall be mounted on a prominent public window of the agent's premises.~~
- ~~b~~e) Each Lottery sales agent shall maintain and display all promotional material in a prominent location, conveniently visible to the public.

(Source: Amended at 36 Ill. Reg. 14356, effective September 14, 2012)

Section 1770.80 Change of Name, Ownership, or Form of Business Organization

- a) Every change in the name, ownership or form of business organization of the business designated in the license as permitted to offer to the public ~~Lottery~~

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~~tickets, shall be reported by the~~ A licensed ~~sales agent shall report~~agent to the Superintendent ~~at least 30 days prior to~~ the effective date of change, ~~any change of name, change of business organization or change of ownership, except to the extent the change occurs as a result of the transfer of interest in publicly traded securities, in which case the reporting must occur within 30 days after the transfer or at the time that any reporting of the ownership interest must be made to the federal Securities and Exchange Commission, whichever is earlier.~~ Reporting may be accomplished by completing a departmental form provided for such purpose or by mailing notice of the proposed change by certified mail, return receipt requested, postmarked on or before the 30th day prior to the effective date of change, and addressed to the Department ~~as follows~~at the following address:

Department of the Lottery
~~Lottery~~-Licensing Unit
 101 West Jefferson Street, MC5-940
 Springfield, Illinois 62794-9015
 800/752-9568

- b) ~~"name of the business designated in the license, by which name the business is intended to be known to the public.~~
- e) ~~"Change of business organization" means a change from one form of organization and ownership of the business, as permitted by the laws of the State, to another, including, but not necessarily limited to, general partnerships, limited partnerships, corporations and proprietary ownership.~~
- d) ~~"Change of ownership" means the transfer of more than 50% of the equity, management control, legal ownership, shares or stock of the business designated in the license.~~
- be) Each notification of change of name, ownership or form of business organization of a licensee communicated to the Superintendent shall include the following information:
 - 1) ~~The~~the name, address and agent identification number of the licensed sales agent;
 - 2) ~~The~~the name of the business as it appears on the license application;

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- 3) ~~The~~ the proposed new name of the business ~~designated in the license~~, if applicable;
- 4) ~~The~~ the current form of business organization;
- 5) ~~The~~ the proposed form of business organization, if applicable;
- 6) ~~The~~ the current owners, managers or shareholders of the business, as is indicated in the license application;
- 7) ~~The~~ the proposed changes of ownership, including the names and addresses of the proposed new owners, managers or shareholders, the percentage of proposed transfer of equity, management control, legal ownership, shares or stock; and
- 8) ~~The~~ the anticipated date of the proposed change in name, business organization or ownership.
- cf) The Superintendent shall review the changes, considering current licensing standards, as provided in the Act and this Part.
- dg) The Superintendent, upon approval of a change in name or a change of ~~in~~ business organization~~structure~~ that~~which~~ does not also involve a change of ~~in~~ ownership, shall issue a replacement license reflecting the new name or business structure. The replacement license shall have an expiration date no later than the expiration date provided in the previous license.
- eh) Except as provided in this subsection (e)~~below~~, any change of business ownership shall necessitate termination of the existing licensing agreement, as of the effective date of the change of ownership. The new owner must submit an application and fee as provided in Section 1770.20 ~~of this Part~~. If the existing agent has not provided the Department with required written notification of the change, the applicant may be required to furnish documentation evidencing the change in ownership, such as a sales contract. The current license number may be assigned to the new owner of a location in the following circumstances:
- 1) If a chain account location previously operated by a franchisee~~In the event of change of ownership of a corporate chain or franchise in which a business at a licensed location~~ continues operation under the franchisor or

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chain corporate management, and upon corporate guarantee and assumption of the financial obligations of the licensee; ~~a license may be assigned to the corporate sponsor and need not be terminated.~~

- 2) If ownership of the location is assumed by an immediate family member of the original licensed agent (parent, sibling, child or grandparent), and the following conditions are met:
 - A) The location is in good standing with the Lottery;
 - B) The family member assuming ownership was involved in the day-to-day operation of the business prior to transfer;
 - C) The family member assuming ownership is qualified to hold a Lottery license.

- f) In the event of the proven incapacity, death, receivership, bankruptcy or assignment for the benefit of creditors of any licensed agent ~~or business as designated in the license held by a licensed agent~~, and upon approval of the Superintendent, the license may continue under a court-approved or court-confirmed guardian, executor or administrator, receiver or trustee for the benefit of creditors, who may continue to operate the business designated under the license, subject to the provisions of the Act and this Part, including the requirements that:
 - 1) ~~The~~ the person to whom the license is transferred must be otherwise qualified to hold a license;
 - 2) ~~The~~ the license following the transfer shall be void in the event the license transferee ceases to hold such court-appointed or court-confirmed position;
 - 3) ~~The~~ the Superintendent may condition the transfer of any license under this Section upon the posting of a bond, or a guaranteed payment in the form of a cashier's check or money order, on such terms and under such conditions as the Superintendent may deem necessary to protect the financial interests of the State, provided that any such bond shall reflect the reasonably anticipated risk of transfer.

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- gj) Every change in the ~~point of sale~~~~location of the business~~ designated in the license shall be reported to the Superintendent no less than 30 days prior to the effective date of the change. If ~~the~~~~such~~ change results from severe damage to or destruction of the ~~point of sale~~~~business premises~~ specified in the license, as a result of fire, natural disaster or other cause beyond the control of the licensed sales agent, the licensed sales agent shall promptly notify the Superintendent of ~~that~~~~such~~ destruction or damage to the business premises, and the consequent change of location, but in no case shall ~~the~~~~such~~ notification be later than three days after ~~the~~~~such~~ damage to or destruction of the premises or change of location. Upon ~~such~~ notification, the Superintendent shall consider the factors set forth in Section 1770.20 ~~of this Part~~ to determine whether the agent should be licensed to sell tickets at the new location. Upon the Superintendent's approval, a replacement license shall be issued having an expiration date no later than that of the agent's original license.
- hk) If a licensed sales agent fails to notify the Superintendent, in writing, of a change of ownership before ~~the~~~~such~~ change occurs, all owners, officers or other responsible persons named in the Application for Lottery Sales Agent's License shall remain liable to the Superintendent for all tickets issued to or generated by the agent location, and all proceeds from the sale of ~~the~~~~such~~ tickets (less prizes paid and/or commissions retained) to the date written notice is received by the Superintendent and a final settlement is conducted, or the date the sales agent's~~Sales Agent's~~ license is revoked or otherwise terminated by the Superintendent, whichever occurs first~~shall first occur~~.

(Source: Amended at 36 Ill. Reg. 14356, effective September 14, 2012)

Section 1770.90 Delinquent Financial Obligations

- a) It is the obligation of each Lottery sales agent to remain current on his or her financial obligations to the Department. Lottery accounts are due and owing, in full, ~~on each Wednesday, unless the sales agent has been notified by the Department of an alternate settlement day due to a bank holiday or other business disruption.~~ settlement day designated by the Department. ~~Settlement of on-line terminal agent ticket accounts will be on a weekly basis, and settlement of instant game ticket accounts will be as scheduled by the Department.~~ Accounts not settled on the designated settlement day~~days~~ shall be deemed delinquent. ~~Serious or repeated delinquencies may result in the suspension or revocation of a Lottery sales agent's license or the deactivation of the Lottery sales agent's on-line~~

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~~terminal. In the event the Department determines that a delinquency exists as a result of failure of an agent to segregate Lottery funds from other funds or as a result of commingling of Lottery funds or other assets so that the funds and assets of the Department, held in trust by an agent, cannot be identified and surrendered upon demand by the Department or its authorized collection representative, the Department shall revoke the license without notice or prior hearing, as provided in Section 1770.40(a)(4) of this Part. Lesser delinquent financial obligations will be processed pursuant to the provisions of subsections (b) and (c) of this Section.~~

- b) ~~In the event an agent, authorized to sell only instant products, is delinquent with respect to settlement of his or her account, and the delinquency is the first or second such delinquency within the past twelve months, inclusive of the month of the current delinquency, the collector will establish an extended collection deadline of 4:00 p.m. on the next business day, for a morning delinquency, and 10:00 a.m. the second business day for an afternoon delinquency. A delinquent agent will be charged with each such delinquency. There will be no sanctions imposed with respect to the first two such delinquencies within a twelve-month period, unless both delinquencies occur within a 30-day period. Upon the third such delinquency, or the second of two delinquencies in a 30-day period, the Department or its collection agent shall notify the licensee that it will be under review by Department management for possible license revocation. During the period of review, no new instant tickets will be delivered to the agent. If the Department determines that the delinquencies, or any of them, were reasonably justified due to circumstances beyond control of the agent, the Department will reinstate the agent. Thereafter, any subsequent delinquency which, when taken with other delinquencies within the immediate past twelve calendar month period totals three delinquencies, or two delinquencies within a 30-day period, shall require additional review by the Department. If, upon any such review, the Department determines that the delinquencies are not reasonably justified by the agent, the Department may proceed with notification of termination in accordance with the procedures set forth in subsection (d) of this Section.~~

- be) The Department will apply sanctions with respect to delinquent ~~on-line~~ [licensed sales](#) agent accounts, according to the following schedule of sanctions:

- 1) First delinquency: In the event ~~a licensed salesan~~ [a licensed salesan](#) agent is delinquent in settlement of his or her Lottery account, and the delinquency is the first within the past ~~12~~~~twelve~~ months, ~~including~~~~inclusive~~ of the month of delinquency, the [licensed](#) agent will deliver correct payment to one of the

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Department's regional offices or wire transfer the funds to the Department's account by 4:00 p.m. the next business day, if the delinquency was reported before noon (12:00 p.m.), or by 10:00 a.m. the second business day if the delinquency was reported after noon (12:00 p.m.). If the delinquent settlement amount current week's settlement that was due on settlement date is paid by the extended settlement deadline, the licensed sales agent will be charged with one delinquency but will receive no further sanction. However, if the settlement amount is not paid by the extended settlement deadline, the delinquent licensed sales agent's Lottery sales terminal and any related terminals will be immediately deactivated and the account will be referred to the Lottery's accounts receivable staff Collections Office or appropriate regional office for a follow-up report. The terminal or terminals will not be reactivated until the follow-up report is received and reviewed by the Department's Chief Financial Officer or designee finance staff;

- 2) Second delinquency: In the event a licensed sales agent is delinquent in settlement of his or her Lottery account, and the delinquency is the second one in the past 12 twelve months, including inclusive of the month of the delinquency, the collector will promptly notify the Department of the delinquency, whereupon the delinquent licensed sales agent's Lottery sales terminal and any related terminals will be immediately deactivated and the agent will be charged with a second delinquency. When the delinquent settlement amount settlement of the current week's account which was due on settlement date is paid to one of the Department's regional offices or wire transferred to the Department's its account, the Lottery sales terminal or terminals terminal and related terminals will be reactivated unless the second incident is within one month after the first, or the payment was made after the extended payment deadline. If this occurs, the sales terminal and any related terminals will be reactivated only after review and approval by the Department's Chief Financial Officer or designee finance staff. In determining whether to reactivate a terminal, Department staff may consider the agent's prior history of delinquencies, general financial status as disclosed by a current credit report, ability to provide a security deposit, letter of credit or bond to protect against future delinquencies, and such other relevant financial and administrative information as may be available to the Department;
- 3) Subsequent delinquencies: In the event a licensed sales agent is

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delinquent in settlement of his or her Lottery account or any extended payment deadline, and the delinquency is the second within 30 days or the third or more in the past ~~12~~twelve months, ~~including~~inclusive of the month of the delinquency, the collector will promptly notify the Department of the delinquency, whereupon the delinquent licensed sales agent's Lottery sales terminal and any related terminals will be immediately deactivated and the licensed sales agent will be charged with an additional delinquency. The terminal or terminals will be reactivated only after payment and after review and approval by the Department's Chief Financial Officer or designeefinance staff. In determining whether to reactivate a terminal, Department staff may consider the agent's prior history of delinquencies, general financial status as disclosed by a current credit report, ability to provide a security deposit, letter of credit or bond to protect against future delinquencies, and such other relevant financial and administrative information as may be available to the Department.

- cd) The Department may suspend or, upon written notification and with opportunity for hearing, revoke an agent's license after review of a delinquency, at any stage, if the Superintendent determines that suspension or termination is in the best interest of the Lottery. ~~Such termination may be initiated without prior notice and opportunity for hearing when the Department's funds are not segregated and available for surrender or when accounts receivable exceed allowable limits as provided in Section 1770.40 of this Part. An~~ Prior to making a determination to suspend or revoke, the Department will conduct an evaluation of the circumstances surrounding delinquency, including a review of a delinquent agent's past delinquency record, ~~in order will be conducted~~ to differentiate between incidental agent management error and lack of financial stability or responsibility.
- de) It is the responsibility of the licensed sales agent to insure that all payments due the Department are properly prepared. Failure to properly prepare and tender any payment due the Department shall not be an excuse for failure to fulfill obligations due the State Lottery.
- ef) The deactivation or removal of an on-line terminal, or the suspension or revocation of the license of a Lottery sales agent, shall not relieve the Lottery sales agent of liability for any obligation due the Department.

(Source: Amended at 36 Ill. Reg. 14356, effective September 14, 2012)

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Section 1770.100 Bonding of Agents

The Department may require a surety bond, letter of credit or a security deposit ~~guaranteed payment~~ in the form of a cashier's check or money order from any licensed sales agent, at ~~the~~ such licensed sales agent's expense, so as to avoid any monetary loss to the State because of an agent's activities in the sale of tickets. The Department may require a financial statement revealing the financial condition of any person or organization seeking to become or continue as a licensed ~~an~~ agent.

(Source: Amended at 36 Ill. Reg. 14356, effective September 14, 2012)

Section 1770.120 Agent Financial Adjustments

- a) Whenever instant tickets are lost, stolen or destroyed while in the possession of a Lottery agent ~~or distributor, or while in transit to, from or between the Department and the agent or distributor,~~ the Department may provide for full or partial credit against the settlement due the Department from a licensed ~~an~~ agent for lost or destroyed non-winning tickets, mid-tier tickets authorized prior to the loss, and mid-tier tickets properly reported as lost or destroyed and therefore unable to be claimed or redeemed. Each ~~such~~ claim for credit shall be accompanied by an affidavit, an incident report and a police or fire report, as appropriate, and/or ~~such~~ other supplementary documentation as the Superintendent may deem necessary to proper validation of the loss.
- b) Whenever a licensed sales ~~an~~ agent pays a prize with a claimed value in excess of the amount permitted by Section 1770.190(b) ~~of this Part~~ and seeks reimbursement for the full amount paid, the agent must submit:
 - 1) ~~A~~ a written explanation of the circumstances surrounding the prize payment;
 - 2) ~~The~~ the winning ticket or, if the ticket has been destroyed, a written explanation of the circumstances surrounding the ticket's destruction;
 - 3) ~~A~~ a claim form completed in the licensed sales agent's name and taxpayer identification number; and
 - 4) ~~Any~~ such other documentation ~~as may be~~ requested by the Department's

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Chief Financial Officer~~finance staff~~ and General Counsel, or their designees.

- c) The Department's Chief Financial Officer~~finance staff~~ and General Counsel, or their designees, will review the documentation provided in conjunction with Department records and, if satisfied that an honest error occurred, such an error is not likely to occur again, and that the original holder of the winning ticket was paid the full amount due for the winning ticket, may jointly recommend that the licensed sales agent be reimbursed up to the full prize amount paid. If necessary in order to ensure that no other person has legal claim to the prize, the Department's Chief Financial Officer~~finance staff~~ and General Counsel, or their designees, may withhold reimbursement to the licensed sales agent until the pertinent prize claim period has expired.

(Source: Amended at 36 Ill. Reg. 14356, effective September 14, 2012)

Section 1770.130 Lost, Stolen, and Damaged Winning Tickets and other Discrepancies

- a) Except as otherwise provided in subsections (b) and (c) of this Section, or Section 1770.145 or 1770.160(d) of this Part, no claim for a game prize with respect to any Lottery game shall be honored, and no prize shall be paid with respect to any such claim, unless the claim is accompanied by a valid winning ticket for the game and the prize. Each winning ticket must pass ~~such~~ validation and security tests as described in the rules for the game being played~~the Department may require to validate the ticket~~.
- b) Whenever a physical winning ticket is stolen, lost or destroyed after ~~the~~such ticket has been placed in the hands of a Lottery sales agent or the Department, the Department may provide for payment of the prize to the winner~~;~~.
- 1) ~~If provided that the purported winner furnishes a copy of his or her claim form and valid claim receipt with attached computer-generated claim ticket, and the claim ticket information matches the Department's validation records, the Chief Financial Officer and General Counsel of the Department, or their designees, may jointly authorize payment of the prize with respect to a claim filed with a Lottery agent, or the claim receipt only, with respect to a claim filed with a Department administrative or marketing office. For instant game prizes where there is no computer-generated claim ticket, a~~ A written statement from the licensed sales agent

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~~or the Department's prize center;~~ confirming that the winning ticket was received ~~by such agent;~~ may be required prior to payment authorization.

2) In the event a claim has been entered into the computer system but the claimant is unable to produce a claim receipt or, ~~when~~where appropriate, claim ticket, no action will be taken with respect to the claim until the claim period for the game has expired. If the ticket and original claim form and claimant's copy of the claim form remain lost at the conclusion of the claim period for the game in question; ~~and no other person has made a claim to the prize, the Department's Chief Financial Officer and General Counsel, or their designees, may jointly authorize payment to the person who originally made the claim.~~

c) ~~within 30 calendar days from and after the final claim date, any claimant with respect to such a prize may request a hearing, as provided by the Hearing Rules of the Department at 11 Ill. Adm. Code 1700, for purposes of proving up the claim. If multiple claims are filed with respect to the same prize, any claimant to the prize may request an administrative hearing as provided in the Department's hearing rules (11 Ill. Adm. Code 1700) and these~~ such claims shall be heard in a consolidated hearing during which each claimant shall be permitted, in turn, to present evidence in support of his or her claim. No discovery of Department records relating to ticket procurement or ticket claims shall be allowed. At the conclusion of the offering of all proofs by all claimants for a prize, the Department shall offer such evidence as may be available from Department records that will tend to establish ~~the~~that agent location at which the actual winning ticket was sold, together with the ticket identification numbers, and the date and time of sale. The Department's motion for dismissal prior to offering of proofs, accompanied by the Department's certification that no computer claim record exists with respect to a purported claim, shall constitute an absolute defense to any claim for a prize.

de) Lost or Stolen Mail-in Claims

1) Whenever a player submits a claim during the valid claim period for a game alleging that a properly purchased Illinois Lottery ticket was lost or stolen after being deposited in the U.S. Mail, if one year has elapsed since the date of the on-line drawing for which the ticket was purchased or one year has elapsed since the announced end of game for the instant game in question, and no prize has been paid to or claimed by another person, the

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Superintendent may declare the ticket to be a valid winning ticket and authorize payment of the associated prize to the claimant provided that the following conditions are met:

- A1) The claimant furnishes a copy of the ticket or other satisfactory evidence as to the date, time and location of the ticket purchase for on-line games; the game, location of purchase, and approximate date of purchase for instant tickets; or such other relevant information as could only be known by the original purchaser of the ticket;
- B2) The claimant establishes to the satisfaction of the Superintendent that the claimant took reasonable steps with respect to the security of the ticket ~~and~~, actually deposited the ticket in the U.S. Mail properly addressed to the Illinois Lottery, and that the ticket was not lost or stolen due to the player's negligence or carelessness;
- C3) One and only one claimant meets the criteria outlined in subsections ~~(d)(1)(A) and (B)(e)(1) and (2)~~; and
- D4) The prize claimed is not a Lotto game ~~grand prize~~ Grand Prize, Lucky Day ~~Little Lotto game first prize~~ First Prize, Mega Millions or Powerball ~~grand prize~~ The Big Game Grand Prize or ~~second prize~~ Second Prize, or instant game prize in excess of ~~\$10,000~~ \$5,000.
- 2) Evidence regarding the date, time and place of purchase will not be considered satisfactory evidence of ticket purchase if ~~that such~~ information has been generally released to the public by the Department.

(Source: Amended at 36 Ill. Reg. 14356, effective September 14, 2012)

Section 1770.140 Sales by Department Directly

- a) The Department may engage in direct sales of tickets at any selling points it establishes within the State. The Department may also sell its products by means of telephone, electronic transmission, parcel delivery services and, to the extent permitted by federal statutes, through the U.S. Mail and, subject to the provisions of Section 1770.145, via the internet.

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- b) In any case in which~~where~~ the Department is engaged in the selling of tickets as a general promotion, nothing in this Part~~herein~~ shall be construed to prohibit the Department from compensating lottery agents who may be economically adversely affected by that~~such~~ promotion.

(Source: Amended at 36 Ill. Reg. 14356, effective September 14, 2012)

Section 1770.145 Internet Pilot Program

- a) The Department shall implement a pilot program of not less than 36 months and no more than 48 months in duration for the sale of Illinois Lottery tickets and games via the internet. [20 ILCS 1605/7.12] The Department shall offer for sale via the internet only those games authorized by statute.
- b) Players who wish to purchase Lottery game tickets or subscriptions via the internet must register for an internet Lottery player account to ensure that they are eligible to purchase Lottery game tickets or subscriptions, claim prizes or otherwise receive winnings.
- 1) Players may be required to provide to the Department, the **Private Manager**, or any other third parties responsible for administering internet Lottery player accounts information including, but not limited to, the following:
- A) Legal name;
 - B) Valid street address (not a P.O. Box), which must be the internet player's legal residence in the State of Illinois;
 - C) Date of birth;
 - D) Social **Security Number**;
 - E) Debit card, credit card or bank account information; and
 - F) Email address.

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- 2) The Department, **the Private Manager or any third parties engaged by the Lottery or the Private Manager** may request additional information from internet players to verify eligibility to establish a Lottery internet account, make purchases of Lottery game tickets or subscriptions, claim prizes or otherwise receive winnings.
- c) The Department's gaming system shall capture the internet protocol (IP) address of the computer used for any internet purchase of Illinois Lottery game tickets or shares and verify the internet player's internet service provider (ISP) in order to determine with reasonable certainty that the starting point for the purchase transaction is within the geographical boundaries of the State of Illinois.
- d) The Department, the **Private Manager** and any third parties engaged by the Lottery or the **Private Manager** may utilize any combination of commercially available or custom identity verification software, geolocation software, geofiltering software, public databases, Department databases and financial entity "know your customer" (KYC) processes to confirm the accuracy of the information provided by internet players as required by subsections (b) and (c) in order to verify information, including but not limited to the following:
 - 1) The player is at least 18 years old;
 - 2) The player is not an employee of the Department or the **Private Manager** of the Illinois Lottery, or any other person prohibited from claiming prizes or otherwise receiving winnings pursuant to the Act or this Part;
 - 3) The internet player has a valid street address (not a P.O. Box), which must be the internet's player's legal residence in the State of Illinois;
 - 4) The computer being utilized for the purchase of Lottery game tickets or subscription plans via the internet is located within the State of Illinois to adhere to the statutory requirement that *the sale of Lottery tickets on the internet is limited to transactions that are initiated and received or otherwise made exclusively within the State of Illinois* [20 ILCS 1605/7.15]. If the Department is unable to confirm with reasonable certainty the location of the computer initiating an internet purchase transaction for any reason, including, without limitation, the use of certain ISPs, dial-up connections, cellular gateways, regional and international

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proxies and other internet communication methodologies that do not allow computer location confirmation, the transaction will not be processed;

- 5) The internet player is an authorized user of the financial instrument identified for payment of internet purchases;
 - 6) The confirming email address is valid and associated with the registered internet Lottery player.
- e) Upon verification of the player's age, identity, eligibility and location, the **Private Manager** will establish an internet Lottery player account protected by a password of the internet player's choosing. All future purchases of Lottery game tickets or subscription plans via the internet will be processed through this account. Ticket purchases made through the account will be limited to its currently available fund balance and may be monitored against maximum transaction limits established by the Department or lower limits established by the internet player, if any. The Department reserves the right to suspend an account when the maximum transaction limit is reached. The Department may reactivate a suspended account at the start of the next periodic monitoring cycle.
- f) Validated prizes up to \$600 won by an internet player as a result of an internet purchase will be posted automatically to the player's Lottery internet account, with no further action required by the internet player. Prizes in excess of \$600 will be submitted to the Department for verification and the Department may require the internet player to complete a claim form. Validated prizes between \$600.01 and \$25,000 won by an internet player as a result of an internet lottery purchase will be posted to the internet player's account after the Department completes its verification procedures, unless the internet player requests payment by check. All prizes in excess of \$25,000 will be paid by the State Comptroller.
- g) An internet player may access funds in **his or her** Lottery internet account by transferring funds between the account and a personal bank account or by utilizing the debit card the player received upon establishing **an** internet account. Players may also request that their Lottery internet account balance be paid to them by check.
- h) The Department shall market the internet pilot program to infrequent **L**ottery players through its **P**rivate **M**anager. [20 ILCS 1605/7.12]

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- i) The voluntary self-exclusion program described in Section 1770.240 shall also apply to purchases of Illinois Lottery game tickets via the internet.
- j) The terms and conditions of use for the internet Lottery player account shall include a statement to the effect that access to and use of the account is limited to the registered internet Lottery player and that user names and passwords should not be shared. Internet players shall certify that they are the registered and authorized user of the applicable internet Lottery player account, are 18 years of age or older, and are completing a purchase from a location within the geographical boundaries of the State of Illinois. In the event a purchase is determined to have been placed by an individual under the age of 18, by someone other than the registered internet Lottery player, from a location outside the State of Illinois, or through any fraudulent or unlawful means, the prize will be forfeited and the funds deposited into the Common School Fund. If an investigation by Lottery security personnel reveals that the registered internet Lottery player actively participated in the fraudulent or unlawful activity, the internet Lottery player account may be canceled.

(Source: Added at 36 Ill. Reg. 14356, effective September 14, 2012)

Section 1770.150 Sales, Inspection, Compensation, and Ticket Purchases

- a) Except as provided in ~~Sections~~Section 1770.140 and 1770.145 or pursuant to [special license](#) of this Part, tickets shall be sold only to purchasers physically present on the premises at the specific location named in the license.
- b) All ticket sales shall be final, and no [licensed](#) agent is authorized to accept ticket returns except as otherwise provided in this Part or with the specific approval of the Superintendent.
- c) Authorized inspectors of the Department may inspect the business premises of any [licensed](#) agent at any time during normal business hours. ~~The~~[Such](#) inspections may be made without prior notice to the [licensed](#) agent.
- d) ~~A~~ [licensed](#) ~~An~~ agent is entitled to a commission for tickets sold by the [licensed](#) agent, as well as a bonus for winning tickets sold or redeemed by the [licensed](#) agent, at ~~the~~[such](#) rate or rates as are established by the Lottery's ~~Private~~ [Manager](#) and approved by the Superintendent. ~~Each licensed agent shall be entitled to such bonus or bonuses to be awarded with respect to a winning ticket sold by the agent~~

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~~as may be established by the Superintendent with respect to each particular Lottery game.~~

- e) The Private Manager, with approval of the Superintendent, may award additional cash bonuses or other incentives from time to time to licensed sales agents. Licensed sales agents shall be notified of any ~~such~~ bonuses or incentives by means of an agent newsletter or ~~such~~ other similar agent circular ~~as may be distributed by the Private Manager or via electronic messaging through the licensed agent's Lottery sales terminal~~ Department.
- f) Each licensed agent shall deposit ~~proceeds from licensed Lottery ticket sales, minus the commissions and bonuses earned and money paid to winners of prizes (Lottery proceeds), to a Lottery Trust Fund Account in a bank or other financial institution, or otherwise return to the Department in the manner prescribed by directive, all monies received by the agent from the sale of tickets less the amount of commission and such sums of money paid out by the agent to winners of prizes (Lottery proceeds) which must be kept separate and apart from other business or personal funds and must be segregated as a trust fund on behalf of the Lottery [20 ILCS 1605/10.3].~~ The agent shall file with the Department, or its designated representatives, reports of receipts, sales, payment to winners and related transactions in such form and containing such information as the Department may require by directive. ~~Any discrepancies in such receipts and transactions are to be resolved as provided in the reporting directives.~~
- g) All game tickets accepted by an agent remain the property of the Department until the tickets are sold and the proceeds remitted to the Department. Any unsold tickets not returned to the Department upon demand shall be considered purchased by the licensed sales agent and the purchase price of the tickets, less appropriate deductions, shall be immediately due and payable to the Department. The licensed sales agent is responsible for lost, stolen or missing tickets not returned, except as provided in Section 1770.120(a) ~~of this Part.~~

(Source: Amended at 36 Ill. Reg. 14356, effective September 14, 2012)

Section 1770.160 Lottery Tickets

- a) The Superintendent is authorized to prepare for sale to the public such Lottery tickets as may be appropriate for implementation of the Lottery games offered, from time to time, by the Department, or to offer Lottery tickets at no charge to

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consumers 18 years of age or older as a promotional tool.

- b) Each Lottery ticket shall contain the price of the ticket, the drawing date if appropriate, ~~and such~~ unique identification numbers or symbols and ~~such~~ other information ~~as the Superintendent may deem appropriate for security and marketing purposes.~~ If a Lottery ticket is being offered at no charge in connection with promotional activities of the Department, the ticket will be stamped with the words "not for sale" or words of similar import.
- c) Any unsigned Lottery ticket issued by the Superintendent is a bearer instrument and shall be treated as such until a name is imprinted or placed upon the rear portion of the Lottery ticket in an area designated for "Name". Once a name is placed on the rear of the ticket in the place designated for that purpose, the person whose name appears in that area shall be the owner of the ticket and shall be entitled to any prize attributable to that ticket, subject to the provisions of subsection (d) ~~of this Section.~~
- d) In the event an otherwise valid ticket is submitted as a claim for payment, and the Department is put on notice prior to payment of the claim that ownership of the ticket is disputed by an adverse claimant alleging fraud, theft, loss, conversion or any other misappropriation of the ticket by the claimant of record, the Department may withhold payment of the claim for a period of ~~10^{ten}~~ working days ~~from and after the day working days during which~~ the adverse claim was first communicated ~~by oral or written means~~ to the Department. If a civil action is initiated on behalf of the claimant or adverse claimant in a circuit court of the State of Illinois, or equivalent court of any sister state within ~~10^{ten}~~ working days ~~from and after~~ the Department has received the notice of adverse claim, the Department shall continue to withhold payment of the prize, or any part of the prize, to the claimant or adverse claimant until an adjudication of the ownership has been rendered by the court, all statutory appeals have been exhausted and, in the case of a judgment entered by the courts of a sister state, the final order has been registered as a foreign judgment in an Illinois court, and all statutory appeals have been exhausted, whereupon the Department shall honor the claim of the prevailing party. During the course of any such litigation conducted in the courts of the State of Illinois, the Department may interplead and pay into court the prize or, in the case of an installment prize, such installment or installments as may fall due during the course of litigation. In the event the Department is not notified by written confirmation received by the Department before close of business on the 10th ~~tenth~~ working day ~~from and after~~ receipt of the initial adverse claim by the

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Department, that a civil lawsuit has been filed as provided in this Section, the Department shall honor the claim as filed by the claimant who has presented the winning ticket, and will proceed to process the claim for payment without further reference to the adverse claim. If a violation of Illinois criminal law is indicated, the matter shall be referred by the Superintendent to the appropriate law enforcement authorities, and nothing in this Section will be construed to require the Department to take any action or pay any claim pending final disposition of any criminal investigation or proceedings. No interest shall be payable with respect to prize payments made by the Department, its contractor or other agencies authorized to make ~~thesesuch~~ payments by direction of the Department.

- e) No claim shall be deemed complete, and no prize shall be awarded with respect to a claim, unless the claimant can and does produce a valid winning ticket to the game and prize claimed. Except as otherwise provided in subsection (d) of this Section or Section 1770.130 ~~of this Part~~, or, for tickets purchased through a subscription or via the internet, claims not accompanied by a winning ticket will be rejected. Any claim received by ~~a licensed salesan~~ a licensed salesan agent and unaccompanied by a ticket will be forwarded to the Department. Upon receipt of any such claim, the Department shall notify the claimant of the rejection, by certified mail, with notification to be deemed completed if returned undelivered, when mailed to the party's last known address, with proper postage prepaid. Notice of rejected claims will be mailed within ~~10ten~~ working days after receipt of the claim by the Department, at its Lottery claims validation unit in the Department offices in Springfield, Illinois.

(Source: Amended at 36 Ill. Reg. 14356, effective September 14, 2012)

Section 1770.170 Lottery Games

- a) The Superintendent may authorize instant ticket games in which winners are determined by matching certain of the numbers, letters, characters, words or ~~symbols~~ devices as provided by the rules of the game. Instant game rules may also provide for preliminary and grand prize drawings. ~~Preliminary drawings will be conducted at the Department's offices to determine semifinalists for Grand Prize drawings. Preliminary drawings will be from those tickets or shares eligible for entry into the preliminary drawing and submitted to the Department as part of the preliminary drawing pool in thesuch manner and by thesuch deadline as may be provided by the rules for the gamedepartmental directive. Preliminary drawings shall be open to the public and notice of such drawings shall be posted~~

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~~in the State of Illinois Center in the City of Chicago and the Department's offices in the City of Springfield, Illinois, at least five days prior to such drawing.~~ Grand prize drawings shall be conducted pursuant to the rules of the game, and copies of written procedures to be followed at grand prize~~Grand Prize~~ drawings will be furnished each finalist prior to a drawing.

- b) The Department may offer passive Lottery games with pre-printed tickets bearing~~when tickets bear~~ pre-assigned numbers, ~~letters, characters, words or symbols.~~ Winners in ~~thesesuch~~ games shall be determined either by the results of future events or by the random selection of numbers, words or symbols at publicly held drawings, ~~wherein randomly drawn numbers, words or symbols are selected and Tickets matching the tickets with numbers, words or symbols matching those~~ drawn shall entitle the ticket holder to the prize indicated on the ticket, ~~and~~ in accordance with the prize structure established by the game rules.
- c) The Department may offer computer operated games in which~~where~~ players are permitted to purchase tickets bearing player-selected numbers, letters, characters, words or ~~symbols~~devices or computer selected numbers, letters, characters, words or ~~symbols~~devices, as provided by the rules of the game, for drawings that~~which~~ are regularly scheduled in accordance with game rules. With respect to ~~thesesuch~~ games, the Superintendent shall conduct drawings using air-driven or gravity selection equipment (including but not limited to, devices utilizing air-driven ball selection, gravity mixing chamber ball selection, spinning wheel and ball selection or similar equipment, and utilizing either hollow or solid balls appropriate to the type of equipment utilized), or utilizing a computerized random selection program. In the case of drawings conducted using air-driven or gravity selection equipment, drawings shall be by random selection in the presence of a certified public accountant or other independent party who will monitor the integrity of the drawing procedure. For any game utilizing computerized random selection, the selection program will be subject to a software acceptance test by the Department prior to implementation.
- d) Players holding tickets with numbers, letters, characters, words or ~~symbols~~devices corresponding to those drawn in a game~~the several games~~, or ~~that, which~~ in combination with those drawn, meet the criteria for prize award set forth in game rules, shall be entitled to prizes in the amounts set forth in game rules ~~to be~~ established by the Superintendent.

(Source: Amended at 36 Ill. Reg. 14356, effective September 14, 2012)

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Section 1770.180 Drawings

- a) All drawings utilizing a manual selection process or air-driven or gravity selection equipment shall be open to the public in a manner consistent with game security and facilities requirements ~~and shall utilize such mechanical devices and following such procedures as are established by this Part and the game rule issued by departmental directive.~~
- b) The Department may award prizes of cash or merchandise as incidental or participation prizes at drawings, at special events and in connection with promotions. Merchandise prizes of nominal value (e.g., water bottles, t-shirts or coffee mugs) may be distributed to all participants at a drawing, special event or promotional activity. However, cash prizes or merchandise prizes having a value in excess of \$25 per prize shall be awarded pursuant to a random selection process ~~drawing~~, in accordance with written ~~drawing~~ procedures.

(Source: Amended at 36 Ill. Reg. 14356, effective September 14, 2012)

Section 1770.190 Prize Payment, Claiming or Redeeming of Prizes and Transfers to Common School Fund

- a) The prize structure may vary with each game and will be established at the beginning of the game by the Private Manager, subject to the approval of the Department Superintendent. The prize structure, odds of winning, the manner in which winners are determined, the claim period for the game and various procedural matters will be set forth in game rules and play instructions.
- b) ~~A monetary prize of less than \$600 may be redeemed by submitting the winning Lottery ticket with a face value of \$600 or less may be redeemed by submitting the winning ticket to a licensed Lottery agent location that which sells the type of game won, and may be paid by the licensed Lottery agent directly from Lottery ticket sales funds on hand after the licensed agent follows verification procedures that which establish that the ticket is a winning ticket, examines the ticket for alteration, verifies that the prize claim period has not expired, and requests proof of age from the claimant if appropriate. However, when a winning ticket is presented for payment at a licensed salesan agent location after the expiration of any licensed sales agent claim period established in game rules, the winning ticket has a face value in excess of \$600~~ monetary prize is \$600 or more, or the

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Department's verification procedures require, the [licensed sales](#) agent shall follow the claim procedures set forth in subsection (c).

- c) Winning tickets with a face value of up to \$25,000 may be redeemed at Lottery prize centers, provided that the claimant is an individual or is a partnership or other legal entity receiving payment under a Federal Employer Identification Number and is not subject to offset of the prize due to amounts owed the State of Illinois. Payment of prizes at prize centers is~~Prizes of up to \$25,000, claimed by an individual or in the name and under the taxpayer identification number of a partnership or other artificial person, may be paid by the Department at designated offices,~~ subject to established claim periods, procedures and validation tests.
- d) All claims for prizes of more than \$25,000, as well as claims for lesser prizes not paid by the Department at a prize center~~designated Department office~~ or by an [licensed sales](#) agent pursuant to subsection (b) ~~of this Section~~, must be paid centrally by the Department. Claimants may obtain claim forms from any Lottery office, by mail or from the Lottery's website~~ticket sales agent, any departmental regional office, or the Department's administrative offices in Chicago or Springfield, Illinois. When initiating a claim in person at any of the aforesaid locations,~~ a claimant shall complete the name and address area on the reverse of the ticket, and present proof of identification and the winning ticket. The ~~agent or~~ Department employee, ~~as applicable,~~ will assist the claimant in filling out the claim form, which will be signed by the ~~agent or~~ employee and by the claimant or his or her authorized representative. The claimant or authorized representative will receive a copy of the claim form as a receipt. The winning ticket and a copy of the claim form will be sent to the Department's offices in Springfield, Illinois, for verification. When the ticket is verified as a winning ticket, the prize will be mailed to the claimant.
- e) Prizes in the amount of \$1,000,000 or more may be claimed only at the Department's prize centers or administrative offices in Springfield and Chicago, or an alternate site mutually agreed to by the Department and the claimant, and absent extenuating circumstances, only by appointment so that appropriate Department personnel are available to assist in the claim process. The Superintendent may require claimants of \$1,000,000 or more, or at the Department's discretion (e.g., physically unable, fear for safety of the winner), the claimants' authorized representative, to participate in a press conference as part of the claim process, in order to assure the public that prizes are being awarded and

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maintain public trust in the Lottery. For purposes of press conference requirements, the claimants are the ultimate recipients of the prize, such as the beneficiaries of a trust, the partners in a partnership, or the members of a club or group.

- fd) Prizes with a face value of less than \$600 or less, not redeemed at a licensed sales agent's location but instead claimed by multiple winners playing as partners or as a group, with common ownership of a winning ticket at the time of the prize drawing, shall be claimed in the individual name of one of the partners or members of the group. Payment of any claim filed on behalf of ~~such an~~ individual group member shall be in the same manner as if filed on behalf of a single claimant.
- ge) Prizes of over \$600 but less than up to \$1,000,000 claimed by multiple winners playing as partners or as a group, with common ownership of a winning ticket at the time of the prize drawing, may be claimed in the individual name of one of the partners or members of the group. ~~Any claim filed on behalf of such an individual group member shall be filed in the same manner as if filed on behalf of a single claimant,~~ but must be accompanied by a form 5754 setting forth the names, addresses, social security numbers (SSNs) and prize shares of all other persons entitled to a share of the prize. The Department will process a voucher payable to each individual listed on the form 5754, dividing the winnings ~~equally,~~ ~~or as otherwise designated on the form 5754.~~ The Department will then process payment vouchers to the ~~Office~~ of the Comptroller for preparation of warrants and end of year income tax withholding documents. Claim and payment may be made in a partnership name only if the partnership furnishes a Federal Employer's Identification Number (FEIN).
- hf) Prizes in the amount of \$1,000,000 or more claimed by multiple winners ~~playing as partners or as a group,~~ with common ownership of a winning ticket at the time of the prize drawing, ~~must be claimed in the name of a partnership, or group or other entity,~~ subject to the limitations set forth in this subsection (h) name.
- 1) If the prize claim is made in the name of a partnership, the claim must be supported by a copy of the partnership agreement signed by all partners, confirming that the partners had agreed to share any prize prior to purchasing the winning ticket and specifying each partner's share of the prize. Payment will be made out to the partnership as a single payee under the partnership's FEIN, or to each of the individual partners under

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~~their SSNs or group members, as requested in writing by the partnership's authorized representative winners and provided that each individual's gross annual payment will equal or exceed \$5,000. Partnership claims shall include the name, address and (if one check is requested) Federal Employer's Identification Number of the partnership, the~~ The ticket and claim form must be signed by one of the general partners on behalf of the partnership, and the claim form must be accompanied by a form 5754 setting forth the names, addresses, ~~and SSNs~~ social security numbers and prize shares of each partner. ~~Prior to payment, the partnership must submit a written partnership agreement evidencing, at a minimum, that an oral agreement for group play existed prior to the purchase of the winning Lottery ticket. The partnership agreement shall be subject to review by the Department's legal staff, and may not contain provisions contrary to law.~~ ~~When~~ Where separate checks have been requested, the partnership must additionally furnish payment instructions for each partner.

- 2) ~~If the prize claim is made in the name of a group, the claim must be supported by a written document signed by all group members confirming that the members had agreed to share any prize prior to purchasing the winning ticket. Group claims shall include a group name and the address and SSN Social Security Number of the representative signing the ticket and claim form, and shall be accompanied by a form 5754 setting forth the names, addresses, SSNs Social Security Numbers and prize shares of all group members. A group play agreement may additionally be required.~~
- 3) Claims by other entities such as corporations or trusts must be in the name of the entity as established prior to ticket purchase, provide the taxpayer identification number of the entity and be signed by an authorized representative. Payment will be in the name and under the taxpayer identification number of the claiming entity.

i) Lottery clubs, charitable organizations, corporations, partnerships and other "artificial" persons shall be eligible to purchase Lottery tickets. However, with respect to awards of prizes for life, ~~those such~~ "artificial" persons shall be entitled to the minimum guaranteed prize.

j) Prizes claimed but unpaid at the time of a prize winner's death shall be treated as follows:

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- 1) Any prize, or portion of a prize, remaining unpaid at the death of a winner, may be paid to the estate of ~~the~~such deceased prize winner, or to the designated trustee under a revocable living trust established by the deceased prize winner, as settlor, provided that a copy of ~~the~~such trust has been filed with the Department, along with a notarized letter of direction from the settlor, and no written notice of revocation has been received by the Department prior to the settlor's death. Following ~~such~~ a settlor's death and prior to any payment to ~~such~~ a successor trustee, the Superintendent shall obtain from the trustee and each trust beneficiary a written agreement to indemnify and hold the Department harmless with respect to any claims that may be asserted against the Department arising from payment to, or through, the trust.

- 2) ~~The payment of prize installments due with respect to a prize winner whose death occurs prior to payment of the final installment may be accelerated under certain circumstances.~~ At the election of the estate or successor trustee of an individual prize claimant, the estate or trustee may have the option to request, within six months from the date of death, that the annuity or equivalent investment securities procured by the Department for purposes of generating annual installment prize payments be liquidated at current market value ~~and paid over to the personal representative of the estate or beneficiary successor trustee, as appropriate.~~ In the case of a prize claimed by a partnership or group, the right to request liquidation of the decedent's remaining prize may be available to the decedent's personal representative or successor trustee, but only if the decedent is entitled to receive one-third or more of the claimed prize. Upon receipt of a ~~written request~~notice of election to liquidate the remaining prize, if the prize payment has been structured through purchase of an annuity and the annuity contract permits early liquidation, the Department shall promptly notify the annuity company and request that the annuity be liquidated and the commuted (check) value be paid to the personal representative or successor trustee. If the Department has procured investment securities to generate income for satisfaction of future prize installments, the Department, as soon as ~~practical~~practicable after receiving a request for prize liquidation~~such notification~~, and without jeopardy to the common investment position of ~~securities purchased in connection with payment of future installments to other winners of~~ grand prizes~~Grand Prizes~~ from the same drawing date as the decedent, shall offer the decedent's share of thesuch securities for market sale and shall pay the

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personal representative or successor trustee the proceeds of sales attributable to the decedent's prize. Prior to ~~payments~~such distribution, the Department shall deduct from the proceeds of sales any amount that~~such sum as~~ may be required to absorb from the share of the party requesting liquidation, any penalties or losses incidental to sale, and to restore the investment position of securities purchased ~~for with respect to any other~~ same-date winners to the position held prior to liquidation. The balance of the proceeds of sale attributable to the decedent's prize shall be distributed to the personal representative of the estate or the successor trustee. Prior to authorizing ~~accelerated~~ liquidation of any prize, the Department shall obtain, from each personal representative or successor trustee requesting ~~such~~ liquidation, a complete release of ~~any further~~ liability of the Department for further payment with respect to the decedent's prize, ~~upon liquidation as provided in this Section, and the Department in liquidating the investment vehicle for any such prize shall be discharged of any further liability with respect to such prize beyond the amount actually realized through liquidation.~~ Any election pursuant to this subsection (j)(2) must be in writing and shall be irrevocable.

- 3) ~~If~~No right to accelerate installment payments shall accrue to the estate of a prize for life winner passes away prior to receiving when the guaranteed minimum payment for the game and prize won, the personal representative of the winner's estate or the successor trustee under a properly filed revocable living trust shall have the option to request liquidation of the investment securities funding the remaining guaranteed prize, following the process outlined in subsection (j)(2). has not yet been paid. Rather, installment payments shall continue until the guaranteed minimum prize has been paid.

k) Cash prizes must be claimed within a claim period set by Departmental directive and the game rules establishing claim periods for the respective games offered by the Department. Unclaimed prize money shall be retained by the Superintendent for the person entitled to that prize money thereto, for the duration of the claim period for the game after the date of the drawing in which the prize is won, as established by game rule. Thereafter, the unclaimed prize funds will be managed as provided in statute.

l) Winning tickets ~~that which~~ provide entry into a preliminary grand prize~~Preliminary Grand Prize~~ drawing for any instant game must be received

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~~by filed with the Department by the deadline established in the game rules. Entry tickets received filed after the preliminary grand prize qualification drawing deadline for the game with respect to which the tickets were sold will be disqualified unless the game rules specifically provide that the entries will be carried over to a future drawing entered into the Preliminary Grand Prize Drawing pool for the next game drawing subsequent to filing of such tickets, provided that no such ticket will be eligible for entry into a subsequent drawing unless filed with the Department, within 120 days after the announced end of the game for which the ticket was originally sold, provided, however, that the Superintendent may establish lesser claim periods for specific games by directive and game rule.~~

- ~~m~~k) For prizes in excess of \$10,000, a winner must identify his or her place of employment, if any, to ensure the winner is not prohibited from Lottery play by the Act or this Part. For partnership claims, each partner must furnish employment information.
- ~~n~~l) The net revenues accruing from the sale of Lottery tickets shall be transferred to the Capital Projects Fund at the end of each fiscal year. Net revenues shall be determined by deducting from total revenues the payments of prizes to holders of winning tickets, payments of bonuses to Lottery retailers and payment of costs incurred in the operation and administration of the Department. Net revenue shall specifically:
- 1) Exclude sales proceeds, prize payments and expenses associated with the games conducted pursuant to Sections 21.2, 21.5, 21.6, 21.7 and 21.8 of the Act;
 - 2) Include expense reimbursement or bonus payments paid to the Lottery's **Private Manager**, as well as any penalty payments that may be received from the **Private Manager**;
 - 3) Exclude funds required to be transferred to the Common School Fund by Section 9.1 of the Act.
- o) The Department may transfer income in excess of current operating needs to the Common School Fund, provided that the monthly amount transferred to the Common School Fund shall be an amount that is equal to the proceeds transferred in the corresponding month of fiscal year 2009, as adjusted for

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inflation. [20 ILCS 1605/9.1(o)(3)]

- p) The rate of inflation to be utilized in calculating transfers to the Common School Fund shall be determined prior to the start of each fiscal year and utilized throughout the fiscal year by comparing the seasonally adjusted average Consumer Price Index for all urban consumers (CPI-U) for the first calendar quarter of 2009 to the average CPI-U for the first calendar quarter of the current year, after deducting energy costs from both indices (the Adjusted CPI-U). The formula to be used in calculating the inflation rate shall be:

$$\frac{(\text{Current average Q1 Adjusted CPI-U} - \text{Calendar 2009 average Q1 Adjusted CPI-U})}{\text{Calendar 2009 average Q1 Adjusted CPI-U}}$$

(Source: Amended at 36 Ill. Reg. 14356, effective September 14, 2012)

Section 1770.200 Eligibility to Buy

- a) No ticket shall be purchased by, and no prize shall be paid to any of the following persons:
- 1a) Any member of the Board or any officer or other person employed by the Board or by the Department; ~~also~~
 - 2) ~~Any~~ employees of any TV station from which Lottery drawings originate who are directly involved in the production of drawing telecasts, including floor director, camera operators, stage hands, character generator operators, air control technicians, announcer and performer for each telecast;
 - 3) Employees of any firm overseeing the conduct of the Lottery's drawings, if those employees are directly involved in the drawing process, as well as the owners or principal officers of the firm; ~~the~~
 - 4) ~~Employees~~ employees of any advertising agency, public relations agency or any consultant employed by the Department, if the employees who are directly involved in the Lottery engagement; and further those
 - 5) ~~Employees~~ employees, of audit firms who are actually, performing on site contractual audit services with respect to the Department's operations; ~~In the event the Superintendent determines that purchases of tickets by~~

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~~employees of any vendor of goods or services to the Department or Board may jeopardize the security or integrity of the Lottery, the Superintendent will provide by rule or by contract with the vendor that no ticket shall be purchased by, and no prize shall be paid to, any officer or employee of the vendor, or certain officers or employees of the vendor, at the Superintendent's discretion;~~

~~6b) Any person's spouse, child, brother, sister or parent residing as a member of the same household in the principal place of residence of any person designated in subsections (a)(1) through (a)(5) of this Section;~~
~~or~~

~~7e) Any person under the age of 18. (Section 15 of the Act).~~

b) If the Superintendent determines that the purchase of Lottery tickets by officers or employees of any other vendor of goods or services to the Department or Board may jeopardize the security or integrity of the Lottery, the Superintendent will provide by rule or by contract with the vendor that no ticket shall be purchased by, and no prize shall be paid to, any officer or employee of the vendor, or certain officers or employees of the vendor, or persons residing as members of the same households as the prohibited officers or employees.

(Source: Amended at 36 Ill. Reg. 14356, effective September 14, 2012)

Section 1770.220 Priority of Rules

Official game rules and promotion rules identified as published each January in the Illinois Register as required by specified in Section 7.1 of the Act Illinois Lottery Law shall be maintained on file in the Department's principal office in Springfield, Illinois or at the principal office of the Lottery's Private Manager, and shall be made available for public inspection and copying during normal business hours. In the event of any conflict, discrepancy, omission or apparent contradiction between the official rules on file and any summary, representation or other restatement of rules appearing in any advertisement, point of sale material, tickets or other media, the official rules on file at the Department's office shall govern.

(Source: Amended at 36 Ill. Reg. 14356, effective September 14, 2012)

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- 1) Heading of the Part: Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, River Otter, Beaver and Woodchuck (Groundhog) Trapping
- 2) Code Citation: 17 Ill. Adm. Code 570
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
570.20	Amendment
570.30	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5]
- 5) Effective Date of Amendments: September 5, 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 amendments, including any material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: June 1, 2012; 36 Ill. Reg. 8216
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

In Section 570.30(b)(4)(C), "by the U.S. Fish and Wildlife Service" has been added after "approved".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any proposed rulemaking pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: This Part was amended to: establish a season for trapping river otter by adding regulations pertaining to statewide season dates and hours, possession limits, permit and tagging requirements and to add an extended spring season for trapping muskrat and mink.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

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

PART 570

MUSKRAT, MINK, RACCOON, OPOSSUM, STRIPED SKUNK, WEASEL,
RED FOX, GRAY FOX, COYOTE, BADGER, RIVER OTTER, BEAVER AND
WOODCHUCK (GROUNDHOG) TRAPPING

Section

570.10	Statewide Zones
570.20	Statewide Season Dates
570.30	Statewide Hours, Daily Limit and Possession Limit, <u>Permit and Tagging Requirements</u>
570.35	Use of .22 Rimfire Rifles by Trappers During Deer Gun Season
570.40	Trapping Regulations on Department-Owned, -Leased or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].

SOURCE: Adopted at 5 Ill. Reg. 9767, effective September 17, 1981; codified at 5 Ill. Reg. 10637; amended at 6 Ill. Reg. 10709, effective August 20, 1982; amended at 7 Ill. Reg. 10778, effective August 24, 1983; amended at 8 Ill. Reg. 21589, effective October 23, 1984; amended at 9 Ill. Reg. 15864, effective October 7, 1985; amended at 10 Ill. Reg. 16644, effective September 24, 1986; amended at 12 Ill. Reg. 12034, effective July 7, 1988; emergency amendments at 12 Ill. Reg. 16261, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 10589, effective June 15, 1989; amended at 14 Ill. Reg. 14775, effective September 4, 1990; amended at 14 Ill. Reg. 19854, effective December 3, 1990; amended at 15 Ill. Reg. 11586, effective August 2, 1991; amended at 16 Ill. Reg. 11069, effective June 30, 1992; amended at 17 Ill. Reg. 10785, effective July 1, 1993; amended at 17 Ill. Reg. 18796, effective October 19, 1993; amended at 18 Ill. Reg. 10077, effective June 21, 1994; amended at 19 Ill. Reg. 12640, effective August 29, 1995; amended at 20 Ill. Reg. 12351, effective August 30, 1996; amended at 21 Ill. Reg. 9070, effective June 26, 1997; amended at 22 Ill. Reg. 14809, effective August 3, 1998; amended at 23 Ill. Reg. 9055, effective July 28, 1999; amended at 24 Ill. Reg. 8929, effective June 19, 2000; amended at 25 Ill. Reg. 9887, effective July 17, 2001; amended at 26 Ill. Reg. 13809, effective September 5, 2002; amended at 27 Ill. Reg. 749, effective January 6, 2003; amended at 28 Ill. Reg. 11883, effective July 27, 2004; amended at 29 Ill. Reg. 9643, effective June 27, 2005; amended at 30 Ill. Reg. 12143, effective June 28, 2006; amended at 31 Ill. Reg. 13117, effective August 30, 2007; amended at 32 Ill. Reg.

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10104, effective June 30, 2008; amended at 33 Ill. Reg. 9691, effective June 26, 2009; amended at 34 Ill. Reg. 12820, effective August 20, 2010; amended at 35 Ill. Reg. 13149, effective July 26, 2011; amended at 36 Ill. Reg. 14408, effective September 5, 2012.

Section 570.20 Statewide Season Dates

- a) Muskrat, mink, raccoon, opossum, striped skunk, red fox, gray fox, coyote, badger and weasel
 - 1) Northern Zone: November 5 through the next following January 20.
 - 2) Southern Zone: November 10 through the next following January 25.
- b) Beaver and River Otter
 - 1) Northern Zone: November 5 through the next following March 31.
 - 2) Southern Zone: November 10 through the next following March 31.
- c) Woodchuck (Groundhog)
Northern and Southern Zones: June 1 through the next following September 30.
- d) Muskrat and Mink (Extended Spring Season)
 - 1) Northern Zone: January 20 through the next following February 15.
 - 2) Southern Zone: January 25 through the next following February 15.
- e) Trapping outside the set season dates is a Class B misdemeanor (see 520 ILCS 5/2.30).

(Source: Amended at 36 Ill. Reg. 14408, effective September 5, 2012)

Section 570.30 Statewide Hours, Daily Limit and Possession Limit, Permit and Tagging Requirements

- a) Muskrat, mink, raccoon, opossum, striped skunk, red fox, gray fox, coyote and weasel

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- 1) Trapping hours: November 5 in the Northern Zone and November 10 in the Southern Zone open for trapping at sunrise; January 20 in the Northern Zone and January 25 in the Southern Zone closed for trapping after sunset; otherwise, hours are unrestricted.
 - 2) Daily and possession limit: None
- b) Beaver and River Otter
- 1) Trapping hours: November 5 in the Northern Zone and November 10 in the Southern Zone open for trapping at sunrise; March 31 closed for trapping after sunset; otherwise, hours are unrestricted.
 - 2) Daily and possession limit: None for beaver; not to exceed 5 river otters per person, per season. Possession limit for river otter does not apply to fur buyers, fur tanners, taxidermists or manufacturers as defined by 520 ILCS 5/3.11, 3.12, 3.15, 3.16, 3.16a, 3.18 and 3.21. River otters salvaged from roadways under authority of 520 ILCS 5/2.30 become part of the person's season limit of 5 river otters and are subject to permit and tagging requirements. Having more river otter than allowed is a Class B misdemeanor (see 520 ILCS 5/2.30).
 - 3) Permit Requirement
 - A) Trappers must purchase a River Otter Registration Permit within 48 hours after taking each otter that becomes part of their daily limit.
 - B) The cost of a River Otter Registration Permit is \$5.
 - C) Failure to purchase a River Otter Registration Permit or failure to do so within the specified time limit is a Class B misdemeanor (see 520 ILCS 5/2.30).
 - 4) Tagging Requirement
 - A) A United States Convention on International Trade in Endangered Species (U.S. CITES) pelt tag issued by the Department must be

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permanently affixed to the green hide of each river otter and sealed before the green hide is exported from the United States or transferred to a fur buyer, fur tanner, taxidermist or manufacturer.

- B) It is unlawful to possess more unsealed U.S. CITES tags issued by the Department than green hides of river otters in possession.
- C) Failure to permanently affix and seal a U.S. CITES tag issued by the Department to the green hide of a river otter before transferring it to a fur buyer, fur tanner, taxidermist or manufacturer is a Class B misdemeanor (see 520 ILCS 5/2.30b). Possessing more unsealed U.S. CITES tags issued by the Department than green hides of river otter is a Class B misdemeanor (see 520 ILCS 5/2.30b). Unless an alternative method has been approved by the U.S. Fish and Wildlife Services, each fur skin to be exported or re-exported must have a U.S. CITES tag permanently attached (50 CFR 23.69) (August 23, 2007) (no incorporation in this Part includes later amendments or editions).

c) Woodchuck (Groundhog)

- 1) Trapping hours: June 1 open for trapping at sunrise; September 30 closed for trapping after sunset; otherwise hours are unrestricted.
- 2) Daily and possession limit: None

d) Badger

- 1) Trapping hours: November 5 in the Northern Zone and November 10 in the Southern Zone open for trapping at sunrise; January 20 in the Northern Zone and January 25 in the Southern Zone closed for trapping after sunset; otherwise, hours are unrestricted.
- 2) Daily and possession limit: not to exceed two badgers per season in the northern zone and one badger per season in the Southern Zonesouthern zone. Having more badger than allowed is a Class B misdemeanor (see 520 ILCS 5/2.30).

e) Muskrat and Mink (Extended Spring Season)

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Trapping hours: January 20 in the Northern Zone and January 25 in the Southern Zone open for trapping at sunset; February 15 closed for trapping after sunset; otherwise, hours are unrestricted.

- f) Trapping before specified hours~~sunrise~~ on opening day or after specified hours~~sunset~~ on closing day is a Class B misdemeanor (see 520 ILCS 5/2.30).

(Source: Amended at 36 Ill. Reg. 14408, effective September 5, 2012)

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- 1) Heading of the Part: Illinois Prescribed Burning Act
- 2) Code Citation: 17 Ill. Adm. Code 1565
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1565.10	Amendment
1565.20	Amendment
1565.70	Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Prescribed Burning Act [525 ILCS 37]
- 5) Effective Date of Amendments: September 5, 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 amendments, including any material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 11, 2012; 36 Ill. Reg. 6904
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Amendments to this Part, which were approved by the Illinois Prescribed Burn Manager Certification Board, are being made to: increase the size of the Prescribed Burn Manager Certification Board to six members, extend the application deadline for the purpose of grandfathering in requirements for existing

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burners, allow the Board to conduct its meetings via conference call or other electronic means, and establish a quorum for the Board.

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

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

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER d: FORESTRYPART 1565
ILLINOIS PRESCRIBED BURNING ACT

Section

1565.5	Purpose
1565.10	Definitions
1565.20	Certified Prescribed Burn Manager
1565.30	Burn Prescriptions
1565.40	Notifications and Permits
1565.50	Conducting Prescribed Burns
1565.60	Records and Reporting
1565.70	Administration of Act
1565.EXHIBIT A	Certified Prescribed Burn Manager Application

AUTHORITY: Implementing and authorized by the Illinois Prescribed Burning Act [525 ILCS 37].

SOURCE: Adopted at 33 Ill. Reg. 15724, effective November 2, 2009; amended at 36 Ill. Reg. 14415, effective September 5, 2012.

Section 1565.10 Definitions

"Act" means the Illinois Prescribed Burning Act [525 ILCS 37].

"Apprentice Prescribed Burn Manager" is a person at a prescribed burn that has successfully completed the training classes described under Section 1565.20(b)(1), participated in prescribed burns as described in Section 1565.20(b)(2), has been accepted by a certified prescribed burn manager as the apprentice prescribed burn manager for the prescribed burn, and is assuming the functions of a certified prescribed burn manager during the prescribed burn under the direct supervision of a certified prescribed burn manager as a training requirement pursuant to Section 1565.20(b)(3).

"Burn Personnel" means any paid person or volunteer involved in conducting prescribed burning under the Act.

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"Burn Prescription" means a written plan for conducting a prescribed burn.

"Central Dispatching Agency" is an agency that provides dispatching services for a number of emergency agencies (fire, law enforcement or ambulance) in a defined geographic area.

"Certificate" is a written certificate and number issued by the Department identifying a person as a certified prescribed burn manager and is considered a license subject to revocation proceedings described in Subpart C of 17 Ill. Adm. Code 2530 (Revocation Procedures for Conservation Offenses).

"Certified Prescribed Burn Manager" is an individual who conducts the activities described in Section 1565.20(a), and successfully completes an approved training program and receives proper certification as described in Section 1565.20(b) through (f).

"Department" means the Illinois Department of Natural Resources.

"Director" means the Director of the Department.

"Escaped Fire" means any fire that goes beyond the area described in the burn prescription and requires outside resources to contain or that burns onto adjoining landowner's land not included in the burn prescription.

"Incident Commander", "Incident Command Authority" and "Unified Command" are terms defined by the National Inter-agency Incident Management System (NIIMS) and are used in this Part to describe the person or persons directly responsible for control and suppression of a prescribed burn or an escaped fire resulting from a prescribed burn.

"Landowner" includes the owner, owning agency or other legal entity owning a parcel of land where a prescribed burn is executed or is proposed to be executed, their designated agent or land manager.

"NIIMS" means the National Inter-agency Incident Management System administered by the Federal Emergency Management Agency (FEMA).

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"Prescribed Burn Manager Certification Board" or "Board" is a Board of sixfive representatives whose job responsibilities include natural areas stewardship, wildlife habitat management or forest management and who have experience with prescribed burn management or incident command. The Board shall be made up of fourthree representatives designated by the Director (including one representative who is not employed by the State of Illinois), one representative designated by the Illinois Nature Preserves Commission and one representative designated by the Office of the State Fire Marshal.

"Prescribed Burn Report" is the written report and evaluation of a prescribed burn, including the information required in Section 1565.60(c) that is prepared and signed by the certified prescribed burn manager after a prescribed burn is completed.

"Prescribed Burning" is the planned application of fire to naturally occurring vegetative fuels, under specified environmental conditions and following appropriate precautionary measures, that causes the fire to be confined to a predetermined area and accomplishes the planned land management objectives.

(Source: Amended at 36 Ill. Reg. 14415, effective September 5, 2012)

Section 1565.20 Certified Prescribed Burn Manager

- a) A certified prescribed burn manager performs the following activities:
 - 1) writes and/or approves burn prescriptions as described in Section 1565.30;
 - 2) serves as the direct supervisor of the burn personnel at the scene of a prescribed burn and is responsible for implementing a burn prescription as described in Section 1565.40; and
 - 3) supervises and trains an apprentice prescribed burn manager as described in Section 1565.20(c).
- b) To become a certified prescribed burn manager, a person must complete the following requirements and have a valid Illinois Certified Prescribed Burn Manager Certificate issued by the Department pursuant to Section 1565.70.
 - 1) Successfully complete:

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- A) the following National Wildfire Coordinating Group Wildland Fire Training Courses or equivalents:
- i) Basic Incident Command System (I-100);
 - ii) Fire Fighter Training (S-130); and
 - iii) Wildland Fire Behavior (S-190); or
- B) a specialized Illinois Prescribed Burning Manager Course that incorporates pertinent information in the courses listed in subsection (b)(1)(A), along with information on prescribed burning in Illinois that has been approved by the ~~Prescribed Burn Manager Certification Board~~;
- 2) Participate in five prescribed burns that will be documented on a Certified Prescribed Burn Manager Application;
- 3) Successfully complete two prescribed burns as an apprentice prescribed burn manager under the supervision of a certified prescribed burn manager;
- 4) Submit the following to the Illinois Department of Natural Resources, Attention: Prescribed Burn Manager Certification, One Natural Resources Way, Springfield IL 62702-1271:
- A) A Certified Prescribed Burn Manager Application (the Application);
 - B) A \$50 fee (State of Illinois employees are exempt from the fee); and
 - C) Copies of all course certificates and relevant prescribed burn prescriptions and prescribed burn report forms or an affidavit described in Section 1565.20(d) for the burns required in Section 1565.20(b)(3) documenting the experience and apprenticeship.

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- c) To become an apprentice, a person must apply to DNR in writing and be accepted by a certified prescribed burn manager who will agree to supervise the training in conducting the burn. An apprentice prescribed burn manager shall assume the functions of a certified prescribed burn manager during a burn under the direct supervision of a certified prescribed burn manager. An apprentice shall sign the prescribed burn report as the "apprentice prescribed burn manager" and note his or her experience on the Application. The certified prescribed burn manager supervising the apprentice shall also provide an evaluation of the performance of the apprentice and certify the successful completion of the burn by the apprentice on the prescribed burn report. The signatures on the prescribed burn report shall serve as documentation of the number of times an apprentice serves as an apprentice prescribed burn manager.
- d) Prior to December 31, ~~2015~~2010, persons who have submitted an affidavit along with their Application attesting to their participation in at least seven burns, including at least five at which they have served as the prescribed burn manager prior to November 1, 2009, shall be considered to have completed the apprenticeship and experience requirements.
- e) Persons who hold certifications from other states whose training meets or exceeds the requirements of this Part can receive an Illinois Certified Prescribed Burn Manager Certificate by submitting an Application, proof of certification in another state and the \$50 fee to: Illinois Department of Natural Resources, Attention: Prescribed Burn Manager Certification, One Natural Resources Way, Springfield IL 62702-1271.
- f) Persons who have received the certification as a Prescribed Fire Burn Boss Type 1 or Type 2, known as RXB1 or RXB2 respectively, under the NIIMS Wildland Fire Qualification System, can receive an Illinois Certified Prescribed Burn Manager Certificate by submitting an Application, proof of the RXB1 or RXB2 certification and the \$50 fee to: Illinois Department of Natural Resources, Attention: Prescribed Burn Manager Certification, One Natural Resources Way, Springfield IL 62702-1271.

(Source: Amended at 36 Ill. Reg. 14415, effective September 5, 2012)

Section 1565.70 Administration of Act

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- a) Upon receipt of a completed Certified Prescribed Burn Manager Application, the required documentation of coursework, apprenticeship and experience described in Section 1565.20 and a fee of \$50, the Department shall issue an Illinois Certified Prescribed Burn Manager Certificate within 45 days or notify the applicant in writing of the reason the certificate was denied. Applicants who have been denied a certificate may re-apply after correcting any deficiencies in their original Application. Persons employed by the State of Illinois shall be exempt from the \$50 fee.
- b) Denial of a certificate may be appealed pursuant to 17 Ill. Adm. Code 2530.
- c) Any fees collected under this Part shall be deposited into the Forestry Development Fund.
- d) An Illinois Certified Prescribed Burn Manager Certificate may be revoked pursuant to the procedures described in 17 Ill. Adm. Code 2530 for serious and or continuing violations of the Act or this Part, falsification or misrepresentation on the Certified Prescribed Burn Manager Application or supporting documents, or a pattern of negligence in performing the duties of a certified prescribed burn manager.
- e) An organization or individual may petition the Department to approve coursework and training programs as an Illinois Prescribed Burn Manager Course by submitting to the ~~Illinois Prescribed Burn Manager Certification~~ Board a course syllabus, length of course and trainer qualifications demonstrating that the course meets the standards described in Section 1565.20(a)(1). The Board may require the submitter to provide additional information necessary to evaluate the program. The Board shall make a recommendation to the Director to approve or not approve the submitted program as an Illinois Prescribed Burn Manager Course.
- f) Periodically, but not less than annually, the ~~Illinois Prescribed Burn Manager Certification~~ Board shall meet to review prescribed burn reports submitted under this Part, review requirements of prescribed burn certification in other states and make a recommendation to the Director on whether other states' certification programs meet or exceed requirements in this Part to receive an Illinois Certified Prescribed Burn Manager Certificate; review this Part and make recommendations to the Director for any needed changes; and prepare reports on prescribed burning at the request of the Director.

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- g) The Board may conduct its meetings via conference call or other electronic means provided all participants are in locations open to the public that have been published in compliance with the Illinois Open Meetings Act [5 ILCS 120].
- h) A quorum of the Board shall be defined as four members.

(Source: Amended at 36 Ill. Reg. 14415, effective September 5, 2012)

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- 1) Heading of the Part: Illinois Resident Armed Forces Fee Exemptions and Illinois Resident Veteran Fee Reductions
- 2) Code Citation: 17 Ill. Adm. Code 2510
- 3) Section Number: 2510.30 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Section 805-305 of the Civil Administrative Code of Illinois [20 ILCS 805/805-305], Sections 20-45 and 20-47 of the Fish and Aquatic Life Code [515 ILCS 5/20-45 and 20-47] and by Sections 3.1-4 and 3.2 of the Wildlife Code [520 ILCS 5/3.1-4 and 3.2]
- 5) Effective date of Rulemaking: September 5, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including all material incorporated by reference is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal Published in the *Illinois Register*: June 1, 2012, 36 Ill. Reg. 8223
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The purpose of this rulemaking is to acknowledge and recognize the contribution of Illinois residents returning from service abroad or mobilization by the President of the United States as an active duty member of

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the United States Armed Forces, the Illinois National Guard or the Reserves of the United States Armed Forces and Illinois resident veterans of the United States Armed Forces after returning from service abroad or mobilization by the President of the United States.

This amendment clarifies that only Illinois resident veterans of the United States Armed Forces who have served abroad, or guard or reserve members who were mobilized by the President of the United States are eligible to purchase licenses at one-half the fee charged for a fishing license, sportsmen's combination license and hunting license.

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

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

217/782-1809

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

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NOTICE OF ADOPTED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER f: ADMINISTRATIVE SERVICESPART 2510
ILLINOIS RESIDENT ARMED FORCES FEE EXEMPTIONS
AND ILLINOIS RESIDENT VETERAN FEE REDUCTIONS

Section	
2510.10	Purpose
2510.20	Definitions
2510.30	Fee Exemptions and Fee Reductions
2510.40	Application
2510.50	Violations

AUTHORITY: Implementing and authorized by Section 805-305 of the Civil Administrative Code of Illinois [20 ILCS 805/805-305], Sections 20-45 and 20-47 of the Fish and Aquatic Life Code [515 ILCS 5/20-45 and 20-47] and by Sections 3.1-4 and 3.2 of the Wildlife Code [520 ILCS 5/3.1-4 and 3.2].

SOURCE: Adopted by emergency rulemaking at 29 Ill. Reg. 14396, effective September 9, 2005, for a maximum of 150 days; adopted at 30 Ill. Reg. 461, effective January 3, 2006; amended at 35 Ill. Reg. 10779, effective June 23, 2011; amended at 36 Ill. Reg. 3902, effective February 24, 2012; amended at 36 Ill. Reg. 14424, effective September 5, 2012.

Section 2510.30 Fee Exemptions and Fee Reductions

- a) Illinois resident military members who have served abroad, or guard or reserve members who were mobilized, are eligible for the following without fee:
 - 1) Camping, with no camping fee except:
 - A) camper is responsible for applicable utility fees; and
 - B) camper is responsible for applicable rent-a-tent fees and cabin fees.
 - 2) Sport fishing and hunting:

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- A) Members will be issued a current Combined Sportsman's License and Habitat Stamp.
 - B) If requested by the member, one statewide archery deer permit will be issued upon verification if currently available. One free firearm deer permit for the county of choice (and the archery deer permit if not available at time of verification) will be mailed to the applicant when available.
- b) Illinois resident veterans of the United States Armed Forces who have served abroad, or guard or reserve members who were mobilized by the President of the United States, are eligible to purchase licenses at one-half the fee charged for the following:
- 1) fishing license (see 515 ILCS 5/20-45(a));
 - 2) sportsmen's combination license (see 515 ILCS 5/20-45(c)); and
 - 3) hunting license (see 520 ILCS 5/20-3.2).
- c) Non-resident military members are not eligible for no-fee hunting, fishing or camping.
- d) Non-resident veterans are not eligible for reduced fee hunting or fishing licenses.

(Source: Amended at 36 Ill. Reg. 14424, effective September 5, 2012)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: School Bus Driver's Pretrip Inspection Requirements
- 2) Code Citation: 92 Ill. Adm. Code 458
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
458.1000	Amend
458.1020	Amend
458.1030	Amend
458.ILLUSTRATION A	Amend
- 4) Statutory Authority: Implementing and authorized by Section 13-115 of the Illinois Vehicle Inspection Law [625 ILCS 5/13-115]
- 5) Effective Date of Amendments: September 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 amendments, including any material incorporated by reference, is on file in the Department's Office of Chief Counsel and Division of Traffic Safety and is available for public inspection.
- 9) Notice of Proposal Published in *Illinois Register*: May 25, 2012; 36 Ill. Reg. 8000
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Various grammatical changes were made in agreement with JCAR.

At Section 458.1030(h), "or bus attendant" was inserted after "mechanic".

At Section 458.1030(n) and (o), "business" was inserted between the number and the word "days".

The following language was inserted at Section 458.1030(aa): "In the event that an electronic pretrip system is not functioning or is not meeting the requirements of this Part, Illustration A must be completed, as required by this Part."

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In Section 458.Illustration A, "(if applicable)" was added after "Fuses".

At Section 458.Illustration A, "authorized" was added between "or" and "Cell Phone".

At Section 458.Illustration A, language changes were made in the rectangular box.

At Section 458.Illustration A, "Rear Eight Light Flashing System" was inserted after "Strobe Lamp (if applicable)".

- 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? No
- 15) Summary and Purpose of Amendments: By this rulemaking, the Department has updated this Part pursuant to industry's request to clarify time frames and procedures for school bus pretrip inspections. Therefore, the Department has, among other things, amended this Part to allow equipment located under-the-hood of a school bus (e.g., fluids, belts and wiring) to be inspected once every 24 hours when the bus is being used to transport students. The previous rule required equipment under-the-hood to be inspected either before the bus is to be used for its first trip of the day or the night before the bus is to be used. The Department had numerous requests from school districts and contractors to reconsider this requirement as time constraints prevent fluid/wiring checks to be performed each morning. Moreover, union contracts require overtime to be paid to mechanics when they perform the inspections during evening hours. These factors are especially problematic for school districts and contractors that operate large fleets of school buses. Therefore, in consideration of the above, the Department determined that fluid/wiring checks can be performed at any time, as long as the fluid/wiring check is performed at least once every 24 hours when the bus is being used to transport students, without jeopardizing the safe operation of the bus.

Throughout this Part the term "components" was replaced with "equipment," which is a more accurate description of what is being inspected.

At **Section 458.1000, Purpose**, the following change was made:

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Section 458.1000(b), the Department added language prescribing that the procedures in this Part are minimum requirements, and that a school bus owner or operator may adopt more stringent policies, at the discretion of the

district/company/private school management. An example of a more stringent requirement includes, but is not limited to, a school district requiring the equipment listed in the renumbered Section 458.1030(g) to be inspected every Monday morning regardless of the provision in this Part that allows the equipment to be inspected by noon on Monday (if the "under-the-hood" equipment check was performed at noon on the previous Friday).

At **Section 458.1020, Definitions**, the following definitions were added or amended:

"Department" was amended to update the statutory language and citation.

"Exempt Time" was added and means any time the bus is not being used to transport students (e.g., weekends, holidays, and when school is not in session).

"Officer" was amended to clarify that an officer of the Department is either a vehicle inspector or Department management.

"School Bus" was amended to reflect changes made pursuant to PA 96-0410, effective July 1, 2010, regarding multifunction school-activity buses.

"School Bus Pretrip Inspection" was amended to clarify that the inspection is to be performed each day the school bus is used to transport students.

"School Bus Pretrip Inspection Form" or "the Form" was amended to add the option that someone other than the driver is allowed to inspect the applicable equipment located under-the-hood of the vehicle.

At **Section 458.1030, Driver Requirements**, the following changes were made:

Section 458.1030(b), the Department added language describing the Form.

New **Section 458.1030(c)**, the Department further described the format and content of the Form. Retention requirements for the Form were also addressed. The Department's address and phone number were updated and moved to subsection (c) to provide, upon request, vendor options for purchasing the Form.

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Renumbered **Section 458.1030(d)**, the Department clarified that the pretrip inspection is to be performed each day a school bus is operated to transport students.

Renumbered **Section 458.1030(f)**, the Department clarified that the Form must be completed in full.

Renumbered **Section 458.1030(g)**, the Department established new procedures that a school bus owner/operator can choose to follow by inspecting the equipment listed in this subsection once every 24 hours when the bus is being used to transport students. The Department also clarified that "exempt time," as defined in Section 458.1020, is excluded from the 24-hour period.

Renumbered **Section 458.1030(h)**, the Department clarified that someone other than the driver (e.g., school bus mechanic or bus attendant) can inspect the equipment listed in subsection (g)(1-9) provided that person takes responsibility for the inspection of the equipment and signs his or her name on the Form.

Renumbered **Section 458.1030(i)**, the Department clarified that the school bus driver must notify the bus owner/operator of any defects "each day before the trip is started."

Section 458.1030(l), the Department added language to clarify that the Form must be presented to the school bus owner/operator before a trip is started each day.

Section 458.1030(o), the Department clarified that duplicate copies of the Form that are more than 30 business days old must be removed from the bus.

Renumbered **Section 458.1030(s)**, the Department added an emphasis that each individual piece of equipment listed on the form must be checked or marked with 'individual checkmarks.'

Renumbered **Section 458.1030(u)**, the Department added a cross reference to subsection (c) concerning the Division of Traffic Safety's new street address.

New **Section 458.1030(w)**, the Department added a new subsection prescribing requirements for obtaining a variance from the procedures in this Part.

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Renumbered **Section 458.1030(x)**, the Department established criteria to allow school bus owners or operators to vary the procedures in this Part. For example, a school district that operates hundreds of school buses at one facility employs mechanics who perform the fluid/wiring checks and they have asked for approval to record this information on a supplemental form. In that case, the supplemental form will reflect that fluid/wiring checks were performed but not recorded on the Form. The Department acknowledges that variances are sometimes necessary to accommodate different size fleets but will review and approve all variances.

Section 458.1030(y), the Department moved language currently found in an Agency Note and labeled it as a subsection.

New **Section 458.1030(z)**, the Department added a subsection that addresses electronic pretrip inspection systems. Prior approval must be granted by the Department before an electronic pretrip system is implemented by a school bus owner or operator.

Section 458.1030(aa), a new subsection was inserted to require a hard copy of the Form to be completed in the event that an electronic pretrip inspection system is not functioning properly.

Section 458.1030(bb), the Department added a subsection that allows the use of existing preprinted forms until they are depleted from the school bus owner's or operator's current inventory and not destroyed or wasted.

At the end of **Section 458.1030**, the Department added an Agency Note to recommend that school bus drivers may need to be equipped with a flashlight and may find working in a two person system helpful.

At **Section 458.Illustration A, School Bus Driver's Pretrip Inspection Form**, the Form was amended to:

Require that the driver verify that a valid certificate of safety is affixed to the windshield of the school bus. The following equipment was also added pursuant to the corresponding Public Acts:

- 1) Two-way radio or authorized cell phone and a child check system - PA 96-1066, effective July 6, 2010;
- 2) Crossing control arm - PA 90-108, effective July 1, 1997; and

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- 3) Strobe lamp (for vehicles manufactured on or after January 1, 2000) – PA 91-0679, effective January 1, 2000.

Language was added above the odometer reading to require the driver to note the month/year displayed on the Certificate of Safety. Language was also added below the odometer reading to include both conditions that invalidate the Certificate of Safety.

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

Ms. Catherine Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212

217/785-3031

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)PART 458
SCHOOL BUS DRIVER'S PRETRIP INSPECTION REQUIREMENTS

Section

458.1000	Purpose
458.1010	Applicability
458.1020	Definitions
458.1030	Driver Requirements
458.ILLUSTRATION A	School Bus Driver's Pretrip Inspection Form

AUTHORITY: Implementing and authorized by Section 13-115 of the Illinois Vehicle Inspection Law [625 ILCS 5/13-115].

SOURCE: Adopted at 21 Ill. Reg. 13664, effective October 1, 1997; amended at 36 Ill. Reg. 14428, effective September 6, 2012.

Section 458.1000 Purpose

- a) This Part prescribes the pretrip inspection requirements a school bus driver must follow each day a school bus is operated.
- b) The procedures prescribed in this Part are minimum requirements. School bus owners or operators may dictate more stringent requirements for the pretrip inspections of school buses.

(Source: Amended at 36 Ill. Reg. 14428, effective September 6, 2012)

Section 458.1020 Definitions

"Code" – The Illinois Vehicle Code [625 ILCS 5].

"Department" – *The Department of Transportation of the State of Illinois, acting directly or through its authorized officers and agents. (Section 1-115.05 ~~agents or officers.~~ (Section 13-100 of the Code)*

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"Exempt Time" – The time when a school bus is not being used to transport school children (e.g., weekends, holidays, school not in session).

"Officer" – An employee of the Illinois Department of Transportation designated as a vehicle inspector or Department management.

"School Bus" – Every motor vehicle, except as provided below, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of such entity:

Any public or private primary or secondary school;

Any primary or secondary school operated by a religious institution; or

Any public, private or religious nursery school.

This definition shall not include the following:

A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when such bus is not traveling a specific school bus route but is:

On a regularly scheduled route for the transportation of other fare paying passengers;

Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or

Being used for shuttle service between attendance centers or other educational facilities.

A motor vehicle of the first division.

~~*A multifunction school-activity bus. A motor vehicle designed for the transportation of not less than 7 nor more than 16 persons that is operated by or for a public or private primary or secondary school, including any*~~

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~~primary or secondary school operated by a religious institution, for the purpose of transporting not more than 15 students to and from interscholastic athletic or other interscholastic or school sponsored activities.~~ (Section 1-182 of the Code.)

"School Bus Driver" – Any person who is licensed to operate a school bus pursuant to Section 6-106.1 of the Illinois Vehicle Code [625 ILCS 5/6-106.1].

"School Bus Pretrip Inspection" – The inspection performed by a school bus driver on his/her school bus prior to the bus being operated each day to transport students. Some equipment components may be inspected by persons other than the driver. The inspection consists of checking mechanical and safety equipment items on the bus.

"School Bus Driver Pretrip Inspection Form" or "the Form" – The form prescribed by the Department to be used by school bus drivers to perform the required pretrip inspection. The form contains all of the vehicle's equipment that components which must be inspected by the driver or persons other than the driver (e.g., school bus mechanic). (See Section 458. Illustration A)

"School Bus Mechanic" – Any person authorized by the school bus owner/operator to make necessary repairs and adjustments on a school bus. May also be responsible for inspecting mechanical equipment components during the pretrip inspection.

(Source: Amended at 36 Ill. Reg. 14428, effective September 6, 2012)

Section 458.1030 Driver Requirements

- a) *Each day that a school bus is operated the driver shall conduct a pretrip inspection of the mechanical and safety equipment on the bus as prescribed by this Part. A person other than the driver may perform portions of the pretrip inspection as prescribed by this Part.* (Section 13-115 of the Illinois Vehicle Inspection Law, ~~as amended by Public Act 89-658~~)
- b) The pretrip inspection shall consist of inspecting mechanical and safety equipment on the school bus. The Form lists all equipment required to be inspected during the pretrip inspection. (See Section 458. Illustration A – School Bus Driver Pretrip Inspection Form for specific equipment listed.)

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- c) The Form shall be completed in duplicate. Forms are typically organized in a booklet format with 30 duplicate Forms in each booklet. Each bus shall have one booklet assigned to it. The booklet must remain on the bus until each duplicate copy has been on the bus for at least 30 days (see subsection (o)). School bus owners or operators can either create the booklets in-house or purchase them from an outside vendor. Vendor options are available by contacting the Vehicle Inspection Unit Manager, Illinois Department of Transportation, Division of Traffic Safety, 1340 North 9th Street, P.O. Box 19212, Springfield IL 62794-9212 or by calling 217/785-3031.
- de) The pretrip inspection shall be performed each day a school bus is operated to transport students. If the same driver operates the same bus more than once a day, a new inspection is not required for each subsequent trip.
- ed) If a bus is operated by a different driver for any subsequent trips during the day, an additional pretrip inspection is required. If a driver is required to complete his/her route in a bus different than the one he/she started the route in, a complete pretrip inspection must be performed on the replacement bus.
- fe) The driver is required to complete a School Bus Driver's Pretrip Inspection Form in full(the Form) each time an inspection is performed. Any defects found on the bus must be recorded on the Form.
- gf) The following equipment must be inspected at least once every 24 hours when the bus is being operated to transport students. When the driver inspects this equipment, he or she is responsible for verifying that these and all other equipment listed on the Form have been inspected, as required. The driver's signature on the Form is verification~~The following items can be inspected during the pretrip by someone other than the driver (e.g., school bus mechanic). The driver is responsible for verifying that these items have been inspected,~~ as required. Exempt times are excluded from the 24-hour period requirement (see definition of Exempt Time in Section 458.1020)~~Verification is provided by the driver's signature on the Form.~~
- 1) Oil;
 - 2) Coolant;

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- 3) Battery;
- 4) Transmission Fluid;
- 5) Master Cylinder Brake Fluid;
- 6) Power Steering Fluid;
- 7) Washer Fluid;
- 8) All belts (e.g., fan, alternator, power steering); and
- 9) Wiring.

hg) The equipment listed in subsection (g) may be inspected by someone other than the driver (e.g., school bus mechanic or bus attendant). If any person other than the driver inspects the equipment listed in subsection (g), that person is responsible for the inspection of the equipment and must provide his or her signature on the Form, along with the date and time the equipment was inspected. (Writing "Shop" on the signature line is not acceptable.) That person's signature is valid for a 24 hour period (i.e., the corresponding line may be blank on the next day's Form). Exempt times are excluded from the 24 hour period (see definition of Exempt Time in Section 458.1020).~~If any person other than the driver inspects any item listed in subsection (f) of this Section, that person must provide his or her signature on the Form. Items listed in subsection (f) may be inspected the evening prior to the day the bus will be used for a trip. The Form must indicate the date the components listed in subsection (f) are inspected. If items listed in subsection (f) are inspected on the previous day, the bus cannot be driven between the time the components listed in subsection (f) are inspected and the first trip of the day.~~

ih) If defects are discovered, the driver must notify the school bus owner/operator each day before the trip is started so the defects can be corrected.

ji) The Department recommends that all defects be corrected before any bus is used to transport children. Each school district or contractor must establish policies to govern procedures that are to be followed when any equipmenteomponent is found to be unsatisfactory.

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- kj) Each day before a school bus is operated, the driver must examine the previous Form to verify all defects have been corrected. If all defects have not been corrected, the driver must immediately notify the school bus owner/operator or his or her designee.
- k) ~~The Form shall be completed in duplicate.~~
- l) The original Form shall be presented to the school bus owner/operator, or his or her designee, before the trip is started each day an inspection is completed. The owner/operator, or his or her designee, shall be responsible for insuring the repairs/adjustments are made as soon as practicable.
- m) After any repairs are made, the school bus mechanic performing the repairs/adjustments must sign and date the Form.
- n) The original copy shall be maintained by the owner/operator for 180 business ~~one hundred and eighty~~ days from the date of inspection.
- o) The duplicate copy shall remain in the bus for 30 business ~~thirty~~ days from the date of inspection. Duplicate copies more than 30 business days old must be removed from the bus.
- p) The original Forms shall be organized in an orderly fashion and made available for inspection at any time by officers of the Department as authorized by 92 Ill. Adm. Code 456.60(mmH).
- q) The owner/operator is responsible for providing Forms to the drivers.
- r) Each school bus must be equipped with an adequate supply of Forms.
- s) ~~Forms are typically organized in a booklet format. Each booklet contains a number of Forms. Each bus shall have one booklet assigned to it. The booklet must stay on the bus until each duplicate copy has remained on the bus for at least 30 days (see subsection (o) of this Section).~~
- st) Forms must not be filled out in advance and each individual equipment ~~component~~ must be checked or marked with individual checkmarks while the Form is being completed. If any equipment ~~a component~~ listed on the Form ~~in Section 458. Illustration A~~ was not present on the bus at the time of manufacture (e.g.,

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- clutch), the ~~equipment item~~ must be marked out and "Not Applicable" or "N/A" must be written beside the ~~equipment component~~.
- ~~tt)~~ A copy of ~~Section 458~~.Illustration A can be used or a form can be developed which contains all the information found in ~~Section 458~~.Illustration A. Additional ~~equipment components~~ may be added to the ~~equipment components~~ listed in ~~Section 458~~.Illustration A as the bus owner/operator deems necessary (e.g., wheelchair lift).
- ~~uv)~~ The Department must approve all variations of ~~the Form Section 458.Illustration A~~ before ~~they a form other than Section 458.Illustration A~~ can be used. Forms submitted for approval must be submitted to ~~the address provided in subsection (c): Vehicle Inspection Unit Manager, Illinois Department of Transportation, Division of Traffic Safety, 3215 Executive Park Drive, P.O. Box 19212, Springfield, IL 62794-9212.~~
- ~~yw)~~ The Form shall contain general information about the bus ~~and must as well as~~ list the ~~equipment items~~ that ~~is are~~ required to be inspected by the driver (see ~~Section 458~~.Illustration A). A Remarks Section must be provided for the driver to detail specific defects. A signature line must be provided for the driver and, if applicable, the mechanic who performed any inspection of mechanical ~~equipment components~~. A signature and date line must also be provided for the school bus mechanic performing any repairs/adjustments.
- ~~w)~~ The Department must approve any variance from the procedures prescribed in this Part. A request for a procedural variance must be submitted in writing to the address provided in subsection (c).
- ~~x)~~ Procedural changes may include, but are not limited to, recording the inspection of the equipment listed in subsection (g) on a supplemental form. This type of variance may help expedite the inspection of larger fleets when an employee may be responsible for inspecting the equipment listed in subsection (g). The supplemental form must list each piece of equipment (i.e., fluids and belts) listed in subsection (g) and whether the equipment is in satisfactory or unsatisfactory condition. The supplemental form must provide space for each school bus to be listed by unit number along with the date and time of the fluids/belts inspection. The person who performs the inspection must provide his or her signature on the supplemental form that confirms he or she is responsible for the inspection of the fluids and belts. The supplemental form must provide the school bus owner's or

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~~operator's name. The Form shall also be modified to indicate that the inspection of the equipment listed in subsection (g) has been recorded on a supplemental form. Department officers must be provided access to all inspection information, when requested. Inventory of preprinted Forms may be used, in the manner previously authorized, until depleted or until August 1, 1998.~~

- y) ~~If the bus is not being used as a school bus (e.g., if it is being driven to obtain maintenance/repair work), this Part does not apply. The Form shown in Section 458.Illustration A may be used on or after October 1, 1997; however, use of the Form shown in Section 458.Illustration A is mandatory on or after August 1, 1998.~~
- z) ~~Electronic pretrip inspection systems may be used to meet the requirements of this Part. This variance must be approved, upon request, before an electronic system is implemented. The request must be submitted in writing to the address provided in subsection (c). Provided prior approval is granted, electronic systems may be exempt from recordkeeping procedures (e.g., pretrip forms stored on the bus and/or data stored on electronic readers for 30 days). Electronic pretrip inspections must include the equipment listed on the Form. Upon request, Department officers must be provided access to all data collected and stored.~~
- aa) ~~In the event that an electronic pretrip system is not functioning or is not meeting the requirements of this Part, Illustration A must be completed, as required by this Part.~~
- bb) ~~Inventory of existing preprinted forms may be used until depleted. Illustration A must be used after all existing forms are depleted from a school bus owner's or operator's inventory.~~

~~AGENCY NOTE: School bus drivers may need to be equipped with a flashlight in order to perform pretrip inspections before sunrise or after sunset. A two-person system may also be helpful when performing pretrip inspections to verify the lights on the rear of the bus are functioning properly.~~

~~Agency Note: If the bus is not being used as a school bus (e.g., is being driven to obtain maintenance/repair work), this Part does not apply.~~

(Source: Amended at 36 Ill. Reg. 14428, effective September 6, 2012)

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Section 458. ILLUSTRATION A School Bus Driver's Pretrip Inspection Form

School District or Contractor's Name _____

Bus Identification No. _____ Date _____ Time _____

PLEASE CHECK "S" FOR SATISFACTORY OR "U" FOR UNSATISFACTORY. (✓) EACH COMPONENT CAREFULLY AND INDIVIDUALLY.

Open Hood and Check:

- S U Oil, S U Power Steering Fluid, S U Coolant, S U Washer Fluid, S U Battery, S U All Belts, S U Transmission Fluid, S U Wiring, S U Master Cylinder Brake Fluid

Signature of person performing above inspection if not the driver/Date

Driver Enters Bus and Checks:

- S U Steps, S U Warning Devices, S U Cleanliness, S U Fuses (if applicable), S U Seats, S U First Aid Kit, S U Seat Belts (if applicable), S U Fire Extinguisher, S U Windows, S U Lettering, S U Two-way Radio or Authorized Cell Phone

Record Month and Year displayed on the front of the Certificate of Safety

Record Odometer Reading from the Vehicle's Odometer

If today's month and year is after the month and year recorded above or if the vehicle's odometer reading is greater than the miles recorded on the back of the Certificate of Safety, the Certificate of Safety has expired or is not valid.

Driver Starts Engine, Activates All Interior Lights and Checks:

- S U Valid Certificate of Safety, S U Child Check System (electronic or manual), S U Steering Wheel, S U Braking Warning Alarm, S U Windshield Wipers and Washers, S U Controls and Indicators, S U Heater and Defroster, S U Ammeter (voltmeter), S U All Interior Lights, S U Gear Shift Lever, S U Horn, S U Neutral Safety Switch, S U Service Door (open/close), S U Water Temperature Gauge

With Engine Running, Driver Activates All Exterior Lights, Walks Around the Bus and Checks:

- S U Right Front Wheel and Tire, S U Right Side Marker and Turn Signal, S U Right Side Reflectors, S U Right Side Rear View and Safety Mirrors, S U Crossing Control Arm, S U Headlights (high/low beams), S U Front Turn Signal Lights, S U Front Clearance Lights, S U Front Identification/Cluster Lights, S U Front Eight Light Flashing System, S U Front Reflectors, S U Windshield, S U Underside of Chassis, S U Crossover Mirror(s), S U Left Side Rear View and Safety Mirrors, S U Left Front Wheel and Tire, S U Driver's Side Window, S U Stop Arm Panel, S U Left Side Marker and Turn Signal Lights, S U Left Side Reflectors, S U Side Emergency Door (open/close) (if applicable), S U Left Rear Wheels and Tires, S U Exhaust System (tail pipe clear?), S U Rear Tail/Brake Lights, S U Rear Turn Signal Lights, S U Rear Clearance Lights, S U Rear Identification/Cluster Lights, S U Strobe Lamp (if applicable), S U Rear Eight Light Flashing System, S U Rear Reflectors, S U Rear Emergency Door (open/close) (if applicable), S U Right Rear Wheels and Tires, S U Fuel Tank Filler Caps

Drive Bus Forward and Apply Brakes

S U

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- All Mirrors (adjustments) Fuel Gauge Service and Emergency Brake Operation
- Sun Visor Vacuum or Air Pressure Gauge
- Emergency Exits (windows/doors) Odometer
- Emergency Exits Alarms Switches
- Clutch (if applicable) Driver's Seat Belt

REMARKS _____

Signature of Driver _____

Signature of Mechanic Making Report/Adjustments _____

Date Repairs/Adjustments Completed _____

(rev 4/12)

School District or Contractor's Name _____

Bus Identification No. _____ Date _____ Time _____

PLEASE CHECK "S" FOR SATISFACTORY OR "U" FOR UNISATISFACTORY (✓) EACH COMPONENT CAREFULLY AND INDIVIDUALLY.

Open Hood and Check:

- | | |
|--|---|
| <p>S U</p> <p><input type="checkbox"/> <input type="checkbox"/> Oil</p> <p><input type="checkbox"/> <input type="checkbox"/> Coolant</p> <p><input type="checkbox"/> <input type="checkbox"/> Battery</p> <p><input type="checkbox"/> <input type="checkbox"/> Transmission Fluid</p> <p><input type="checkbox"/> <input type="checkbox"/> Master Cylinder Brake Fluid</p> | <p>S U</p> <p><input type="checkbox"/> <input type="checkbox"/> Power Steering Fluid</p> <p><input type="checkbox"/> <input type="checkbox"/> Washer Fluid</p> <p><input type="checkbox"/> <input type="checkbox"/> All Belts</p> <p><input type="checkbox"/> <input type="checkbox"/> Wiring</p> |
|--|---|

With Engine Running, Driver Activates All Exterior Lights, Walks Around the Bus and Checks:

- | |
|---|
| <p>S U</p> <p><input type="checkbox"/> <input type="checkbox"/> Right Front Wheel and Tire</p> <p><input type="checkbox"/> <input type="checkbox"/> Right Side Marker and Turn Signal</p> <p><input type="checkbox"/> <input type="checkbox"/> Right Side Reflectors</p> <p><input type="checkbox"/> <input type="checkbox"/> Right Side Rear View and Safety Mirrors</p> <p><input type="checkbox"/> <input type="checkbox"/> Crossing Control Arm (if applicable)</p> <p><input type="checkbox"/> <input type="checkbox"/> Headlights (high/low beams)</p> <p><input type="checkbox"/> <input type="checkbox"/> Front Turn Signal Lights</p> <p><input type="checkbox"/> <input type="checkbox"/> Front Clearance Lights</p> <p><input type="checkbox"/> <input type="checkbox"/> Front Identification/Cluster Lights</p> <p><input type="checkbox"/> <input type="checkbox"/> Front Eight Light Flashing System</p> <p><input type="checkbox"/> <input type="checkbox"/> Front Reflectors</p> <p><input type="checkbox"/> <input type="checkbox"/> Windshield</p> <p><input type="checkbox"/> <input type="checkbox"/> Underside of Chassis</p> <p><input type="checkbox"/> <input type="checkbox"/> Crossover Mirror(s)</p> <p><input type="checkbox"/> <input type="checkbox"/> Left Side Rear View and Safety Mirrors</p> <p><input type="checkbox"/> <input type="checkbox"/> Left Front Wheel and Tire</p> <p><input type="checkbox"/> <input type="checkbox"/> Driver's Side Window</p> <p><input type="checkbox"/> <input type="checkbox"/> Stop Arm Panel</p> <p><input type="checkbox"/> <input type="checkbox"/> Left Side Marker and Turn Signal Lights</p> <p><input type="checkbox"/> <input type="checkbox"/> Left Side Reflectors</p> |
|---|

Signature of person performing above inspection if not the driver/ Date _____

Driver Enters Bus and Checks:

- | | |
|--|---|
| <p>S U</p> <p><input type="checkbox"/> <input type="checkbox"/> Steps</p> <p><input type="checkbox"/> <input type="checkbox"/> Cleanliness</p> <p><input type="checkbox"/> <input type="checkbox"/> Seats</p> <p><input type="checkbox"/> <input type="checkbox"/> Seat Belts (if applicable)</p> <p><input type="checkbox"/> <input type="checkbox"/> Windows</p> | <p>S U</p> <p><input type="checkbox"/> <input type="checkbox"/> Warning Devices</p> <p><input type="checkbox"/> <input type="checkbox"/> Fuses</p> <p><input type="checkbox"/> <input type="checkbox"/> First Aid Kit</p> <p><input type="checkbox"/> <input type="checkbox"/> Fire Extinguisher</p> <p><input type="checkbox"/> <input type="checkbox"/> Lettering</p> |
|--|---|

 Record odometer reading and confirm that the reading is not greater

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than the miles recorded on the back of the Certificate of Safety. (If odometer reading is greater, the Certificate of Safety has expired.)

Driver Starts Engine, Activates All Interior Lights and Checks:

S U

- Steering Wheel
- Windshield Wipers and Washers
- Heater and Defroster
- All Interior Lights
- Horn
- Service Door (open & close)
- All Mirrors (adjustments)
- Sun Visor
- Emergency Exits (windows & doors) and Alarms
- Clutch (if applicable)

S U

- Braking Warning Alarm
- Controls and Indicators
- Ammeter (voltmeter)
- Gear Shift Lever
- Neutral Safety Switch
- Water Temperature Gauge
- Fuel Gauge
- Vacuum or Air Pressure Gauge
- Odometer
- Switches
- Driver's Seat Belt

- Side Emergency Door (open and close) (if applicable)
- Left Rear Wheel(s) and Tire(s)
- Exhaust System (tail pipe clear?)
- Rear Tail/Brake Lights
- Rear Turn Signal Lights
- Rear Clearance Lights
- Rear Identification/Cluster Lights
- Rear Eight Light Flashing System
- Rear Reflectors
- Rear Emergency Door (open and close) (if applicable)
- Right Rear Wheel(s) and Tire(s)
- Fuel Tank Filler Caps
- Drive Bus Forward and Apply Brakes
- S U
- Service and Emergency Brake Operation

REMARKS

Signature of Driver

Signature of Mechanic Making Report/Adjustments

Date Repairs/Adjustments Completed

IS2332 (rev 9/97)

(Source: Amended at 36 Ill. Reg. 14428, effective September 6, 2012)

OFFICE OF THE TREASURER

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Public Information, Rulemaking, and Organization
- 2) Code Citation: 2 Ill. Adm. Code 650
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
650.105	New
650.110	New
650.115	New
650.120	New
650.205	New
650.210	New
650.215	New
650.220	New
650.305	New
650.310	New
650.405	New
650.410	New
650.APPENDIX A	New
650.APPENDIX B	New
- 4) Statutory Authority: 5 ILCS 100/5-15
- 5) Effective Date of Rulemaking: September 10, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: Prior publication of an internal rulemaking in the Illinois Register is not required under Section 5-15 of the Illinois Administrative Procedure Act (IAPA).
- 10) Has JCAR issued a Statement of Objections to this rulemaking? Because this rulemaking is not subject to Section 5-35 of the IAPA, it is not subject to 1st or 2nd Notice review by JCAR.

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- 11) Differences between proposal and final version: Because this rulemaking is being adopted under Section 5-15 of the IAPA, the proposal is the final version.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary because internal rules are adopted under Section 5-15 of the IAPA, not Section 5-35.
- 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: This Part brings the Office of the Illinois State Treasurer into compliance with the required rules of each agency set out in Section 5-15 of the Illinois Administrative Procedures Act.

The Part establishes a current description of the Office of the Treasurer's organization with necessary charts depicting the organization; the current procedures by which the public can obtain information or make submissions or requests on subjects, programs, and activities of the Office of the Treasurer; a table of contents to aid users in finding and using the Office of the Treasurer's collection of rules currently in force; and a current description of the Office of the Treasurer's rulemaking procedures with necessary flow charts depicting those procedures, and rules, if any, adopted under this Section in accordance with Sections 5-75 and 10-20 of this Illinois Administrative Procedures Act.

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

Bradley A. Rightnowar
Assistant General Counsel
Treasurer's Office
1 West Old State Capitol Plaza
Springfield, Illinois 62701

217/557-9360

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

OFFICE OF THE TREASURER

NOTICE OF ADOPTED RULES

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE C: CONSTITUTIONAL OFFICERS
CHAPTER VII: TREASURER

PART 650
PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

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OFFICE OF THE TREASURER

NOTICE OF ADOPTED RULES

AUTHORITY: Implementing and authorized by Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and implementing Section 17.1 of the State Treasurer Act [15 ILCS 505/17.1].

SOURCE: Adopted at 36 Ill. Reg. 14445, effective September 10, 2012.

SUBPART A: ORGANIZATION

Section 650.105 Introduction

Pursuant to Section 5-15(a)(1) of the Illinois Administrative Procedure Act (IAPA) [5 ILCS 100], the Treasurer promulgates this Subpart setting forth the organization of the Office of the Treasurer.

Section 650.110 Office of the Treasurer

The Office of the Treasurer is created pursuant to Article V, Section 17 of the Illinois Constitution of 1970 and is responsible for the safekeeping and investment of the State's monies and securities. In addition to these constitutionally required responsibilities, the State Treasurer has other responsibilities prescribed by law.

Section 650.115 Office of the Treasurer – Locations

The main office of the Treasurer is located at the Illinois Statehouse, Room 203, in Springfield, Illinois 62706. The principal branch office is located at 400 W. Monroe Street, Springfield IL 62704. The Chicago branch office is located in the James R. Thompson Center, 100 West Randolph, Suite 15-600, Chicago, Illinois. The Treasurer maintains other offices, principally for internal operations of the Treasurer. A list of all current offices is available upon request.

Section 650.120 Office of the Treasurer – General Division of Responsibilities

The various responsibilities and functions of the Office of the Treasurer are generally assigned within the Office of the Treasurer. The general areas of responsibility are:

- a) Administrative
- b) Financial
- c) Legal

OFFICE OF THE TREASURER

NOTICE OF ADOPTED RULES

SUBPART B: PUBLIC INFORMATION

Section 650.205 Introduction

Pursuant to Section 5-15(a)(2) of the IAPA, the Treasurer promulgates this Subpart setting forth the current procedures by which the public can obtain information or make submissions or requests on subjects, programs and activities of the Office of the Treasurer.

Section 650.210 Comments to the Office of the Treasurer

Members of the public who desire to make any submission, comment, request or objection regarding any program, policy or activity of the Office of the Treasurer may do so verbally by calling Constituent Services at (217)782-2211 or writing to:

FOIA Officer
Office of the Illinois State Treasurer
Illinois State House, Room 203
Springfield, Illinois 62706

Section 650.215 Freedom of Information Act

Members of the public who desire to make a request for information pursuant to the Illinois Freedom of Information Act (FOIA) [5 ILCS 140] should follow the procedures contained in 2 Ill. Adm. Code 651 (Access to Records of the Office of the Illinois State Treasurer).

Section 650.220 Requests for Rules of the Office of the Treasurer

The rules of the Office of the Treasurer are part of the Illinois Administrative Code and can be found on the website of the Illinois General Assembly at www.ilga.gov. Members of the public who desire to make a request for a copy of any of the Administrative Rules of the Office of the Treasurer can make that request in writing to the following:

Rules Coordinator
Illinois State House, Room 203
Springfield, Illinois 62706

SUBPART C: RULES

OFFICE OF THE TREASURER

NOTICE OF ADOPTED RULES

Section 650.305 Introduction

Pursuant to Section 5-15(a)(3) of the IAPA, the Treasurer promulgates the table of contents in Section 650.310 to aid the public in finding and using the Administrative Rules of the Office of the Treasurer.

Section 650.310 Administrative Rules – Table of Contents

The Administrative Rules of the Office of the Treasurer are as follows:

Access to Records of the Office of the Illinois State Treasurer	2 Ill. Adm. Code 651
Americans With Disabilities Act Grievance Procedure	4 Ill. Adm. Code 350
Capital Crimes Litigation Trust Fund	74 Ill. Adm. Code 725
Classification and Pay	80 Ill. Adm. Code 610
Conditions of Employment	80 Ill. Adm. Code 630
Disbursements of Funds – Special Handling	74 Ill. Adm. Code 710
General Provisions of Employment	80 Ill. Adm. Code 640
Home Ownership Made Easy Act	74 Ill. Adm. Code 750
Hospital Basic Preservation Act	74 Ill. Adm. Code 755
Illinois Public Treasurers' Investment Pool for Public Treasurers in the State of Illinois	74 Ill. Adm. Code 740
Illinois State Treasurer and Office of Banks and Real Estate Joint Rules Governing the Uniform Disposition of Unclaimed Property Act	74 Ill. Adm. Code 761
Investment Programs	74 Ill. Adm. Code 720

OFFICE OF THE TREASURER

NOTICE OF ADOPTED RULES

Joint Rules of the Treasurer and Comptroller: Extensions of Time for the Deposit of Funds into the State Treasury	74 Ill. Adm. Code 700
Merit and Fitness	80 Ill. Adm. Code 620
Organization, Public Information, Rules, Rulemaking Procedures, and Other Required Rules	2 Ill. Adm. Code 650
Procurement	44 Ill. Adm. Code 1400
Uniform Disposition of Unclaimed Property Act	74 Ill. Adm. Code 760

SUBPART D: RULEMAKING PROCEDURES

Section 650.405 Introduction

Pursuant to Section 5-15(a)(4) of the IAPA, the Treasurer promulgates this Subpart setting forth the Office of the Treasurer's rulemaking procedures.

Section 650.410 Rulemaking Procedures

- a) Administrative rulemaking may be initiated in three ways:
 - 1) Rulemaking required by legislative Act, judicial decree or Executive Order of the State Treasurer, or reflecting other changes in administrative policies;
 - 2) Rulemaking initiated by recognition of a necessary rule by the audit or administrative functions of the Office of the Treasurer; or
 - 3) A request from the public or other third party for the Office of the Treasurer to undertake rulemaking in a particular area.
- b) Once initiated, all rulemaking is referred to the General Counsel, or his or her designee, for the purpose of analyzing and, if necessary, drafting a rulemaking.
- c) After a rulemaking has been drafted, the draft is circulated within the Office of the Treasurer for comment.

OFFICE OF THE TREASURER

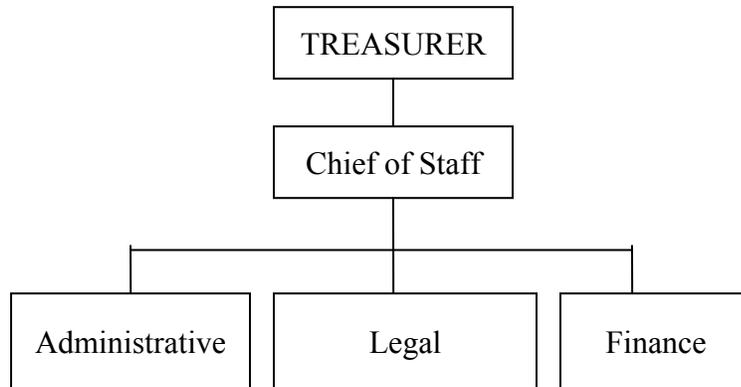
NOTICE OF ADOPTED RULES

- d) Comments are received and analyzed and, if necessary, the rulemaking is revised.
- e) The rulemaking is then formally submitted to the Secretary of the State's Index Department and published, processed, evaluated, revised and adopted pursuant to the requirements of the IAPA.

OFFICE OF THE TREASURER

NOTICE OF ADOPTED RULES

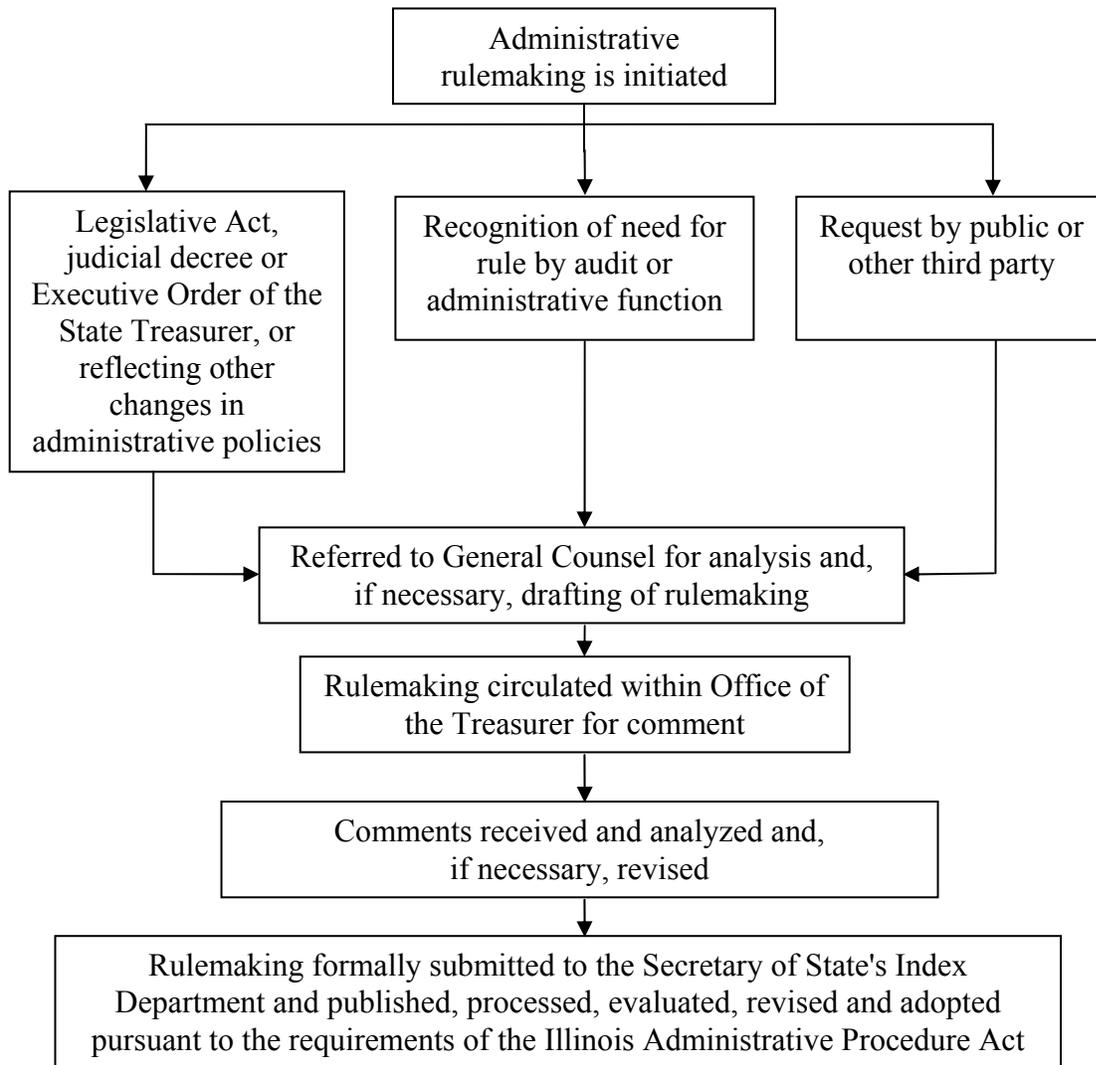
Section 650.APPENDIX A Organizational Chart



OFFICE OF THE TREASURER

NOTICE OF ADOPTED RULES

Section 650.APPENDIX B Chart of Rulemaking Procedures



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 September 5, 2012 through September 10, 2012 and have been scheduled for review by the Committee at its October 16, 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>
10/19/12	<u>Chief Procurement Officer for General Services Standard Procurement</u> , Chief Procurement Officer for General Services Standard Procurement (44 Ill. Adm. Code 1)	6/22/12 36 Ill. Reg. 9025	10/16/12

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF MODIFICATION TO MEET THE OBJECTION OF THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill Adm. Code 140
- 3) Section Number: 140.443(h) Proposed Action:
Modification
- 4) Date Originally Published in the Illinois Register: July 20, 2012; 36 Ill. Reg. 11329
- 5) JCAR Statement of Objection Published in the Illinois Register: August 31, 2012; 36 Ill. Reg. 13734
- 6) Summary of Action Taken by the Agency: At its meeting on August 14, 2012, the Joint Committee on Administrative Rules (JCAR) objected to Section 140.443(h) of the Department of Healthcare and Family Services' (Department) SMART emergency rule titled Medical Payment (89 Ill. Adm. Code 140; 36 Ill. Reg. 11329) stating that the rule was adopted using SMART Act's (PA 97-689) unique emergency rulemaking authority, SMART Act limited nursing homes to a 14 day prescription supply limit, but not other long term care facilities, and that inclusion of other long term care facilities was not required by the SMART Act.

This rule is designed to increase efficiencies and reduce waste in alignment with Medicare. There is no statutory or regulatory definition of nursing homes that would prohibit the inclusion of all long term care facilities in this SMART emergency rulemaking. Notwithstanding, the Department agrees to modify language to address JCAR's Objection as follows:

- "h) Effective January 1, 2013, brand-name, solid, oral drugs dispensed to clients residing in any facility that provides medical group care services as defined in Section 140.500, except Intermediate Care Facilities for the Developmentally Disabled (ICF/DD), must be dispensed in 14-day supplies. Exceptions: Solid oral doses of antibiotics and drugs that are dispensed in their original container as indicated in the Food and Drug Administration Prescribing Information or are customarily dispensed in their original packaging to assist patients with compliance (for example, oral contraceptives), may be dispensed in days' supplies greater than 14 days."

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF MODIFICATION TO MEET THE JOINT COMMITTEE ON
ADMINISTRATIVE RULES' OBJECTION AND SUSPENSION

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill Adm. Code 148
- 3) Section Number: 148.140(b)(1)(F) Proposed Action: Modification
- 4) Date Originally Published in the Illinois Register: July 13, 2012; 36 Ill. Reg. 10326
- 5) JCAR Statement of Objection Published in the Illinois Register: August 31, 2012; 36 Ill. Reg. 13739
- 6) Summary of Action Taken by the Agency: At its meeting on August 14, 2012 the Joint Committee on Administrative Rules voted to object to and suspend Section 148.140(b)(1)(F) of the Department of Healthcare and Family Services' emergency rule titled Hospital Services (89 Ill. Adm. Code 148; 36 Ill. Reg. 10326) because the elimination of enhanced payment rates for hospital-based physical therapy is not required or authorized by the SMART Act (PA 97-689). This change is not part of the general 3.5% hospital rate cut required by SMART Act and far exceeds that amount. In addition, it affects Safety Net Hospitals and Critical Access Hospitals, which the SMART Act specifically exempts from any payment rate cuts.

This emergency rule was intended to implement the SMART directive to limit physical therapy services to 20 sessions per year for outpatient physical therapy services provided by a hospital. Prior to and subsequent to the August JCAR hearing, the Department engaged in numerous stakeholder discussions. The discussions have resulted in the following agreed language:

- "F) Effective July 1, 2012, subject to 89 Ill. Adm. Code 152.100, Group 6 for physical rehabilitation services shall no longer be in effect and outpatient physical rehabilitation services provided by a hospital shall be reimbursed through the non-institutional payment system, but will be reimbursed as a hospital service at the following rates of reimbursement: Group 6 for physical rehabilitation services is established to reimburse for certain outpatient physical rehabilitation services. Under this group, the Department will reimburse for services provided by a hospital enrolled with the Department to provide outpatient physical rehabilitation services at a different rate than will be reimbursed for physical rehabilitation

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF MODIFICATION TO MEET THE JOINT COMMITTEE ON
ADMINISTRATIVE RULES' OBJECTION AND SUSPENSION

~~services provided by a hospital that is not enrolled with the Department to provide physical rehabilitation services. A different rate will also be reimbursed to children's hospitals as defined in 89 Ill. Adm. Code 149.50(c)(3)(A).~~

- i) The rate for rehabilitation services provided by a hospital enrolled with the Department to provide outpatient physical rehabilitation shall be \$130.00.
- ii) The rate for rehabilitation services provided by a hospital that is not enrolled with the Department to provide physical rehabilitation shall be \$115.00.
- iii) The rate for rehabilitation services provided by Children's Hospitals, as defined in 89 Ill. Adm. Code 149.50(c)(3)(A), shall be \$130.00."

CHIEF PROCUREMENT OFFICER FOR CAPITAL DEVELOPMENT BOARD

NOTICE OF PUBLIC INFORMATION

NOTICE OF CAMPAIGN CONTRIBUTION VIOLATION OF PROCUREMENT CODE

1. Statutory Authority: Section 50-37 of the Illinois Procurement Code [30 ILCS 500/50-37], prohibits business entities with contracts and solicitations worth in excess of \$50,000 in combined annual value pending with a given officeholder responsible for awarding the contracts from making campaign contributions to campaign committees established to promote the candidacy of the officeholder or any other declared candidate for that office. The prohibition also extends to contributions made by various affiliated persons and businesses of a business entity that is subject to the prohibition. Section 50-37 requires that notice of violation of the prohibition and the penalty imposed is to be published in the Illinois Register.
2. Name of Contributor: Mr. Mark Anderson, part owner of Shive-Hattery, Inc.
3. Date of Violation: June 30, 2009.
4. Description of Violation: Mr. Mark Anderson, an affiliated person of the business entity Shive-Hattery, Inc., made a contribution of \$250.00 to Brady for Senate, Inc., a campaign committee established to support the election of Bill Brady to public office. At the time of the contribution, Bill Brady was a declared candidate for the office of governor, and Shive-Hattery, Inc. had in place active contracts with the Capital Development Board, the total annual combined value of which was in excess of \$50,000.
5. Summary of Action Taken by the Agency: Section 50-37 provides that State contracts with a business entity that violate the campaign contribution prohibition are voidable at the discretion of the chief procurement officer. The Chief Procurement Officer for the Capital Development Board (CPO-CDB) has notified Shive-Hattery, Inc. of the apparent violation, reviewed responsive material provided by Shive-Hattery, Inc., and has considered the value, status, and necessity of the contracts. In addition, the CPO-CDB has taken into consideration the recognition by Mr. Mark Anderson of the violation and his understanding of the necessity to avoid such situations in the future. The CPO-CDB finds that voiding affected contracts, bids or proposals would not be in the best interest of the State.

As required by Section 50-37(e) of the Procurement Code, Brady for Senate, Inc., is required to pay to the State an amount equal to the value of the contribution within 30 days of the publication of this Notice.

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 36, Issue 38 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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**OTHER INFORMATION REQUIRED BY
LAW TO BE PUBLISHED IN THE
ILLINOIS REGISTER**

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