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August 15, 2014 Volume 38, Issue 33

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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 2014

<b>Issue#</b>	<b>Rules Due Date</b>	<b>Date of Issue</b>
1	December 23, 2013	January 3, 2014
2	December 30, 2013	January 10, 2013
3	January 6, 2014	January 17, 2014
4	January 13, 2014	January 24, 2014
5	January 21, 2014	January 31, 2014
6	January 27, 2014	February 7, 2014
7	February 3, 2014	February 14, 2014
8	February 10, 2014	February 21, 2014
9	February 18, 2014	February 28, 2014
10	February 24, 2014	March 7, 2014
11	March 3, 2014	March 14, 2014
12	March 10, 2014	March 21, 2014
13	March 17, 2014	March 28, 2014
14	March 24, 2014	April 4, 2014
15	March 31, 2014	April 11, 2014
16	April 7, 2014	April 18, 2014
17	April 14, 2014	April 25, 2014
18	April 21, 2014	May 2, 2014

19	April 28, 2014	May 9, 2014
20	May 5, 2014	May 16, 2014
21	May 12, 2014	May 23, 2014
22	May 19, 2014	May 30, 2014
23	May 27, 2014	June 6, 2014
24	June 2, 2014	June 13, 2014
25	June 9, 2014	June 20, 2014
26	June 16, 2014	June 27, 2014
27	June 23, 2014	July 7, 2014
28	June 30, 2014	July 11, 2014
29	July 7, 2014	July 18, 2014
30	July 14, 2014	July 25, 2014
31	July 21, 2014	August 1, 2014
32	July 28, 2014	August 8, 2014
33	August 4, 2014	August 15, 2014
34	August 11, 2014	August 22, 2014
35	August 18, 2014	August 29, 2014
36	August 25, 2014	September 5, 2014
37	September 2, 2014	September 12, 2014
38	September 8, 2014	September 19, 2014
39	September 15, 2014	September 26, 2014
40	September 22, 2014	October 3, 2014
41	September 29, 2014	October 10, 2014
42	October 6, 2014	October 17, 2014
43	October 14, 2014	October 24, 2014
44	October 20, 2014	October 31, 2014
45	October 27, 2014	November 7, 2014
46	November 3, 2014	November 14, 2014
47	November 10, 2014	November 21, 2014
48	November 17, 2014	December 1, 2014
49	November 24, 2014	December 5, 2014
50	December 1, 2014	December 12, 2014
51	December 8, 2014	December 19, 2014
52	December 15, 2014	December 26, 2014

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Emergency and Written Notification of an Incident or Accident Involving a Reportable Hazardous Substance
- 2) Code Citation: 29 Ill. Adm. Code 430
- 3) 

<u>Section Number:</u>	<u>Proposed Action:</u>
430.10	Amendment
430.15	Amendment
430.20	Amendment
430.30	Amendment
430.50	Amendment
430.70	Amendment
430.80	Amendment
- 4) Statutory Authority: Implementing Section 304 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (42 USC 11004) and authorized by Section 5(c) of the Illinois Emergency Management Agency Act [20 ILCS 3305/5(c)]
- 5) A Complete Description of the Subjects and Issues Involved: The Agency is updating the reporting requirement exemptions for extremely hazardous substances to match the federal requirements in 49 CFR 355.31 (January 1, 2014).
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking: No
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

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

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

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not for profit corporations affected: This proposed rulemaking does not affect small businesses or not-for-profit corporations. Small municipalities may be affected if they are accredited by the Illinois Emergency Management Agency and are required to maintain an emergency operations plan.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2014

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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

TITLE 29: EMERGENCY SERVICES, DISASTERS, AND CIVIL DEFENSE  
 CHAPTER I: EMERGENCY MANAGEMENT AGENCY  
 SUBCHAPTER d: STATE EMERGENCY RESPONSE

PART 430  
 EMERGENCY AND WRITTEN NOTIFICATION OF  
 AN INCIDENT OR ACCIDENT INVOLVING A  
 REPORTABLE HAZARDOUS MATERIAL OR EXTREMELY HAZARDOUS SUBSTANCE

## Section

430.10	Purpose
430.15	Applicability
430.20	Definitions
430.30	Emergency Notification of an Incident or Accident Involving a Reportable Hazardous <del>Substance or Material</del> <u>or Extremely Hazardous Substance</u>
430.40	Contents of Notice
430.50	Notification Responsibility to Agencies other than the SERC, <del>IESDA</del> , the LEPC and <del>the</del> Local Emergency <u>Response Agencies</u> <del>Agency</del>
430.60	Exempted Releases
430.70	Follow-up Emergency Notice
430.80	Enforcement

**AUTHORITY:** Implementing Section 304 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (42 USC 11004) and authorized by Section 5(c) of the Illinois Emergency Management Agency Act [20 ILCS 3305/5(c)].

**SOURCE:** Filed April 8, 1977. Rules repealed, new rules adopted and codified at 6 Ill. Reg. 10928, effective September 1, 1982; Part repealed, new Part adopted at 13 Ill. Reg. 2040, effective February 6, 1989; amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

### Section 430.10 Purpose

This Part establishes the State of Illinois policy for the immediate notification of an accident or incident and subsequent written report as required ~~that~~~~which~~ involves the release of a reportable hazardous material or extremely hazardous substance or, in the case of a transportation incident, a hazardous material. The procedures ~~in this Part~~~~herein~~ provide for a centralized and expedient method for alerting ~~State~~~~state~~ and local planning and response agencies~~governments~~ about a potential or actual release, so that an appropriate emergency response system can be activated if~~should it become~~ necessary.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 430.15 Applicability**

The requirement of this ~~Section~~ section applies to any facility:

- a) at which there is a release of a reportable quantity of a hazardous ~~material~~ substance or extremely hazardous substance ~~or hazardous material; or,~~
- b) in the case of a motor vehicle, rolling stock or aircraft, at which there is a release of a reportable quantity of hazardous ~~material or~~ substance, extremely hazardous substance ~~or hazardous material.~~

(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 430.20 Definitions**

"Accident" means a release that occurs unintentionally, for example, as a result of malfunctioning equipment or an Act of God.

"CERCLA" means the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601, et seq.).

"Emergency Planning District" means a district designated by the SERC in accordance with Section 301(b) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), Title III (42 U.S.C. 11001(b)).

"Environment" means water, air and land and the interrelationship ~~that~~ which exists among and between water, air and land and all living things.

"Etiologic Agent" means a disease-causing agent.

"Evacuation" means the withdrawal of any member of the general public from an area threatened by exposure to a hazardous material.

"Extremely Hazardous Substance" means any substance listed in Appendix A of 40 CFR 355, dated ~~January 1, 2014~~ April 22, 1987. This incorporation does not include any later amendments or editions.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

~~"Evacuation" means the withdrawal of any member of the general public from an area threatened by exposure to a hazardous material.~~

"Facility" means all buildings, equipment, structures, and other stationary items ~~that which~~ are located on a single site or on contiguous or adjacent sites and ~~that which~~ are owned or operated by the same person (or by any person ~~who which~~ controls, is controlled by, or under common control with, ~~that such~~ person). For the purposes of this Part, the term includes motor vehicles, rolling stock and aircraft.

"General Public" means any individual not employed by, or authorized to be within the area under the control of, the person responsible for the hazardous material; the exclusion of employees from this definition applies only during actual hours of employment.

"Hazardous Material" means a substance or material ~~that which~~ is designated a hazardous material pursuant to the "Hazardous Materials Transportation Act" (49 U.S.C.A. ~~5101+801~~ et seq.).

"Hazardous Substance" means any substance listed in Table 302.4 of 40 CFR 302, dated ~~January 1, 2014~~ ~~July 1, 1987~~. This incorporation does not include any later amendments or editions.

~~"IEMAIESDA"~~ means the Illinois Emergency ~~Management Services and Disaster~~ Agency.

"Incident" means a release that occurs intentionally, for example, as a result of sabotage or a permit violation, or intentionally disposing of hazardous materials in violation of federal or ~~Statestate~~ statutes.

"Local Emergency Response Agency" means police, fire, civil defense, or any other local government agency or department charged with the responsibility of responding to an accident involving a hazardous material or extremely hazardous substance.

"Local Emergency Planning Committee" or ~~"(LEPC)"~~ means the committee appointed by the SERC<sub>2</sub> in accordance with Section 301(c) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), Title III.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

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"Oil" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, oil mixed with wastes other than dredged spoil, and generally including, and of a large class of, oily, combustible substances ~~that which~~ are liquid, or easily liquifiable on warming, and soluble in ether, but not in water.

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or ~~discharge~~~~discharging~~ of barrels, containers, and other closed receptacles). For the purposes of this Part ~~430~~, "release" ~~Release~~ includes the loss of containment of a reportable hazardous material or extremely hazardous substance ~~that which~~ is not wholly contained within a building or structure inside plant or facility boundaries.

"Reportable Quantity" means any ~~extremely hazardous substance~~~~hazardous material~~ that equals or exceeds the reportable quantity listed in Appendix A of 40 CFR 355, ~~for any extremely hazardous substance~~, and that equals or exceeds the reportable quantity listed in Table 302.4 of 40 CFR 302 ~~subject to the exemptions listed in 49 CFR 355.31 dated January 1, 2014~~ ~~dated July 1, 1987~~. This incorporation includes no later amendments or editions.

"Responsible Party" means the individual, partnership, corporation or association in control of any reportable hazardous material or ~~extremely~~ hazardous substance at the time of an accident or incident involving that reportable hazardous ~~material or extremely hazardous~~ substance.

"State Emergency Response Commission (SERC)" means the Illinois Emergency ~~Management Services and Disaster~~ Agency as appointed by the Governor in accordance with Section 301 of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 11001 et seq.) to carry out all ~~State~~~~state~~ responsibilities required by this Act.

(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 430.30 Emergency Notification of an Incident or Accident Involving a Reportable Hazardous ~~Substance or Material~~ or Extremely Hazardous Substance**

- a) If a release of ~~an extremely~~ hazardous ~~material or extremely hazardous~~ substance

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

~~or a hazardous substance~~ occurs in a reportable quantity from a facility then the responsible party at that facility shall immediately provide notice as described in subsection (c).

- b) If an incident or accident involving a hazardous material occurs ~~that~~<sup>which</sup> results in any of the occurrences listed in subsections ~~(b)(1) through-~~ (6) ~~below~~, the responsible party at the facility shall immediately provide notice as described in subsection (c)(1).
- 1) ~~A~~<sup>a</sup> member of the general public is killed~~;~~
  - 2) ~~A~~<sup>a</sup> member of the general public receives injuries requiring hospitalization~~;~~
  - 3) ~~An~~<sup>a</sup> authorized official of an emergency agency recommends evacuation of an area by the general public~~;~~
  - 4) ~~A~~<sup>a</sup> motor vehicle has overturned on a public highway.
  - 5) Fire, breakage, release or suspected contamination occurs involving an etiologic agent.
  - 6) Any release of oil ~~that~~<sup>which</sup> meets the reporting requirements in the U.S. Environmental Protection Agency regulations (40 CFR 110, ~~dated~~ January, 2014). This incorporation does not include any later amendments or editions.
- c) Notice Procedures
- 1) Notice required under subsections (a) and (b) shall be given immediately by the responsible party to the ~~SERC~~<sup>ESDA</sup> ~~(which is the SERC)~~ by calling 1-800-782-7860 or 1-217-782-7860;
  - 2) Notice required under subsection (a) shall also be given immediately via the telephone, radio, or in person by the responsible party to the community emergency coordinator for the ~~LEPC~~<sup>local emergency planning committee</sup> for any area likely to be affected by the release. If there is no ~~LEPC~~<sup>local emergency planning committee</sup>, notification shall be given to relevant local emergency response ~~agencies~~<sup>personnel</sup>. Notice shall also be

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

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given to the SERC for any other ~~state~~State likely to be affected by the release. Telephone numbers for LEPCs and other SERCs may be obtained from the Illinois [Emergency Management website \(www.iema.illinois.gov\)](http://www.iema.illinois.gov) or by calling the telephone numbers listed in subsection (c)(1) ~~SERC (524-6887 or 782-4694)~~.

- 3) A responsible party of a facility from which there is a transportation-related release may meet the requirements of subsection (a) by providing the information required in Section 430.40 to the 911 operator, or in the absence of a 911 emergency telephone number, to the operator.

(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 430.50 Notification Responsibility to Agencies other than the SERC, ~~I~~ESDA, the LEPC and the Local Emergency [Response Agencies](#)Agency**

- a) If notification of an incident or accident that may involve the support of any ~~State~~state agency is filed with ~~I~~ESDA or the SERC, pursuant to Sections 430.30 and 430.40 ~~of this Part~~, no additional telephone notification to a ~~State~~state agency is otherwise required under regulations of the Illinois Pollution Control Board, Illinois Environmental Protection Agency, ~~Illinois Department of Nuclear Safety~~, Illinois Department of [Natural Resources](#)~~Mines and Minerals~~, Illinois Commerce Commission, State Fire Marshal, Illinois Department of Transportation, Illinois ~~State Police~~Department of Law Enforcement, Illinois Department of Agriculture or Illinois Department of Public Health; it shall be the responsibility of the ~~SERC~~~~I~~ESDA to notify ~~State~~state agencies having jurisdiction pursuant to ~~SERC~~~~I~~ESDA Standard Operating Procedures.
- b) Notification to ~~I~~ESDA, the SERC or the LEPC ~~under this Part~~ does not satisfy any requirements to provide telephone notification of a hazardous material incident or accident to federal or local emergency agencies.
- c) Notification to ~~I~~ESDA, the SERC or the LEPC ~~under this Part~~ does not satisfy additional requirements to provide subsequent written notification, reports or other data as may be required by law, rule, regulation, license or permit.

(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 430.70 Follow-up Emergency Notice**

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

As soon as practicable after a release ~~that~~<sup>which</sup> requires notice under Section 430.30(a), the responsible persons shall provide a written follow-up emergency notice (or notices, as more information becomes available) to ~~the SERC~~<sup>SERCI</sup>~~ESDA~~ updating the information required under Section 430.40, and including additional information with respect to the following:

- a) actions taken to respond to and contain the release;
- b) any known or anticipated acute or chronic health risks associated with the release;<sup>;</sup> and
- c) ~~when~~<sup>where</sup> appropriate, advice regarding medical attention necessary for exposed individuals.

(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 430.80 Enforcement**

a) ~~—~~The ~~SERC~~<sup>SERCI</sup>~~ESDA~~ shall have authority to investigate any violation of ~~Sections~~<sup>Section</sup> 430.30, ~~(a) and (c),~~ Section 430.50, ~~Section~~ 430.60 and ~~Section~~ 430.70. Any enforcement or civil action required under this Part shall be carried out pursuant to ~~its statutory authority and this Part~~<sup>"AN ACT to require labeling of equipment and facilities for the use, transportation, storage and manufacture of hazardous materials and to provide for a uniform response system to hazardous materials emergencies" (Ill. Rev. Stat. 1987, ch. 127, pars. 1251 et seq.) and Title III of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 11001 et seq.).</sup>b) ~~—~~It shall be the sole responsibility of any State agency pursuant to their statutory responsibilities to investigate violations of Section 430.30(b) and to initiate enforcement action pursuant to their statutory authority and this rule.

(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Section Number: 113.264                      Proposed Action:  
Amendment
- 4) Statutory Authority: Implementing Article III and authorized by Sections 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13] and PA 98-674
- 5) A Complete Description of the Subjects and Issues involved: PA 98-674 went into effect on June 30, 2014. Upon becoming law on July 1, 2014, the law adjusts the allowance for refugees ineligible for SSI to 90% of the current maximum SSI payment amount per month. As a result, beginning July 1, 2014, the cash assistance standard for noncitizens ineligible for SSI due to the 7-year federal limit is increased to \$648.90.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

Harris Building, 3rd Floor  
Springfield IL 62762

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because it was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendment is identical to that of the Emergency Amendment for this rulemaking, and begins in this issue of the *Illinois Register* on page 17470:

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Unfair Discrimination Based on Sex, Sexual Preference or Marital Status
- 2) Code Citation: 50 Ill. Adm. Code 2603
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
2603.10	Amend
2603.20	Amend
2603.25	New Section
2603.30	Amend
2603.35	New Section
2603.40	Amend
2603.60	Repeal
- 4) Statutory Authority: Implementing Sections 236, 355, 355a, 364, 367 and 424(1) and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/236, 355, 355a, 364, 367 and 424(1)]
- 5) A Complete Description of the Subjects and Issues Involved: The amendments update the Part prohibiting unfair discrimination based on sex, sexual preference, or marital status to also prohibit unfair discrimination against transgender persons. In addition, the amendments will update the Part's terminology by replacing the references to "sexual preference" with "sexual orientation."
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENTS

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:
- |  |    |   |
|--|----|---|
| Jim Rundblom, Deputy General Counsel<br>Department of Insurance<br>320 West Washington, 4th Floor<br>Springfield IL 62767-0001 | or | Susan Anders, Rules Coordinator<br>Department of Insurance<br>320 West Washington, 4th Floor<br>Springfield IL 62767-0001 |
| 217/785-8559<br>fax: 217/524-9033  |    | 217/558-0957  |
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: Comply with anti-discrimination procedures with regard to issuance of insurance policies as set forth in the rule
  - C) Types of professional skills necessary for compliance: Insurance
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: The changes are being made in response to communications with public interest groups and were not anticipated previously.

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

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE  
 CHAPTER I: DEPARTMENT OF INSURANCE  
 SUBCHAPTER ff: UNFAIR METHODS OF COMPETITION

PART 2603  
 UNFAIR DISCRIMINATION BASED ON SEX,  
 SEXUAL ORIENTATION, GENDER IDENTITY PREFERENCE OR MARITAL STATUS

## Section

2603.10	Authority
2603.20	Purpose and Scope
<u>2603.25</u>	<u>Definitions</u>
2603.30	Prohibited Practices
<u>2603.35</u>	<u>Prohibited Gender Identity Discrimination</u>
2603.40	Rates
2603.50	Severability Provision
2603.60	Effective Date ( <u>Repealed</u> )

AUTHORITY: Implementing Sections 236, 355, 355a, 364, 367 and 424(1) and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/236, 355, 355a, 364, 367 and 424(1)].

SOURCE: Filed May 26, 1976, effective July 1, 1976; codified at 7 Ill. Reg. 896; amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 2603.10 Authority**

This Part is promulgated by the Director of Insurance pursuant to Section 401 of the Illinois Insurance Code (Code)(~~Ill. Rev. Stat., 1981, ch. 73, Section 1013~~), which empowers the Director "...to make reasonable rules and regulations as may be necessary for making effective..." the insurance laws of this State. This Part implements Sections 236, 355, 355a, 364, 367 and 424(1) of the ~~Illinois Insurance Code~~ (~~Ill. Rev. Stat., 1981, ch. 73, pars. 848, 967a, 976, 1031(1)~~). Failure to adhere to the standards in this Part~~herein set forth~~ shall subject the offender, in addition to any other penalties provided by law, to proceedings under Article XXVI of the ~~Illinois Insurance Code~~.

(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2603.20 Purpose and Scope**

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The purpose of this Part is to eliminate unfair discrimination based upon sex, gender identity, sexual orientation preference or marital status in the terms and conditions of insurance contracts and in the underwriting criteria of insurance carriers. This Part shall apply to all companies authorized to do an insurance business in this State of the kind or kinds of business described in Class 1(a), 1(b) or Class 2(a) of Section 4 of the ~~Illinois Insurance Code (Ill. Rev. Stat. 1981, ch. 73, par. 616)~~, all companies licensed in accordance with ~~the Non-Profit Health Care Service Plan Act (Ill. Rev. Stat., 1981, ch. 32, par. 551, et seq)~~, the Voluntary Health Services Plans Act [215 ILCS 165](~~Ill. Rev. Stat., 1981, ch. 32, par. 595, et seq~~), ~~the Medical Service Plan Act (Ill. Rev. Stat., 1981, ch. 32, par. 563, et seq)~~, the Health Maintenance Organization Act [215 ILCS 125](~~Ill. Rev. Stat., 1981, ch. 111 1/2, par. 1401, et seq~~) and to all Fraternal Benefit Societies licensed in accordance with article XVII of the ~~Illinois Insurance Code [215 ILCS Art. XVII] (Ill. Rev. Stat., 1981, ch. 73, par. 894, et seq)~~. This Part regulation shall not affect the rights of fraternal benefit societies as specified in Sections 283 and 296(6) of the ~~Illinois Insurance Code (Ill. Rev. Stat., 1981, ch. 73, pars. 895 and 908(6))~~.

(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2603.25 Definitions**

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

"Director" means the Director of the Illinois Department of Insurance.

"Department" means the Illinois Department of Insurance.

"Excepted Benefits", for purposes of this Part, means benefits under one or more (or any combination) of the following:

Benefits not subject to requirements:

Coverage only for accident or disability income insurance, or any combination of that insurance;

Coverage issued as a supplement to liability insurance;

Liability insurance, including general liability insurance and automobile liability insurance;

Workers' compensation or similar insurance;

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Automobile medical payment insurance;

Credit-only insurance;

Coverage for on-site medical clinics; or

Other similar insurance coverage under which benefits for medical care are secondary or incidental to other insurance benefits.

Benefits not subject to requirements if offered separately:

Limited scope dental or vision benefits; and

Benefits for long-term care, nursing home care, home health care, community-based care, or any combination of these benefits.

Benefits not subject to requirements if offered as independent, noncoordinated benefits:

Coverage only for a specified disease or illness; or

Hospital indemnity or other fixed indemnity insurance paid as a fixed dollar amount per day or other period, or per event or upon benefits paid upon a basis other than period of time, regardless of the amount of expenses incurred.

Benefits not subject to requirements if offered as a separate insurance policy: Medicare supplemental health insurance (as defined under section 1882(g)(1) of the Social Security Act (42 USC 1395ss(g)(1))), coverage supplemental to the coverage provided under 10 USC 55, and similar supplemental coverage provided to coverage under a group health plan. (See 26 USC 9832.)

"Gender Transition" means the process of changing one's outward appearance, including physical sex characteristics, to accord with his or her actual gender identity.

"Grandfathered Health Plan" means any group health plan or health insurance coverage in which an individual was enrolled on the date of the enactment of the ACA and shall

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have the same meaning as set forth in section 18011 of the Public Health and Welfare Act (42 USC 18011).

"Perceived Gender Identity" means an observer's impression of another's internal sense of being: male, female, a gender different from the gender assigned at birth, a transgender person, or neither male nor female. The term also includes an observer's impression that another is: male, female, a gender different from the gender assigned at birth, a transgender person, or neither male nor female.

"Transgender Person" means a person who has, or has been diagnosed with, gender identity disorder or gender dysphoria; who has received health care services, including counseling, related to gender transition; who adopts the dress, appearance, or behavior of the opposite sex; or who otherwise identifies himself or herself as a gender different from the gender assigned to that person at birth.

(Source: Added at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2603.30 Prohibited Practices**

No company shall refuse to issue any contract of insurance, certificate of insurance, notices of proposed insurance, policies, endorsements or riders or decline to renew ~~asuch~~ contract, certificate, notice, policy, endorsement or rider because of the sex, sexual ~~orientationpreference~~ or marital status of the insured or prospective insured. The amount of benefits payable or any term, condition or type of coverage shall not be restricted, modified, excluded or reduced on the basis of the sex, sexual ~~orientationpreference~~ or marital status of the insured or prospective insured. All underwriting criteria shall be applied in all instances of similar circumstances without regard to the sex, sexual ~~orientationpreference~~ or marital status of the insured or prospective insured. ~~When~~~~Where~~ benefits for elective procedures are offered, they must be offered equally.

- a) Examples of the practices prohibited by this Section include, but are not limited to:
  - 1) Offering coverage to males gainfully employed at home, employed part-time or employed by relatives, while denying or offering reduced coverage to females similarly employed;
  - 2) Denying policy riders because of an individual's sex, sexual ~~orientationpreference~~ or marital status;

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- 3) Denying, cancelling or refusing to renew coverage, or providing coverage on different terms because the insured or prospective insured is residing with another person or persons of either sex not related by blood or marriage;
- 4) Reducing disability benefits for women who become disabled while not gainfully employed full-time ~~outside~~ ~~out-side~~ the home when a similar reduction is not applied to men;
- 5) Restricting availability of maternity coverages or benefits based upon marital status;
- 6) Offering dependent coverage to wives of male employees while denying dependent coverage to husbands of female employees;
- 7) Establishment of different conditions or benefit options based on an individual's sex, sexual ~~orientation~~ ~~preference~~ or marital status. This includes more restrictive benefit periods and more restrictive definitions of disability to women than to men, except as permitted by this Part;
- 8) Requiring an applicant to submit to a medical examination because of the applicant's sex, sexual ~~orientation~~ ~~preference~~ or marital status;
- 9) Denying to divorced or single persons coverage available to married persons;
- 10) Denying disability income contracts of insurance, certificates of insurance, notices, policies, riders or endorsements to those in similar occupational classifications because of an individual's sex, sexual ~~orientation~~ ~~preference~~ or marital status;
- 11) Considering that portion of treatment attributed to complications of pregnancy in a manner different than any other illness or sickness covered by the contract, certificate, notice, policy, endorsement or rider;
- 12) Limiting the amount of coverage an insured or prospective insured may purchase based upon the sex, sexual ~~orientation~~ ~~preference~~ or marital status of the insured or prospective insured;

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- 13) Denying maternity ~~coverage~~~~coverages~~ to an individual who has not purchased dependent or family coverage when maternity ~~coverage~~~~is coverages are~~ otherwise available.
- b) Examples of practices not prohibited by this Section include, but are not limited to:
- 1) Offering annuity benefit amounts ~~that which~~ differ (such as through the election of a settlement option in a ~~life insurance policy~~~~Life Insurance Policy~~) based upon the individual's sex;
  - 2) Taking marital status into account for the purpose of determining a spouse eligible for dependent benefits under a group or family policy; marital status of the named insured or certificate holder shall not be taken into account for the purpose of determining eligibility for dependent benefits with regard to natural or adopted children and to obligations as required by the courts. When maternity benefits are provided, ~~those such~~ benefits shall be applied to natural or adopted children who are covered as dependents.

(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2603.35 Prohibited Gender Identity Discrimination**

- a) A group health insurance plan that is neither a grandfathered plan nor a plan offering excepted benefits shall not discriminate on the basis of an insured's or prospective insured's actual or perceived gender identity, or on the basis that the insured or prospective insured is a transgender person. The discrimination prohibited by this Section includes any of the following:
- 1) discriminatory exclusionary clauses;
  - 2) provisions that exclude from, limit, charge a higher rate, or deny a claim for coverage of hospital and medical benefits for gender dysphoria if benefits covered by the policy are provided for other medical conditions;
  - 3) cancelling, limiting or refusing to issue or renew an insurance policy on the basis of an insured's or prospective insured's actual or perceived

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gender identity, or for the reason that the insured or prospective insured is a transgender person;

- 4) designating an insured's or prospective insured's actual or perceived gender identity, or the fact that an insured or prospective insured is a transgender person, as a preexisting condition for which coverage will be denied or limited;
- 5) provisions that exclude from, limit, charge a higher rate, or deny a claim for coverage for the surgical treatments for gender dysphoria; or
- 6) denying or limiting coverage, or denying a claim, for services due to an insured's actual or perceived gender identity or for the reason that the insured is a transgender person, including, but not limited to, health care services that are ordinarily or exclusively available to individuals of one sex when the denial or limitation is due only to the fact that the insured is enrolled as belonging to the other sex or has undergone, or is in the process of undergoing, gender transition.

- b) Temporary exemption for transitional small group plans. A group plan having fewer than 51 members, that was sold before January 1, 2014 and renewed between January 1, 2015 and October 1, 2015, will not be required to comply with the requirements of this Section until after the expiration of the 2015 plan year.

(Source: Added at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2603.40 Rates**

- a) No insurance company shall place a risk in a rating classification on the basis of sex, sexual ~~orientation~~preference or marital status or otherwise differentiate in rates on the basis of sex, sexual ~~orientation~~preference or marital status unless such classification or differentiation is based upon expected claim costs and expenses derived by applying sound actuarial principles to relevant and reasonably current company or intercompany studies, claim costs and expense experience. Three years after the effective date of this Part no company shall charge a differential by sex, sexual ~~orientation~~preference or marital status larger than the differential indicated by the criterion stated in the preceding sentence. An insurer shall, upon request of the Director ~~of Insurance~~, justify ~~to the Director~~ that ~~the such~~

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classification or differentiation equitably and reasonably reflects differences in expected claim costs and expenses.

- b) Effective July 1, 1976, unless otherwise specified, this Section shall apply to all previously issued contracts, notices, policies, endorsements or riders, which do not contain provisions for guaranteed rates, at the time of any future rate change.

(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2603.60 Effective Date (Repealed)**

~~This Part shall become effective July 1, 1976, and will apply to all contracts, endorsements or riders issued on or after that date.~~

(Source: Repealed at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: General Hunting and Trapping on Department-Owned or-Managed Sites
- 2) Code Citation: 17 Ill. Adm. Code 510
- 3) Section Number: 510.10                      Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-515]
- 5) A Complete Description of the Subjects and Issues Involved: This amendment adds language allowing non-hunting and non-trapping partners to accompany hunters and trappers in the field and clarifies language for consistency with concealed carry regulations.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking neither creates, nor expands, any State mandate affecting units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Virginia Yang, Legal Counsel  
Department of Natural Resources

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One Natural Resources Way  
Springfield IL 62702-1271

217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2014

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

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TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 510  
GENERAL HUNTING AND TRAPPING ON  
DEPARTMENT-OWNED OR -MANAGED SITES

## Section

- 510.10 General Site Regulations  
510.20 Hunting and Trapping by Special Permit

**AUTHORITY:** Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-515].

**SOURCE:** Adopted at 5 Ill. Reg. 8011, effective July 24, 1981; codified at 5 Ill. Reg. 10633; amended at 6 Ill. Reg. 9637, effective July 21, 1982; amended at 7 Ill. Reg. 10775, effective August 24, 1983; amended at 8 Ill. Reg. 13700, effective July 24, 1984; amended at 9 Ill. Reg. 11610, effective July 16, 1985; amended at 10 Ill. Reg. 15597, effective September 16, 1986; amended at 11 Ill. Reg. 9535, effective May 5, 1987; amended at 12 Ill. Reg. 11724, effective June 30, 1988; amended at 13 Ill. Reg. 10583, effective June 19, 1989; amended at 14 Ill. Reg. 14762, effective September 4, 1990; amended at 15 Ill. Reg. 9966, effective June 24, 1991; amended at 16 Ill. Reg. 11064, effective June 30, 1992; amended at 17 Ill. Reg. 10775, effective July 1, 1993; amended at 19 Ill. Reg. 10608, effective July 1, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. 14804, effective August 3, 1998; amended at 24 Ill. Reg. 8923, effective June 19, 2000; emergency amendment at 28 Ill. Reg. 13809, effective October 1, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1364, effective January 10, 2005; amended at 30 Ill. Reg. 12126, effective June 28, 2006; amended at 37 Ill. Reg. 3068, effective March 4, 2013; amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 510.10 General Site Regulations**

- a) Regulations
- 1) All the regulations cited in this Part apply to all Department species rules,

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unless the species rule is more restrictive.

- 2) The legal possession of a concealed firearm by a validly licensed concealed carry user [430 ILCS 66] is allowed within designated areas as defined in subsection (b)(2), subject to Section 2.33 of the Wildlife Code on illegal devices and State refuges, and the prohibitions set forth in Section 65 of the Firearm Concealed Carry Act [430 ILCS 66/65], unless federal regulations are more restrictive. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33), except that violation of Section 2.33(g), (i), (o), (p), (y) and (cc) are Class A misdemeanors with a minimum \$500 fine and a maximum \$5,000 fine, in addition to other statutory penalties. Nothing in this Part shall be construed to criminalize the legal possession of a concealed firearm by a validly licensed concealed carry user.

b) Definitions

- 1) Unauthorized person – any individual who is not a Department employee, ~~or~~ an individual who is not present for the purpose of hunting or trapping, or is an individual who does not fall under the definition of "non-hunting or non-trapping partner" pursuant to subsections (b)(10) and (d)(8).
- 2) Designated area – a defined location at a site with a set boundary within which only a specified recreational activity such as hunting or trapping may take place during a publicly announced time period.
- 3) Hunting/Trapping area – any portion of a site where actual hunting and/or trapping takes place. It does not include places such as parking lots, check stations, pavilions, or picnic areas associated with a hunting/trapping area.
- 4) Restricted area – a defined location at a site with a set boundary within which hunting and/or trapping is prohibited.
- 5) Refuge area – a defined location at a site with a set boundary within which no public activity or presence is allowed, except as authorized by the Department when it is determined that activity such as nature studies, hiking, fishing or camping would not be detrimental to the purpose of the refuge.

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- 6) Adult – a person 18 years of age or older.
  - 7) Waterfowl rest area – a defined location at a site with a set boundary within which no public activity or presence is allowed for a specified period of time, except as authorized by the Department.
  - 8) Hunter or trapper quota – The maximum number of hunters or trappers that can be accommodated at a site at any one time. Hunter and trapper quotas are determined by the formula of one hunter or trapper per 10-40 huntable acres. The number of huntable acres is determined by, but not limited to, the biological studies on the number of available animals within a species, the condition, topography and configuration of the land at the site, the condition of the roads at the site and the number of employees available to work at the site.
  - 9) Publicly announced – The information referred to will be included on the Department's Internet Home Page at [www.dnr.illinois.gov](http://www.dnr.illinois.gov), provided to outdoor writers for newspapers, and placed on the Department's Toll Free Hotline.
  - 10) [Non-hunting or non-trapping partner – a person who accompanies a hunter or trapper and does not hunt or trap during the trip.](#)
- c) It shall be unlawful:
- 1) For any person to possess any alcoholic beverage while in any hunting/trapping area for the purpose of hunting or trapping.
  - 2) To hunt or trap on any site with a manned check station without first declaring game killed on a previous hunt and in possession either on the hunter's person or in his vehicle.
  - 3) To construct or use any tree stand using nails, screws or any device which pierces or cuts the bark of the tree on which it is installed.
  - 4) To hunt or trap in a restricted area.
  - 5) For unauthorized persons to use or occupy in any manner designated hunting areas during the permit dove hunting season and controlled

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pheasant hunting season at sites holding such seasons, or during any hunting season where such restrictions are so posted at the site, when authorized hunting is in progress.

- 6) To enter a refuge, restricted area or waterfowl rest area unless authorized by the Department.
  - 7) To hunt or trap on any Department-owned or -managed land that is not a designated area pursuant to applicable species rules (17 Ill. Adm. Code 530, 550, 570, 590, 650, 660, 670, 680, 690, 710, 715, 720, 730, and 740).
  - 8) To buy, sell or commercialize hunting or trapping rights, directly or indirectly, except that this does not apply to Department of Natural Resources hunting or trapping fees or to the operation of controlled pheasant hunting on Department lands pursuant to a written concession agreement.
  - 9) To hunt or trap without a valid permit where permits are required.
  - 10) To hunt with any weapon except shotgun or bow and arrow unless otherwise specified.
  - 11) To track deer with dogs on any Department owned or managed site during hours when deer hunting is being conducted on the site.
  - 12) To use or occupy a ground blind during any firearm deer season, unless at least 400 square inches of solid, vivid blaze orange material is securely attached to the uppermost portion of the blind and a substantial amount of orange is visible for 360 degrees.
- d) Specific Management Procedures
- 1) Specific management procedures will be posted at either check stations or site parking lots at the site so the procedures will be visible to the public.
  - 2) Where there is a check station in operation, or where designated, hunters must sign in and/or sign out, and report their kill within 15 minutes, or as posted, after completing their hunt. Some areas require the wearing of a back patch and depositing hunting license (or Firearm Owner's

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Identification card if the hunter is exempt from buying a license).

- 3) In the event that Department budget reductions or site staffing reductions make the operation of check stations impractical, State sites that now require check stations and other restrictive hunter regulations may be opened to statewide regulations or closed to hunting by posting such notice at the site.
- 4) Statewide regulations shall apply at sites where windshield permits are issued, except that hunters must obtain a free site permit online from the Department website. This permit must be displayed under the vehicle windshield, face up, with the permit number visible and the pocket portion in possession while hunting at the site. Hunters must report their annual harvest online (even if the hunter did not hunt) by February 15 or two weeks after the season closes for those seasons ending after February 1. Hunters shall forfeit their hunting privileges at the site for the following year if they fail to report by the above deadline.
- 5) Department will have the authority to issue site specific deer permits in addition to any other deer permits issued by the Department (see Parts 650, 660, 670 and 680) and to designate the sex of deer (antlered or antlerless) that hunters may harvest through site-specific regulations.
- 6) All hunter or trapper quotas are filled on a first come-first served basis unless a drawing or special permit is used. The Department shall use a special permit or drawing whenever past hunter or trapper participation at a particular site reveals that the demand exceeds the quota established by the Department. Hunters or trappers will be notified as expeditiously as possible through site postings, news releases or public announcements when quotas are established.
- 7) During pheasant, rabbit, quail and partridge season, hunters and trappers are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches while trapping or hunting pheasant, quail, Hungarian partridge, rabbit, snipe, rail and woodcock.
- 8) Non-hunting or non-trapping partners may accompany hunters and trappers on their hunting or trapping trips. Partners must be unarmed and remain with the hunter or trapper throughout the trip. On sites where

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special permits are required, each permit holder or party is limited to one non-hunting or non-trapping partner per trip. On sites with waterfowl blinds, non-hunters count towards the blind's maximum occupancy.

(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2014

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

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TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 530  
COCK PHEASANT, HUNGARIAN PARTRIDGE,  
BOBWHITE QUAIL, AND RABBIT HUNTING

Section	
530.10	Statewide General Regulations
530.20	Statewide Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Cottontail and Swamp Rabbit Regulations
530.30	Statewide Hungarian Partridge Regulations (Repealed)
530.40	Statewide Bobwhite Quail Regulations (Repealed)
530.50	Statewide Rabbit Regulations (Repealed)
530.60	Statewide Crow Regulations (Repealed)
530.70	Permit Requirements for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites
530.80	Regulations for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites
530.85	Youth Pheasant Hunting Permit Requirements
530.90	Illinois Youth Pheasant Hunting Sites Permit Requirements (Repealed)
530.95	Youth Pheasant Hunting Regulations
530.100	Illinois Youth Pheasant Hunting Regulations (Repealed)
530.105	Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Controlled Daily Drawing Pheasant Hunting Sites (Repealed)
530.110	Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites
530.115	Regulations for Hunting by Falconry Methods at Various Department-Owned or -Managed Sites
530.120	Regulations for Hunting Crow at Various Department-Owned or -Managed Sites (Repealed)

**AUTHORITY:** Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

**SOURCE:** Adopted at 5 Ill. Reg. 8777, effective August 25, 1981; codified at 5 Ill. Reg. 10634; amended at 6 Ill. Reg. 10667, effective August 20, 1982; amended at 7 Ill. Reg. 10755, effective

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August 24, 1983; amended at 8 Ill. Reg. 21574, effective October 23, 1984; amended at 9 Ill. Reg. 15846, effective October 8, 1985; amended at 10 Ill. Reg. 15579, effective September 16, 1986; emergency amendment at 10 Ill. Reg. 18822, effective October 16, 1986, for a maximum of 150 days; emergency expired March 15, 1987; amended at 11 Ill. Reg. 10546, effective May 21, 1987; amended at 12 Ill. Reg. 12016, effective July 7, 1988; amended at 13 Ill. Reg. 12796, effective July 21, 1989; emergency amendment at 13 Ill. Reg. 12985, effective July 31, 1989, for a maximum of 150 days; emergency expired December 28, 1989; amended at 13 Ill. Reg. 17348, effective October 27, 1989; amended at 14 Ill. Reg. 10775, effective June 20, 1990; emergency amendment at 14 Ill. Reg. 18324, effective October 29, 1990, for a maximum of 150 days; emergency expired March 28, 1991; amended at 15 Ill. Reg. 9924, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 16124, effective October 25, 1991, for a maximum of 150 days; emergency expired March 23, 1992; amended at 15 Ill. Reg. 18138, effective December 6, 1991; amended at 16 Ill. Reg. 12470, effective July 28, 1992; amended at 16 Ill. Reg. 18951, effective December 1, 1992; amended at 17 Ill. Reg. 15534, effective September 10, 1993; amended at 18 Ill. Reg. 12628, effective August 9, 1994; amended at 19 Ill. Reg. 12615, effective August 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 12397, effective August 30, 1996; amended at 21 Ill. Reg. 9042, effective June 26, 1997; amended at 22 Ill. Reg. 14762, effective August 3, 1998; amended at 23 Ill. Reg. 9012, effective July 28, 1999; amended at 24 Ill. Reg. 12496, effective August 7, 2000; amended at 25 Ill. Reg. 11119, effective August 21, 2001; amended at 26 Ill. Reg. 16210, effective October 18, 2002; amended at 27 Ill. Reg. 15381, effective September 18, 2003; amended at 28 Ill. Reg. 12835, effective September 1, 2004; amended at 29 Ill. Reg. 13813, effective August 26, 2005; amended at 30 Ill. Reg. 14478, effective August 24, 2006; amended at 31 Ill. Reg. 9175, effective June 18, 2007; amended at 32 Ill. Reg. 17455, effective October 24, 2008; amended at 33 Ill. Reg. 13871, effective September 21, 2009; amended at 34 Ill. Reg. 16429, effective October 8, 2010; amended at 35 Ill. Reg. 15212, effective September 2, 2011; amended at 36 Ill. Reg. 14704, effective September 21, 2012; amended at 37 Ill. Reg. 16394, effective October 3, 2013; amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 530.80 Regulations for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites**

- a) Hunting Seasons:
  - 1) The following controlled pheasant hunting areas shall be closed to pheasant permit hunting on every Monday and Tuesday during the controlled hunting season (except as provided in subsection (a)(4)) and on December 25.

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Chain O'Lakes State Park

Des Plaines State Conservation Area

Eldon Hazlet State Park (Carlyle Lake)

Horseshoe Lake State Park – Madison County

Iroquois County State Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit

Johnson-Sauk Trail State Park

Kankakee River State Park

Moraine View State Park

Ramsey Lake State Park

Sand Ridge State Forest

Silver Springs State Park

Wayne Fitzgerald State Park (Rend Lake)

- 2) The following controlled pheasant hunting areas are open to the Illinois Youth Pheasant Hunting Program only on the first Saturday following the opening of the statewide upland game season.

Chain O'Lakes State Park

Des Plaines State Conservation Area

Eldon Hazlet State Park (Carlyle Lake)

Iroquois County State Conservation Area

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Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit

Johnson-Sauk Trail State Park

Lee County State Conservation Area (Green River State Wildlife Area)

Moraine View State Park

Sand Ridge State Forest

Wayne Fitzgerald State Park (Rend Lake)

- 3) The controlled hunting season on the Lee County State Conservation Area (Green River) is each Friday through Sunday beginning with the Friday before the opening of the statewide upland game season through the seventh Sunday following (closed during the November and December firearm deer seasons).
- 4) Controlled pheasant hunting seasons are listed below; exceptions are in parentheses; with written authorization from the Director, captive-reared game bird hunting may be scheduled during the season authorized by statute (see 520 ILCS 5/2.6) on the following DNR operated areas:

Chain O'Lakes State Park (closed during the November 3-day firearm deer hunting) – the Wednesday before the first Saturday in November through the seventh Sunday following

Des Plaines State Conservation Area (closed during the November 3-day firearm deer hunting), Iroquois County State Conservation Area (closed during the November 3-day firearm deer hunting) and Moraine View State Park – the Wednesday before the first Saturday of November through the ninth Sunday following

Eldon Hazlet State Park and Wayne Fitzgerald State Park – the Wednesday following the first Saturday of November through the ninth Sunday following

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Horseshoe Lake State Park – Madison County (closed New Year's Day) – the second Wednesday of December or the first hunting day after the close of the central zone duck season, whichever occurs first, through the next following January 31

Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit (closed during the November and December firearm deer hunting), Johnson-Sauk Trail State Park (closed New Year's Day), Kankakee River State Park (closed New Year's Day), Ramsey Lake State Park (closed on Wednesdays, Thursdays and Fridays during the first ~~through third and second~~ weeks after the opening date of upland game season, ~~Saturday and Sunday during the first firearm deer season,~~ Wednesdays and Thursdays thereafter, and New Year's Day), Sand Ridge State Forest – season dates are those specified in Section 530.20

Silver Springs State Park (closed New Year's Day) – the third Saturday of October through the next following January 8

- b) Hunting hours are listed below. On Thanksgiving Day, hunting hours are 9:00 a.m.-1:00 p.m. Hunters with reservations are required to check in at the check station on the following sites at the listed times. Hunters with reservations that check in after the required check-in time may not be allowed to hunt if the site hunter quota has been filled.

Site Name	Check-In Times	Hunting Hours
Chain O'Lakes State Park	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Des Plaines State Conservation Area	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Eldon Hazlet State Park (Carlyle Lake)	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Horseshoe Lake State Park (Madison County)	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.

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Iroquois County State Conservation Area	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Jim Edgar Panther Creek State Fish and Wildlife Area (Controlled Unit)	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Johnson-Sauk Trail State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Kankakee River State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Lee County State Conservation Area (Green River State Wildlife Area)	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Moraine View State Park	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Ramsey Lake State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Sand Ridge State Forest	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Silver Springs State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Wayne Fitzgerald State Park (Rend Lake)	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.

- c) Except for Standing Vehicle Permittees with a Disabled Controlled Pheasant Hunting Permit, during the controlled pheasant hunting season when daily quotas are not filled, permits shall be issued by drawing held at the conclusion of check-in time and if daily quotas remain unfilled at the conclusion of the drawing, on a first come-first served basis until 12:00 noon unless an earlier time is posted at the site's hunter check station at the following sites:

Des Plaines State Conservation Area

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Eldon Hazlet State Park

Iroquois County State Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area

Johnson-Sauk Trail State Park

Lee County State Conservation Area (Green River)

Kankakee River State Park

Moraine View State Park

Sand Ridge State Forest

Wayne Fitzgerald State Park

- d) Hunting licenses, daily "Public Hunting Grounds for Pheasants" fees and hunting permit fees collected by public/private partnership area concessionaire:
- 1) Depending on the availability of staff during the controlled pheasant hunting season, hunters may be required to deposit their hunting license in the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years old and do not have a card, they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession.
  - 2) Pursuant to 520 ILCS 5/1.13, at Lee County State Conservation Area (Green River), hunters must pay the following daily Public Hunting Grounds for Pheasants fee to the Department prior to hunting: \$30 residents; \$35 non-residents. On the Sunday following Thanksgiving Day, hunters under 16 are not required to pay the daily Public Hunting Grounds for Pheasants fee.
  - 3) Pursuant to 520 ILCS 5/1.13, at Des Plaines State Conservation Area, Iroquois County State Conservation Area, Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit, Johnson-Sauk Trail State Park,

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Kankakee River State Park, Moraine View State Park, Eldon Hazlet State Park (Carlyle Lake), Wayne Fitzgerald State Park and Sand Ridge State Forest, hunters must pay the following daily Public Hunting Grounds for Pheasants fee to the Department prior to hunting: \$30 residents; \$35 non-residents. On the Sunday following Thanksgiving Day and the Saturday between Christmas Day and New Year's Day, hunters under 16 are not required to pay the daily Public Hunting Grounds for Pheasants fee.

- 4) Hunters must pay the following hunting permit fees to be collected by the public/private partnership area concessionaire under the terms of a Controlled Pheasant Hunting Agreement with the Department prior to hunting. On days requested by the concessionaire and authorized by the Department, hunters under 16 are not required to pay a hunting permit fee, [and hunters may purchase a hen pheasant permit at Horseshoe Lake and Ramsey Lake for \\$38 per 4-pheasant permit and at Chain O'Lakes and Silver Springs for \\$44 per 4-pheasant permit.](#)

Chain O'Lakes State Park – \$33 per 2-pheasant permit for residents and \$35 per 2-pheasant permit for non-residents; \$44 per 3-pheasant permit; \$55 per 4-pheasant permit. Two 2-pheasant permits can be hunted at the site per day.

Horseshoe Lake State Park (Madison County) – \$33 per 2-pheasant permit for residents, \$35 per 2-pheasant permit for non-residents and \$32 for standbys paying at the site; \$44 per 3-pheasant permit and \$43 for standby hunters paying at the site; \$55 per 4-pheasant permit and \$54 for standby hunters paying at the site.

Ramsey Lake State Park – \$33 per 2-pheasant permit for residents, \$35 per 2-pheasant permit for non-residents and \$32 for standby hunters paying at the site; \$44 per 3-pheasant permit and \$43 for standby hunters paying at the site; \$55 per 4-pheasant permit and \$54 for standby hunters paying at the site.

Silver Springs State Park – \$33 per 2-pheasant permit for residents and \$35 per 2-pheasant permit for non-residents; \$44 per 3-pheasant permit; \$55 per 4-pheasant permit.

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- e) During the controlled pheasant hunting season, hunters must wear a back patch issued by the check station.
- f) Anyone who has killed game previously and has it in possession or in their vehicle must declare it with the person in charge of the area during check-in. All game found in a hunter's possession after hunting has started on the area shall be considered illegally taken if the hunter has not declared it prior to going afield.
- g) All hunting must be done with shotguns or bow and arrow. Only shot shells with a shot size of No. 5 lead or a non-toxic shot size ballistically equivalent to No. 5 lead or smaller may be used, except at Chain O' Lakes State Park, Johnson-Sauk Trail State Park, Lee County Conservation Area (Green River), Wayne Fitzgerald State Park and Eldon Hazlet State Park where only nontoxic shot approved by the U.S. Fish and Wildlife Service may be possessed and only shot shells with a shot size ballistically equivalent to No. 5 lead or smaller may be used or in possession. Flu flu arrows only may be used or in possession by bow and arrow hunters.
- h) Non-hunters are not allowed in the field, except at special hunts publicly announced by the Department where non-hunters authorized by the Department shall be allowed in the field, and except for operators of Department conveyances and Standing Vehicle Permittees and a single dog handler for the Permittee.
- i) Hunters under 16 years of age must be accompanied by an adult hunter.
- j) Daily limits – On the following areas, a permit authorizes the harvest of 2 pheasants of either sex per hunter; exceptions are in parentheses. With written authorization from the Director, the Department may issue more than one permit to a hunter and the limits provided for in 520 ILCS 5/3.28 shall apply:

Chain O'Lakes State Park (two 2 pheasant permits or one 3 or 4 pheasant permit per hunter each day)

Des Plaines State Conservation Area

Eldon Hazlet State Park

Lee County State Conservation Area (2 cock pheasants per permit hunter)

Horseshoe Lake State Park-Madison County (two 2 pheasant permits or

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one 3 or 4 pheasant permit per hunter each day; additionally, first day only, 4 quail and 2 rabbits per hunter)

Iroquois County State Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area (additionally, 8 bobwhite quail opening day through the Sunday following Thanksgiving Day and 4 rabbits per hunter)

Johnson-Sauk Trail State Park (additionally, 8 bobwhite quail, 2 Hungarian partridge and 4 rabbits per hunter)

Kankakee River State Park (additionally, 8 bobwhite quail and 4 rabbits per hunter)

Moraine View State Park

Ramsey Lake State Park (two 2 pheasant permits or one 3 or 4 pheasant permit per hunter each day; additionally, 8 bobwhite quail and 4 rabbits per hunter)

Sand Ridge State Forest (additionally, 8 bobwhite quail and 4 rabbits per hunter)

Silver Springs State Park (two 2 pheasant permits or one 3 or 4 pheasant permit per hunter each day)

Wayne Fitzgerald State Park

- k) Tagging of birds.  
During the controlled pheasant hunting season, all pheasants must be affixed with a Department tag before they are removed from the area during the controlled pheasant hunting season. The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.
- l) During the controlled pheasant hunting season, hunters may not leave the confines of any permit area and return to hunt on the permit area during the same day.
- m) Any person who violates any provision of this Part or 17 Ill. Adm. Code

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510.10(c)(1), (4) and (6) or 510.10(d)(7) or Section 2.33(n), (x) or (z) of the Wildlife Code [520 ILCS 5/2.33(n), (x) or (z)] shall be subject to arrest and/or removal from the premises for the remainder of the controlled pheasant hunting season under applicable statutes including 720 ILCS 5/21-5, Criminal Trespass to State Supported Land. Hunters may request a hearing within 10 days after the citation by written request addressed to: Legal Division, Department of Natural Resources, One Natural Resources Way, Springfield IL 62702-1271. Such hearing shall be governed by the provisions of 17 Ill. Adm. Code 2530.

- n) Violation of a site regulation is a petty offense (see 520 ILCS 5/2.6, 2.7, 2.13 or 2.27).

(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Duck, Goose and Coot Hunting
- 2) Code Citation: 17 Ill. Adm. Code 590
- 3) Section Numbers: 590.10                      Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7 and 3.8 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7 and 3.8] and Migratory Bird Hunting (50 CFR 20)
- 5) A Complete Description of the Subjects and Issues Involved: Language is being added to state that nothing in this Part shall be construed to criminalize the legal possession of a concealed firearm by a validly licensed concealed carry user.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking neither creates, nor expands, any State mandate affecting units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Virginia Yang, Legal Counsel  
Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271

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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2014

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

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TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 590  
DUCK, GOOSE AND COOT HUNTING

Section	
590.10	Statewide Regulations
590.15	Duck, Goose and Coot General Hunting Regulations on Department-Owned and -Managed Sites Listed in Sections 590.40 and 590.50
590.20	Permit Controlled Department Sites Only – Duck, Goose and Coot Hunting
590.25	Illinois Youth Waterfowl Hunting Permit Requirements (Repealed)
590.26	Illinois Youth Duck Hunting Permit Requirements (Repealed)
590.30	Duck, Goose and Coot General Hunting Regulations on all Department-Owned and -Managed Sites (Repealed)
590.40	Check Station Department Sites Only – Duck, Goose and Coot Hunting
590.50	Non-Check Station Department Sites Only – Duck, Goose and Coot Hunting
590.60	Various Other Department Sites – Duck, Goose and Coot Hunting
590.70	Ohio River
590.80	Early and Late Goose (all species) Hunting Regulations on Department Sites
590.EXHIBIT A	The Non-Toxic Shot Zones of Illinois (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7 and 3.8 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7 and 3.8] and Migratory Bird Hunting (50 CFR 20).

SOURCE: Adopted at 5 Ill. Reg. 8857, effective August 25, 1981; emergency amendment at 5 Ill. Reg. 11386, effective October 14, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10638; Part repealed at 6 Ill. Reg. 9647, effective July 21, 1982; new Part adopted at 6 Ill. Reg. 11865, effective September 22, 1982; amended at 7 Ill. Reg. 13229, effective September 28, 1983; emergency amendment at 7 Ill. Reg. 13948, effective October 6, 1983, for a maximum of 150 days; emergency expired March 3, 1984; amended at 8 Ill. Reg. 18968, effective September 26, 1984; amended at 9 Ill. Reg. 14242, effective September 5, 1985; preemptory amendment at 9 Ill. Reg. 15062, effective September 25, 1985; emergency amendment at 9 Ill. Reg. 15928, effective October 8, 1985, for a maximum of 150 days; emergency expired March 5, 1986; amended at 10 Ill. Reg. 16588, effective September 22, 1986; emergency amendment at 10 Ill. Reg. 17773, effective September 26, 1986, for a maximum of 150 days; emergency expired

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February 23, 1987; amended at 11 Ill. Reg. 10560, effective May 21, 1987; emergency amendment at 11 Ill. Reg. 15242, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12200, effective July 15, 1988; emergency amendment at 12 Ill. Reg. 16233, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; emergency amendment at 12 Ill. Reg. 22244, effective December 7, 1988, for a maximum of 150 days; emergency expired May 6, 1989; amended at 13 Ill. Reg. 10525, effective June 20, 1989; amended at 13 Ill. Reg. 14925, effective September 7, 1989; emergency amendment at 13 Ill. Reg. 16579, effective October 4, 1989, for a maximum of 150 days; emergency expired March 3, 1989; amended at 13 Ill. Reg. 17354, effective October 27, 1989; amended at 14 Ill. Reg. 638, effective January 2, 1990; amended at 14 Ill. Reg. 13529, effective August 13, 1990; emergency amendment at 14 Ill. Reg. 17029, effective September 26, 1990, for a maximum of 150 days; emergency expired February 23, 1991; amended at 15 Ill. Reg. 1487, effective January 22, 1991; amended at 15 Ill. Reg. 13293, effective September 3, 1991; emergency amendment at 15 Ill. Reg. 16745, effective November 5, 1991, for a maximum of 150 days; emergency expired April 3, 1992; amended at 16 Ill. Reg. 570, effective December 31, 1991; amended at 16 Ill. Reg. 12491, effective July 28, 1992; emergency amendment at 16 Ill. Reg. 16672, effective October 15, 1992, for a maximum of 150 days; emergency expired March 9, 1993; emergency amendment at 16 Ill. Reg. 18851, effective November 17, 1992, for a maximum of 150 days; emergency expired April 11, 1993; emergency amendment at 17 Ill. Reg. 1658, effective January 20, 1993, for a maximum of 150 days; emergency expired June 14, 1993; amended at 17 Ill. Reg. 16443, effective September 27, 1993; emergency amendment at 17 Ill. Reg. 18867, effective October 14, 1993, for a maximum of 150 days; emergency expired March 13, 1994; amended at 18 Ill. Reg. 10023, effective June 21, 1994; emergency amendment at 18 Ill. Reg. 15161, effective September 27, 1994, for a maximum of 150 days; emergency expired February 23, 1995; amended at 19 Ill. Reg. 13209, effective September 11, 1995; amended at 20 Ill. Reg. 754, effective December 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 12417, effective August 30, 1996; amended at 21 Ill. Reg. 578, effective December 30, 1996; amended at 21 Ill. Reg. 11713, effective August 12, 1997; amended at 22 Ill. Reg. 2182, effective January 2, 1998; amended at 22 Ill. Reg. 15961, effective August 24, 1998; amended at 22 Ill. Reg. 21881, effective December 3, 1998; emergency amendment at 23 Ill. Reg. 3092, effective March 10, 1999, for a maximum of 150 days; emergency expired August 6, 1999; amended at 23 Ill. Reg. 11195, effective August 26, 1999; emergency amendment at 23 Ill. Reg. 14640, effective December 13, 1999, for a maximum of 150 days; emergency expired May 10, 2000; amended at 24 Ill. Reg. 12517, effective August 7, 2000; amended at 25 Ill. Reg. 14131, effective October 22, 2001; amended at 26 Ill. Reg. 16238, effective October 18, 2002; amended at 27 Ill. Reg. 15409, effective September 18, 2003; amended at 28 Ill. Reg. 13562, effective September 24, 2004;

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amended at 29 Ill. Reg. 9654, effective June 24, 2005; emergency amendment at 29 Ill. Reg. 13900, effective August 30, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 18924, effective November 4, 2005; amended at 30 Ill. Reg. 15694, effective September 18, 2006; amended at 31 Ill. Reg. 13128, effective August 30, 2007; amended at 32 Ill. Reg. 14761, effective August 27, 2008; amended at 33 Ill. Reg. 14671, effective October 13, 2009; amended at 34 Ill. Reg. 16457, effective October 8, 2010; amended at 35 Ill. Reg. 13161, effective July 26, 2011; amended at 37 Ill. Reg. 19208, effective November 14, 2013; amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 590.10 Statewide Regulations**

- a) Pursuant to Section 2.18 of the Wildlife Code [520 ILCS 5/2.18], *it shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as may be provided in the Federal Migratory Bird Treaty Act (16 USC 703-711), the Migratory Bird Hunting Stamp Act (16 USC 1718 et seq.), and annual Rules and Regulations for Migratory Bird Hunting (50 CFR 20 (August 31, 2006) and 21 (September 22, 2006) (collectively referred to in this Part as federal regulations) (no incorporation in this Part includes later amendments or editions), or contrary to any State regulations made in the Wildlife Code. Violation is a Class B misdemeanor (see 520 ILCS 5/2.18).*
- b) The legal possession of a concealed firearm by a validly licensed concealed carry user is allowed statewide, subject to~~The regulations in~~ Section 2.33 of the Wildlife Code on illegal devices and State refuges, and the prohibitions set forth in Section 65 of the Firearm Concealed Carry Act [430 ILCS 66/65]~~shall apply to this Part~~, unless federal regulations are more restrictive. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33), except that violation of Section 2.33(g), (i), (o), (p), (y) and (cc) are Class A misdemeanors with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties.
- c) Duck, goose and coot regulations are in accordance with Federal Regulations (50 CFR 20) unless the regulations in this Part are more restrictive. Violation is a Class B misdemeanor (see 520 ILCS 5/2.18).
- d) It shall be unlawful while attempting to take migratory waterfowl or coots to have in possession any shotgun shells not approved as non-toxic by federal regulations. Violation is a petty offense (see 520 ILCS 5/2.18-1).

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- e) It shall be unlawful to possess any shotgun shell loaded with a shot size larger than number T steel or number BBB of any other non-toxic shot when attempting to take waterfowl. Violation is a Class B misdemeanor (see 520 ILCS 5/2.18).
- f) Hunting Canada Geese after the season is closed is a Class B misdemeanor (see 520 ILCS 5/2.18). Possession of freshly killed wild geese during the closed season is a Class A misdemeanor (see 520 ILCS 5/2.33(cc)).
- g) **Closed Areas**  
Closed areas, including waterfowl refuges and rest areas, may be designated at certain sites in accordance with 17 Ill. Adm. Code 510. Boundaries of these closed areas will be posted. Violation is a petty offense (see 520 ILCS 5/2.20).
- h) **Commercial Migratory Waterfowl Hunting Area Permits**
  - 1) The holder of a permit shall forward information on harvest and hunters to the Department on forms furnished by the Department, at times required by the Department. The Department shall give the permit holder reasonable written notice of the dates reports are required. Permit holders are required to retain a copy of their harvest records for at least 2 years after expiration of their permit. Failure to timely supply such reports will make the permit holder subject to revocation of his permit and suspension of the privilege to hold the permit for up to 5 years. Violation is a petty offense (see 520 ILCS 5/3.6).
  - 2) On any property where the principal waterfowl harvest is wild geese, it is the permit holder's duty to ensure that no more than 5 persons occupy or attempt to take wild geese from any blind or pit at the same time during the Canada goose season. Violation is a petty offense (see 520 ILCS 5/3.8).
- i) No person during the open season shall take or attempt to take wild geese prior to ½ hour before sunrise nor after sunset. During special light goose seasons as indicated in subsection (n), statewide hunting hours shall be ½ hour before sunrise to ½ hour after sunset daily. Hunting prior to ½ hour before sunrise during the open season is a Class A misdemeanor (see 520 ILCS 2.33(y)). Hunting after ½ hour after sunset is a Class A misdemeanor (see 520 ILCS 2.33(y)). Hunting after

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closing hours is a Class B misdemeanor (see 520 ILCS 5/2.18).

- j) Registration in the U.S. Fish and Wildlife Service Migratory Bird Harvest Information Program (HIP) is required for those persons who are required to have a hunting license before taking or attempting to take ducks, geese or coots. Instructions for registering are provided with issuance of hunting license. Violation is a petty offense (see 520 ILCS 5/3.1(f)).
- k) If 50 CFR 20 or 21 allows light goose seasons to be liberalized, snow geese, blue geese and Ross' geese may be taken in accordance with federal regulations regarding hunting hours, method of taking and bag limits through March 31.
- l) Nothing in this Part shall be construed to criminalize the legal possession of a concealed firearm, as set forth in Section 590.10(b), by a validly licensed concealed carry user.

(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2014

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 650  
WHITE-TAILED DEER HUNTING BY USE OF FIREARMS

## Section

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

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

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

## DEPARTMENT OF NATURAL RESOURCES

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21, 1992; amended at 16 Ill. Reg. 11131, effective June 30, 1992; amended at 17 Ill. Reg. 13468, effective July 30, 1993; amended at 18 Ill. Reg. 5859, effective April 5, 1994; amended at 18 Ill. Reg. 13431, effective August 23, 1994; amended at 19 Ill. Reg. 6477, effective April 28, 1995; amended at 20 Ill. Reg. 7515, effective May 20, 1996; amended at 21 Ill. Reg. 5572, effective April 19, 1997; amended at 21 Ill. Reg. 9116, effective June 26, 1997; amended at 22 Ill. Reg. 8007, effective April 28, 1998; amended at 23 Ill. Reg. 5564, effective April 26, 1999; amended at 24 Ill. Reg. 8971, effective June 19, 2000; amended at 24 Ill. Reg. 10260, effective July 1, 2000; amended at 25 Ill. Reg. 7231, effective May 22, 2001; amended at 26 Ill. Reg. 9319, effective June 17, 2002; amended at 27 Ill. Reg. 10009, effective June 23, 2003; emergency amendment at 27 Ill. Reg. 17270, effective November 10, 2003, for a maximum of 150 days; Section 650.60 of the emergency rules expired April 8, 2004; amended at 28 Ill. Reg. 353, effective December 19, 2003; amended at 28 Ill. Reg. 8039, effective May 26, 2004; amended at 29 Ill. Reg. 9718, effective June 24, 2005; emergency amendment at 29 Ill. Reg. 13025, effective August 10, 2005, for a maximum of 150 days; emergency expired January 1, 2006; amended at 30 Ill. Reg. 12155, effective June 28, 2006; amended at 31 Ill. Reg. 8169, effective May 25, 2007; amended at 32 Ill. Reg. 9300, effective June 13, 2008; amended at 33 Ill. Reg. 11534, effective July 27, 2009; amended at 34 Ill. Reg. 4800, effective March 19, 2010; amended at 35 Ill. Reg. 10710, effective June 23, 2011; amended at 36 Ill. Reg. 13419, effective August 10, 2012; amended at 37 Ill. Reg. 14888, effective August 30, 2013; amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 650.22 Deer Permit Requirements – Special Hunts**

- a) Special hunt sites are defined as those sites which are owned or controlled by agencies/entities other than the Department, or sites at which the Department only controls a portion of the property designated for deer hunting, which issue deer hunting permits through the statewide lottery process. The Permit Office issues deer hunting permits through a computerized drawing for the following sites, in addition to the Department-owned or -managed sites listed in Section 650.60(i). The permit preference system does not apply to special hunt areas or to State sites allocating permits in the lottery.

~~Burning Star 5 State Wildlife Management Area (only antlerless deer or antlered deer having at least 4 points on one side may be harvested; the first and second season are considered separate hunt choices, and permit applications must specify which season they are applying for in the county choice or hunt area field of the application; tree stands and blinds used for deer hunting must be removed from the area at the end of each day's hunt; deer hunters may begin scouting 7 days~~

## DEPARTMENT OF NATURAL RESOURCES

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~~prior to season date listed on permit)~~

Crab Orchard National Wildlife Refuge (the first and second season are considered separate hunt choices, and permit applicants must specify which season they are applying for in the County Choice or Hunt Area field of the application. Permits may be issued as antlerless-only without the normal bonus requirement. Standby hunting will be allowed if additional permits are available at the site)

Crab Orchard National Wildlife Refuge – Disabled Hunt (first season only)

Joliet Army Training Area (Will County)

Lake Shelbyville Project Lands – Disabled Hunt (first season only; permit drawing will be conducted by Corps of Engineers' staff with permits mailed to successful applicants by the Department; contact Corps of Engineers, Lake Shelbyville office for application procedures/dates; additional permits will be available for purchase at the site for any unfilled positions)

Lake Shelbyville Project Lands (Moultrie County) (it is unlawful to drive deer; for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy)

Lake Shelbyville Project Lands except Wolf Creek State Park (Shelby County) (it is unlawful to drive deer; for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy)

Lost Mound Unit – Upper Mississippi River National Wildlife and Fish Refuge, including Stewardship Park and Eagles Landing (DNR owned) (Friday, Saturday and Sunday prior to the first statewide firearm deer season only; permit drawing will be conducted by USFWS; preference given to disabled hunters; either-sex permits; bonus antlerless-only permits and one-day standby permits will be sold at site)

Midwin National Tallgrass Prairie (no handguns allowed; additional site pass is required; check-in, check-out and reporting of harvest is required)

## DEPARTMENT OF NATURAL RESOURCES

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- b) Providing false information on an application is a Class A misdemeanor (see 520 ILCS 5/2.38). Hunting deer prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a \$500 minimum and \$5,000 maximum fine, in addition to other statutory penalties (see 520 ILCS 5/2.33(y)). Taking an antlered deer with an antlerless permit is a Class B misdemeanor (see 520 ILCS 5/2.24). Hunting after sunset or outside the set season is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: White-Tailed Deer Hunting By Use of Muzzleloading Rifles
- 2) Code Citation: 17 Ill. Adm. Code 660
- 3) Section Number: 660.22                      Proposed Action:  
Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36]
- 5) A Complete Description of the Subjects and Issues Involved: Burning Star 5 State Wildlife Management Area is being removed from the list of sites open for special hunts, because the Department no longer manages this property.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking neither creates, nor expands, any State mandate affecting units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Virginia Yang, Legal Counsel  
Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271

## DEPARTMENT OF NATURAL RESOURCES

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217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2014

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

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

## Section

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

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

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

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2010; amended at 35 Ill. Reg. 10728, effective June 23, 2011; amended at 36 Ill. Reg. 13436, effective August 10, 2012; amended at 37 Ill. Reg. 14913, effective August 30, 2013; amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 660.22 Deer Permit Requirements – Special Hunts**

- a) Special hunt sites are defined as those sites that are owned or controlled by agencies/entities other than the Department, or sites at which the Department only controls a portion of the property designated for deer hunting, and that issue deer hunting permits through the statewide lottery process. The Permit Office issues deer hunting permits through a computerized drawing for the following sites, in addition to the Department-owned or -managed sites listed in Section 660.60(h):

~~Burning Star 5 State Wildlife Management Area (only antlerless deer or antlered deer having at least 4 points on one side may be harvested; tree stands and blinds used for deer hunting must be removed at the end of each day's hunt; deer hunters may begin scouting seven days prior to the season date listed on permit)~~

Delair Division, Great River National Wildlife Refuge (second 2-day (Saturday and Sunday) weekend in January; all initial permits will be issued as antlerless only; hunters must take an antlerless deer on the site during this hunt before they will be issued an either-sex permit by site staff)

Midewin National Tallgrass Prairie (closed during the second firearm deer season; additional site pass is required; check-in, check-out and reporting of harvest is required)

- b) Providing false information on an application is a Class A misdemeanor (see 520 ILCS 5/2.38). Hunting deer outside the special season dates or prior to ½ hour before sunrise or after sunset on the listed property is a Class A misdemeanor with a \$500 minimum and \$5,000 maximum fine, in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).

(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers</u> :	<u>Proposed Action</u> :
670.30	Amendment
670.60	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to clarify that archery deer hunters may possess arrows tipped with points other than broadheads, but only broadheads may be used to take deer. Burning Star 5 is being removed from the list of open sites, because the Department no longer manages the property.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking neither creates, nor expands, any State mandate affecting units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Virginia Yang, Legal Counsel  
Department of Natural Resources

DEPARTMENT OF NATURAL RESOURCES

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One Natural Resources Way  
Springfield IL 62702-1271

217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2014

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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

## Section

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

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

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

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May 20, 1999; amended at 24 Ill. Reg. 6908, effective April 20, 2000; amended at 25 Ill. Reg. 7217, effective May 22, 2001; amended at 25 Ill. Reg. 11471, effective August 14, 2001; amended at 26 Ill. Reg. 9356, effective June 17, 2002; amended at 27 Ill. Reg. 10025, effective June 23, 2003; amended at 28 Ill. Reg. 9968, effective July 6, 2004; amended at 29 Ill. Reg. 9761, effective June 24, 2005; amended at 30 Ill. Reg. 12196, effective June 28, 2006; amended at 31 Ill. Reg. 8202, effective May 25, 2007; amended at 32 Ill. Reg. 9337, effective June 13, 2008; amended at 33 Ill. Reg. 11571, effective July 27, 2009; amended at 34 Ill. Reg. 4839, effective March 19, 2010; amended at 35 Ill. Reg. 10739, effective June 23, 2011; amended at 36 Ill. Reg. 13450, effective August 10, 2012; amended at 37 Ill. Reg. 14926, effective August 30, 2013; amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 670.30 Statewide Legal Bow and Arrow**

- a) The only legal hunting devices to take, or attempt to take, deer are:
  - 1) Vertical bows, limited to longbows, recurve bows or compound bows with minimum pull of 40 pounds at some point within a 28-inch draw. Minimum arrow length is 20 inches. Any mechanical device capable of maintaining a drawn or partially drawn position on a vertical bow without the hunter exerting full string tension is illegal.
  - 2) Crossbows, so long as one or more of the following conditions are met:
    - A) If the user is a person age 62 and older with a valid photo ID containing proof of age; or
    - B) If the user is a disabled person to whom the Department has issued a permit to use a crossbow as provided by 17 Ill. Adm. Code 760; or
    - C) If the date is between the second Monday following the Thanksgiving holiday through the last day of the archery deer hunting season (both inclusive).
- b) Broadheads must be used forwhile archery deer hunting. Broadheads may have fixed or expandable cutting surfaces, but they must be a minimum  $\frac{7}{8}$  inch in diameter when fully opened. Broadheads with fixed cutting surfaces must be metal or flint-, chert- or obsidian-knapped; broadheads with expandable cutting

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surfaces must be metal. Nothing in this paragraph shall be construed to prohibit the possession of arrows with field tips or blunt tips for the purpose of legally taking small game or for target practice during the course of the hunt, but those arrows may not be used in any attempt to take deer.

- c) Specifications for legal crossbows and bolts are contained in 17 Ill. Adm. Code 760.
- d) All other hunting devices, including electronic arrow tracking devices utilizing radio telemetry, are illegal. It is unlawful to carry any firearm or sidearm while hunting deer with a bow and arrow.
- e) Use of an unlawful device is a Class B misdemeanor (see 520 ILCS 5/2.24), except that unlawful use of a crossbow is a Class A misdemeanor with a minimum \$500 and maximum \$5,000 fine, in addition to other statutory penalties (see 520 ILCS 5/2.33(o)).

(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

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

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this Section that are followed by a (2). Sites that require use of windshield cards by hunters as specified in 17 Ill. Adm. Code 510.10 are followed by a (6).

- e) Where standby hunters are used to fill quotas, a drawing will be held at sites indicated by a (3).
- f) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (4).
- g) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (5).
- h) Statewide regulations shall apply at the following sites:

Alvah Borah State Habitat Area (6)

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

Apple River Canyon State Park – Thompson and Salem Units (6)

Argyle Lake State Park (1) (6)

- \* Banner Marsh State Fish and Wildlife Area (2)

- \* Beall Woods State Park (1) (6)

- \* Big Bend State Fish and Wildlife Area (1) (2)

Big Grand Pierre Glade State Natural Area (1)

Big River State Forest (1) (6)

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

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

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Butterfield Trail State Recreation Area (6)

Cache River State Natural Area (1) (2)

Campbell Pond State Fish and Wildlife Area (1) (6)

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

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

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

Carlyle Lake State Fish and Wildlife Area (except subimpoundment area is closed 7 days prior to and during the regular waterfowl season; lands bounded on the east by "C" levee, south by "D" levee, west by ACOE property line, and including the posted area west of parking lot #2, will be open the entire archery deer hunting season) (6)

Castle Rock State Park (submission of all deer heads within 48 hours after harvest on site is required to test for the presence of Chronic Wasting Disease) (1) (6)

Cedar Glen State Natural Area (no hunting after December 15) (1) (6)

Chauncey Marsh State Natural Area (permit obtained at Red Hills State Park headquarters) (1) (6)

Clinton Lake State Recreation Area (an antlerless deer must be taken on the site before an antlered deer is harvested) (6)

Coffeen Lake State Fish and Wildlife Area (6)

Collier Limestone Glade State Natural Area (1)

Copperhead Hollow State Wildlife Area (1) (6)

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Crawford County State Conservation Area (1) (2)

Cretaceous Hills State Natural Area (1)

Cypress Creek National Wildlife Refuge

Cypress Pond State Natural Area (1) (2)

Deer Pond State Natural Area (1) (2)

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

Des Plaines State Conservation Area (no hunting is permitted Wednesday through Sunday of the site's permit pheasant season) (6)

Devil's Island State Wildlife Management Area

Dixon Springs State Park (1) (6)

Dog Island State Wildlife Management Area (1) (6)

\* Eagle Creek State Park (disabled hunters are exempt from site's antler restrictions; for Corps of Engineers managed lands not managed by DNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy) (4) (6)

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

Ferne Clyffe State Park (1) (2)

Finrock State Habitat Area (October 1-31 only; eligible hunters required to obtain Clinton Lake State Recreation Area site hunting permit) (6)

Flag Pond State Natural Area (1)

## DEPARTMENT OF NATURAL RESOURCES

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

\* Fort Kaskaskia State Historic Site (opens November 1) (2)

Fort Massac State Park (1) (6)

Fox Ridge State Park (1) (6)

Franklin Creek State Natural Area (submission of all deer heads within 48 hours after harvest on site is required to test for the presence of Chronic Wasting Disease) (6)

French Bluff State Natural Area (6)

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

Giant City State Park (1) (2)

Goose Lake Prairie State Natural Area/Heidecke State Fish & Wildlife Area (archery deer hunting is closed during the muzzleloader deer season) (6)

Green River State Wildlife Area (1) (6)

Hallsville State Habitat Area (October 1-31 only; eligible hunters will use Clinton Lake State Recreation Area site hunting permit) (1) (6)

Hamilton County State Conservation Area (1) (6)

Hanover Bluff State Natural Area (6)

Harry "Babe" Woodyard State Natural Area (4) (6)

Henry Allen Gleason State Natural Area (6)

Hidden Springs State Forest (1) (6)

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Hindsboro State Habitat Area (October 1 through October 31 only) (6)

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

Ilo Dillin State Habitat Area (hunting allowed during October only) (6)

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

Jubilee College State Park (2)

Kankakee River State Park (deer bow hunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange between 9:00 a.m. and 3:00 p.m. on days when upland game hunting is allowed during the site's controlled hunting season; a limited hunting opportunity for persons with disabilities, Class P2A, exists at the Davis Creek Bike Trail Area; disabled hunters must register to hunt at the site office and must sign in and out daily; disabled hunters are required to hunt with a non-disabled partner who may also hunt from predetermined locations during the disabled hunting season (November 1 to the day before the first firearm deer season, except campground blinds will remain open until the close of the archery deer season and do not require a partner to hunt) (6)

Kaskaskia River State Fish and Wildlife Area (the State-owned portion of the defined waterfowl rest area is open until 2 weeks prior to the start of the regular duck season through the close of the regular duck and Canada goose seasons; no hunting within 50 yards of the Baldwin Lake Waterfowl Rest Area's main north-south road) (1) (2 – except south of Highway 154 and north of Highway 13)

Kickapoo State Recreation Area (6)

Kidd Lake State Natural Area (1)

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Kishwaukee River State Fish and Wildlife Area; submission of all deer heads within 48 hours after harvest on site is required to test for the presence of Chronic Wasting Disease (6)

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

Lincoln Trail State Park (November 1 through the end of statewide season) (2)

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

Lowden-Miller State Forest (submission of all deer heads within 48 hours after harvest on site is required to test for the presence of Chronic Wasting Disease) (1) (6)

Lowden State Park (in October, hunting allowed on Mondays, Tuesdays, Wednesdays and Thursdays only, excluding official State holidays; beginning November 1, archery hunting is allowed 7 days a week) (6)

Lusk Creek Canyon State Natural Area (1)

Mackinaw River State Fish and Wildlife Area (1) (6)

Marseilles State Fish and Wildlife Area (closed Friday, Saturday, and Sunday in October only; no hunting after the first Thursday after January 10; all tree stands must be removed from this area no later than the last day of the season; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may enter the site only from designated parking lots) (1) (2)

Marshall State Fish and Wildlife Area (Duck Ranch Unit closed 7 days prior to the duck season through the close of duck season) (6)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Mautino State Fish and Wildlife Area (1) (6)

Maytown Pheasant Habitat Area (hunting allowed during October only)  
(6)

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

Meeker State Habitat Area (1) (6)

Mermet Lake State Conservation Area (1) (6)

Middle Fork State Fish and Wildlife Area (6)

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

Miller-Anderson Woods State Natural Area (2)

Mississippi Palisades State Park (closed during the first firearm deer  
season) (1) (6)

Mississippi River Pool 16 (1)

Mississippi River Pools 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Mississippi State Fish and Waterfowl Management Area – Pools 25 and 26 (Batchtown, Crull Hollow and Godar Waterfowl Rest Areas are closed to hunting beginning 14 days before regular duck season; areas reopen to hunting the day after duck season closes; it is unlawful to trespass upon the designated duck hunting areas between sunset of the Sunday immediately preceding opening day of regular duck season through the day before regular duck season as posted at the site; no deer hunting is allowed within 200 yards of an occupied duck blind; during duck season only, deer hunters may not access the designated duck hunting areas by launching a boat at certain specifically posted boat ramps; boat ramps

## DEPARTMENT OF NATURAL RESOURCES

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reopen to deer hunters the day after duck season closes; hunting is allowed at Red's Landing and Riprap Landing walk-in areas from 12:00 p.m. to ½ hour after sunset during duck season, statewide hours during remainder of season) (1)

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

Momence Wetlands State Natural Area (1) (6)

Moraine View State Park (archery deer hunting closed Wednesday through Sunday during the controlled pheasant season) (1) (6)

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

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

Nauvoo State Park (Max Rowe Unit Only) (6)

Newton Lake State Fish and Wildlife Area (check deer at site office) (6)

Oakford State Conservation Area

Paul C. Burrus (formerly Hurricane Creek State Habitat Area) (hunter quotas filled by drawing) (6)

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

Pekin Lake State Fish and Wildlife Area (1) (6)

Pere Marquette State Park (area east of Graham Hollow Road) (1) (6)

Prairie Ridge State Natural Area (1) (6)

Pyramid State Park (4)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Rall Woods State Natural Area (6)

Ramsey Lake State Park (1) (6)

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

Rauchfuss Hill State Recreation Area (1) (6)

Ray Norbut State Fish and Wildlife Area (6)

\* Red Hills State Park (1) (6)

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

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

Revis Hill Prairie State Natural Area (6)

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

\* Rockton Bog State Natural Area (6)

Sahara Woods State Fish and Wildlife Area (portions of site closed until November 1) (6)

Saline County State Fish and Wildlife Area (1) (6)

\* Sam Dale Lake State Fish and Wildlife Area (1) (6)

\* Sam Parr State Park (1) (2)

Sandy Ford State Natural Area (antlerless deer only in October; either-sex deer from November 1 until the end of the statewide season; archery deer hunting is closed during the muzzleloader deer season) (2)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Sangamon County State Conservation Area (1)

Sanganois State Wildlife Area (Ash Swale Waterfowl Rest Area will be closed to deer hunting during the waterfowl hunting seasons) (1) (6)

Sand Ridge State Forest (6)

- \* Shabbona Lake State Park (submission of all deer heads within 48 hours after harvest on site is required to test for the presence of Chronic Wasting Disease) (6)

Shelbyville State Fish and Wildlife Area (for Corps of Engineers managed lands not managed by DNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy) (1) (6)

Sielbeck Forest State Natural Area (1) (6)

Siloam Springs State Park (Fall Creek Unit) (6)

Siloam Springs State Park – Buckhorn Unit (resident hunters only) (4) (6)

- \* Silver Springs State Park (2)

Skinner Farm State Habitat Area (1) (2)

- \* Snakeden Hollow State Fish and Wildlife Area (October 1 through start of the central zone goose season) (6)

- \* South Shore State Park (2)

Sparks Pond State Natural Area (6)

Spoon River State Forest (1) (6)

- \* Spring Lake State Fish and Wildlife Area (1) (6)

- \* Starved Rock State Park/Matthiessen State Park/Margery C. Carlson

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Nature Preserve (antlerless deer only in October; either-sex deer from November 1 until the end of the statewide season; deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange during the statewide firearm deer seasons; open to archery deer hunting during the statewide firearm deer season only in Zone A) (2)

\* Stephen A. Forbes State Recreation Area (1) (6)

Tapley Woods State Natural Area (6)

Ten Mile Creek State Fish and Wildlife Area (areas designated as refuge are closed to all access during Canada goose season only) (1) (6); Belle Rive Unit only (4)

Trail of Tears State Forest (1) (2)

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

Union County State Fish and Wildlife Area (Controlled Public Hunting Area – closed after October 31) (1) (2)

Walnut Point State Park (1) (6)

Wards Grove State Nature Preserve (closed during firearm deer hunting; antlerless deer only) (6)

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

Weinberg-King State Park (6)

Weinberg-King State Park – Cecil White Unit (6)

Weinberg-King State Park – Scripps Unit (resident hunters only) (6)

Weinberg-King State Park – Spunky Bottoms Unit (resident hunters only) (6)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Weldon Springs State Park – Piatt County Unit (an antlerless deer must be taken on the site before an antlered deer is harvested) (6)

Whitefield Pheasant Habitat Area (hunting allowed during October only) (6)

- \* White Pines Forest State Park ( hunting allowed on Mondays, Tuesdays, Wednesdays and Thursdays only – excluding official State holidays in October. Beginning November 1, archery hunting is allowed 7 days a week, excluding the site's special firearm deer season) (6)

Wildcat Hollow State Forest (1) (6)

Willow Creek State Habitat Area (hunting permitted October 1-31) (1) (6)

Winston Tunnel State Natural Area (6)

Wise Ridge State Natural Area (1)

Witkowsky State Wildlife Area (opens October 15) (6)

Wolf Creek State Park (an antlerless deer must be taken on the site before an antlered deer is harvested; Illinois residents and non-residents are eligible for the drawing; for Corps of Engineers managed lands not managed by DNR, contact Corps of Engineers, Lake Shelbyville office, for specific deer hunting policy) (4) (6)

Woodford State Fish and Wildlife Area (opens at the close of duck season) (6)

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

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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

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

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

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

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

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

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

- j) State regulations shall apply except that hunters must obtain a free permit from the site office. This permit must be in possession while hunting and must be returned, and harvest reported, to the address indicated on the card before February 15. Failure to return the permit shall result in loss of hunting privileges at that site for the following year.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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

Pyramid State Park – Captain Unit (4)

Pyramid State Park – Denmark Unit (4)

Pyramid State Park – East Conant Unit (4)

Pyramid State Park – Galum Unit (4)

Pyramid State Park (4)

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

Chain O'Lakes State Park (season opens Monday prior to opening of permit pheasant hunting season and closes Tuesday following the close of the permit pheasant hunting season; season reopens on December 26 till close of regular season) (3) (6)

Iroquois County State Conservation Area (6)

Johnson-Sauk Trail State Recreation Area (1) (6)

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

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

Jim Edgar Panther Creek State Fish and Wildlife Area (1) (4) (6)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- \* Sangchris Lake State Park (an antlerless deer must be taken on site before an antlered deer is harvested; site will be closed to archery deer hunting during the second firearm deer season) (1) (2) (4) (6)

Siloam Springs State Park (4) (6)

- m) Statewide regulations shall apply at this site except that hunter quotas for specific periods shall be filled by mail-in drawing. Only Illinois residents are eligible to apply. Information about drawing dates and application procedures will be publicly announced.

Hennepin Canal State Trail (hunters must stay in their designated zone; an antlerless deer must be taken on the site before an antlered deer may be taken) (6)

James Pate Philip State Park and Heron Woods State Habitat Area

Moraine Hills State Park (6)

Volo Bog State Natural Area (6)

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

(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Youth Hunting Seasons
- 2) Code Citation: 17 Ill. Adm. Code 685
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
685.20	Amendment
685.40	Amendment
685.110	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.24, 2.25, 2.26 and 3.36]
- 5) A Complete Description of the Subjects and Issues Involved: Amendments to this Part incorporate language allowing for the use of the new Youth Hunting License provisions.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking neither creates, nor expands, any State mandate affecting units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Virginia Yang, Legal Counsel  
Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2014

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 685  
YOUTH HUNTING SEASONS

## Section

685.10	Statewide Season for White-Tailed Deer Hunting
685.20	Statewide Deer Permit Requirements
685.30	Statewide Firearm Requirements for Hunting the Youth Deer Season
685.40	Statewide Deer Hunting Rules
685.50	Reporting Harvest of Deer
685.60	Rejection of Application/Revocation of Deer Permits
685.70	Regulations at Various Department-Owned or -Managed Sites
685.80	Youth White-Tailed Deer Hunt (Repealed)
685.90	Heritage Youth Wild Turkey Hunt – Spring Season (Repealed)
685.100	Youth Pheasant Hunting (Repealed)
685.110	Youth Waterfowl Hunting
685.120	Youth Dove Hunting (Repealed)

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

SOURCE: Adopted at 20 Ill. Reg. 12452, effective August 30, 1996; amended at 21 Ill. Reg. 14548, effective October 24, 1997; amended at 25 Ill. Reg. 6904, effective May 21, 2001; amended at 26 Ill. Reg. 4418, effective March 11, 2002; amended at 26 Ill. Reg. 13828, effective September 5, 2002; amended at 27 Ill. Reg. 14332, effective August 25, 2003; amended at 29 Ill. Reg. 20469, effective December 2, 2005; amended at 30 Ill. Reg. 12222, effective June 28, 2006; emergency amendment at 31 Ill. Reg. 12096, effective August 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14829, effective October 18, 2007; amended at 32 Ill. Reg. 10115, effective June 30, 2008; amended at 33 Ill. Reg. 11609, effective July 27, 2009; amended at 34 Ill. Reg. 4863, effective March 19, 2010; amended at 35 Ill. Reg. 13228, effective July 26, 2011; amended at 37 Ill. Reg. 19277, effective November 14, 2013; amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 685.20 Statewide Deer Permit Requirements**

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- a) All eligible youth hunters must have a current, valid "Youth Deer Hunt Permit" (\$10). The Youth Deer Season is only open to hunters who have not reached their 16<sup>th</sup> birthday prior to the opening date of the season. Hunters must have an apprentice [or youth](#) hunting license, or they must have completed a State-approved Hunter Education course and have a hunting license, unless exempt. A permit is issued for one county or special hunt area and is valid only in the county or special hunt area stated on the permit.
- b) Youth Deer Permits will be available for sale over-the counter (OTC) from agents beginning the first Tuesday in August through the last day of the Youth Deer Season. Hunters may purchase only a single permit (either-sex) for one of the included counties.
- c) For the applicant to be eligible to receive a Youth Deer Season Permit (\$10), applicant must not have had his or her deer hunting privileges suspended or revoked in this State pursuant to Section 3.36 of the Wildlife Code [520 ILCS 5/3.36].
- d) Recipients of the Youth Deer Season Hunt Permit shall record their signature on the permit and must carry it on their person while hunting.
- e) Permits are not transferable. Refunds shall not be granted unless the Department has erroneously issued the permit.
- f) A \$3 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail there will be no charge. Monies derived from this source will be deposited in the Wildlife and Fish Fund.
- g) Permits issued for the Youth Deer Hunt season will not be counted in the number of gun permits a person can receive for the Firearm and Muzzleloader-Only Deer Season.
- h) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 685.40 Statewide Deer Hunting Rules**

## DEPARTMENT OF NATURAL RESOURCES

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- a) Bag limits: One deer per legally authorized permit. All either-sex permits are subject to the following restrictions: no hunter, regardless of the quantity or type of permits in his/her possession, may harvest more than 2 antlered deer during a year, including the youth, archery, muzzleloader and firearm seasons. For purposes of this Section, deer seasons are considered to be in the same year if their opening dates fall within the same 12-month period that begins on July 1.
- b) Each hunter participating in the Youth Deer Hunt while using an Apprentice Hunter License [or a Youth Hunting License](#) must be accompanied by a non-hunting, validly-licensed (Illinois hunting license) parent, guardian or grandparent. All other hunters participating in the Youth Deer Hunt must each be accompanied by a non-hunting supervisor (parent, guardian or responsible adult) who has a valid Illinois hunting license or who has in his or her possession a valid Firearm Owners Identification (FOID) Card. The non-hunting supervisor must wear the orange garments required of gun deer hunters, and must remain with the hunting youth so as to have the youth under immediate control. Each supervisor may only accompany a single youth at any given time during the hunt. The supervising adult shall be criminally liable for the actions of the youth in the hunting party, and be subject to the criminal penalties provided by law.
- c) The temporary harvest tag must be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the temporary harvest tag to the deer in the manner prescribed in Section 685.50 and on the permit.
- d) Hunters shall not have in their possession, while in the field during the Youth Deer Season, any deer permit issued to another person (permits are non-transferrable). Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).
- e) Permits shall not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Disposal of unfit deer taken shall be the responsibility of the hunter.

(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 685.110 Youth Waterfowl Hunting**

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- a) Permit Requirements
- 1) Permit reservations shall be accepted starting in September. Initial acceptance dates shall be publicly announced. Applicants must be between the ages of 10-15 inclusive on the date of the hunt.
  - 2) Only one permit per person shall be issued for the hunt on December 27 at Horseshoe Lake State Fish and Wildlife Area (Alexander County) and Union County State Fish and Wildlife Area and on the Sunday immediately preceding the first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 at Donnelley/DePue State Wildlife Area (3 "i" unit), and on the first weekend and third Saturday of the Illinois Central Zone Waterfowl season at Donnelley State Wildlife Area, and on the second Sunday in November of the Illinois Central Zone Waterfowl season at Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit.
  - 3) The permit shall be for the use of the entire blind and it shall be the responsibility of the permit holder to bring one supervising adult who may also hunt. The supervising adult shall be criminally liable for the actions of the youth in the hunting party, and be subject to the criminal penalties provided by law. Each youth and supervising adult may be accompanied by a non-hunting guide. The maximum number of people in a blind is two hunting youth, two hunting adults and a non-hunting guide.
  - 4) Permit reservations and transferability.
    - A) All duplicate permit reservations shall be rejected and the hunter shall forfeit his rights to a permit. Permits are not transferable. Previous participants are ineligible to apply for a permit.
    - B) For other information write to:

Illinois Department of Natural Resources  
Youth Waterfowl Hunt  
One Natural Resources Way  
P.O. Box 19457  
Springfield IL 62794-9457

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 5) Permits for the Illinois Youth Waterfowl Hunt will be issued from the Springfield Permit Office.
- b) General Waterfowl Hunting Regulations at the Youth Waterfowl Hunting Areas
  - 1) Hours, Permits and Stamp Charges
    - A) Hunting hours at Horseshoe Lake State Conservation Area (Alexander County) and Union County are from legal opening until 12:00 Noon on the day of the Youth Waterfowl Hunt. Hunting hours at Donnelley/DePue State Wildlife Area (3 "i" Unit) and Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit are from statewide opening to 1:00 p.m. on the days of the youth waterfowl hunts.
    - B) At Union County State Fish and Wildlife Area and Horseshoe Lake State Fish and Wildlife Area (Alexander County), hunters with Illinois Youth Waterfowl Hunt Permit reservations are required to check in at the check station between 4:30 a.m. and 5:00 a.m. Permits are void after 5:00 a.m. A drawing shall be held on the morning of the hunt to allocate blind sites.
    - C) At Donnelley/DePue State Wildlife Area (3 "i" Unit), hunters with Illinois Youth Waterfowl Hunt Permit reservations are required to check in one hour before shooting time. The blinds will be allocated by drawing. For the youth hunts other than the Illinois Youth Waterfowl Hunt, hunters with permit reservations must check in at the check station no later than one hour before shooting time or the permit is void.
    - D) At Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit, hunters with Illinois Youth Waterfowl Permit reservations are required to check-in at the check station no later than one hour before legal shooting time, after which time permits are void. A drawing shall be held on the morning of the hunt to allocate blind sites.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- E) There is no fee for the Illinois Youth Waterfowl Hunting Permit.
- 2) Hunting must be done from assigned blinds only and hunters, unless authorized, shall not move from blind to blind or leave the blind and return.
- 3) ~~Shotguns~~Guns must be unloaded and encased at all times when not hunting.
- 4) At Union County State Fish and Wildlife Area and Horseshoe Lake State Fish and Wildlife Area (Alexander County), each youth shall not possess more than 25 shells. Each adult shall not possess more than 5 shells for each Canada goose allowed in the daily bag. Hunters without their guns may leave the blind to retrieve crippled waterfowl.
- 5) At Rend Lake State Fish and Wildlife Area, hunters participating in the youth hunt must sign in and out, no entry into subimpoundments before 4:30 a.m. and must be out of subimpoundments by 2:00 p.m. A drawing will be held at 4:00 a.m. each day of the youth hunt for hunters wanting to hunt the Casey Fork impoundment. Drawing will be held at the Cottonwood Access Area.
- c) **Special Hunts**  
If, by regulation published in the Federal Register, the U.S. Fish and Wildlife Service sets any special dates for youth-only waterfowl hunting, the Department shall, by public announcement, open those Department sites that, under the circumstances prevailing at the time, the Department believes may be opened without unduly disturbing other Department programs. Open sites that require the use of windshield cards by hunters as specified in 17 Ill. Adm. Code 510.10 will be noted in the public announcement.
- d) Violations of this Section are Class B misdemeanors (see 520 ILCS 5/2.18), except that hunting prior to ½ hour before sunrise is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).

(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Taking of Wild Turkeys – Spring Season
- 2) Code Citation: 17 Ill. Adm. Code 710
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
710.10	Amendment
710.50	Amendment
710.70	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11]
- 5) A Complete Description of the Subjects and Issues Involved: This Part updates season dates for the 2015 season; removes Burning Star 5 from the list of open sites during both the youth season and regular turkey season, as the Department is no longer managing the property; and adds language pertaining to the new youth hunting license.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking neither creates, nor expands, any State mandate affecting units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Virginia Yang, Legal Counsel  
Department of Natural Resources  
One Natural Resources Way

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Springfield IL 62702-1271

217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2014

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 710  
THE TAKING OF WILD TURKEYS – SPRING SEASON

## Section

710.5	Hunting Zones
710.10	Hunting Seasons
710.20	Statewide Turkey Permit Requirements
710.21	Turkey Permit Requirements – Special Hunts (Renumbered)
710.22	Turkey Permit Requirements – Landowner/Tenant Permits
710.25	Turkey Permit Requirements – Special Hunts
710.28	Turkey Permit Requirements – Heritage Youth Turkey Hunt (Repealed)
710.30	Turkey Hunting Regulations
710.40	Other Regulations (Repealed)
710.50	Regulations at Various Department-Owned or -Managed Sites
710.55	Special Hunts for Disabled Hunters
710.60	Releasing or Stocking of Turkeys
710.70	Spring Youth Turkey Hunt

**AUTHORITY:** Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

**SOURCE:** Adopted at 4 Ill. Reg. 15, p. 153, effective April 1, 1980; codified at 5 Ill. Reg. 10643; amended at 6 Ill. Reg. 3852, effective March 31, 1982; amended at 7 Ill. Reg. 4208, effective March 25, 1983; amended at 8 Ill. Reg. 5663, effective April 16, 1984; amended at 9 Ill. Reg. 6200, effective April 24, 1985; amended at 10 Ill. Reg. 6848, effective April 4, 1986; amended at 11 Ill. Reg. 2267, effective January 20, 1987; amended at 12 Ill. Reg. 5342, effective March 8, 1988; amended at 13 Ill. Reg. 5090, effective April 4, 1989; amended at 14 Ill. Reg. 663, effective January 2, 1990; amended at 15 Ill. Reg. 4161, effective March 4, 1991; amended at 16 Ill. Reg. 1843, effective January 17, 1992; amended at 17 Ill. Reg. 3184, effective March 2, 1993; amended at 18 Ill. Reg. 1156, effective January 18, 1994; emergency amendment at 18 Ill. Reg. 3751, effective March 1, 1994, for a maximum of 150 days; emergency expired July 29, 1994; amended at 19 Ill. Reg. 2450, effective February 17, 1995; emergency amendment at 19 Ill. Reg. 5312, effective April 1, 1995, for a maximum of 150 days; emergency expired August 29, 1995; amended at 20 Ill. Reg. 777, effective December 29, 1995; recodified by changing the

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agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 3125, effective March 3, 1997; amended at 22 Ill. Reg. 2192, effective January 2, 1998; amended at 22 Ill. Reg. 19568, effective October 23, 1998; amended at 23 Ill. Reg. 11956, effective September 21, 1999; amended at 24 Ill. Reg. 7984, effective May 24, 2000; amended at 24 Ill. Reg. 17778, effective November 27, 2000; amended at 25 Ill. Reg. 14176, effective October 22, 2001; amended at 26 Ill. Reg. 18028, effective December 6, 2002; amended at 27 Ill. Reg. 17075, effective October 22, 2003; amended at 29 Ill. Reg. 3935, effective February 24, 2005; amended at 29 Ill. Reg. 20484, effective December 2, 2005; amended at 31 Ill. Reg. 1958, effective January 16, 2007; amended at 31 Ill. Reg. 16476, effective November 28, 2007; amended at 32 Ill. Reg. 19742, effective December 3, 2008; amended at 34 Ill. Reg. 4868, effective March 19, 2010; amended at 35 Ill. Reg. 3705, effective February 16, 2011; amended at 35 Ill. Reg. 20588, effective December 9, 2011; amended at 37 Ill. Reg. 1898, effective February 4, 2013; amended at 37 Ill. Reg. 20688, effective December 12, 2013; amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 710.10 Hunting Seasons**

## a) Northern Zone Season Dates:

- |                         |  |
|-------------------------|--|
| 1 <sup>st</sup> Season: | Monday, April <del>13</del> 4-Friday, April <del>17, 2015</del> <del>18, 2014</del>      |
| 2 <sup>nd</sup> Season: | Saturday, April <del>18</del> 19-Thursday, April <del>23, 2015</del> <del>24, 2014</del> |
| 3 <sup>rd</sup> Season: | Friday, April <del>24</del> 25-Wednesday, April <del>29, 2015</del> <del>30, 2014</del>  |
| 4 <sup>th</sup> Season: | Thursday, <del>April 30</del> May 1-Wednesday, May <del>6, 2015</del> <del>7, 2014</del> |
| 5 <sup>th</sup> Season: | Thursday, May <del>7</del> 8-Thursday, May <del>14, 2015</del> <del>15, 2014</del>       |

## b) Southern Zone Season Dates:

- |                         |  |
|-------------------------|--|
| 1 <sup>st</sup> Season: | Monday, April <del>6</del> 7-Friday, April <del>10, 2015</del> <del>11, 2014</del>       |
| 2 <sup>nd</sup> Season: | Saturday, April <del>11</del> 12-Thursday, April <del>16, 2015</del> <del>17, 2014</del> |
| 3 <sup>rd</sup> Season: | Friday, April <del>17</del> 18-Wednesday, April <del>22, 2015</del> <del>23, 2014</del>  |

DEPARTMENT OF NATURAL RESOURCES

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4<sup>th</sup> Season: Thursday, April ~~23~~<sup>24</sup>-Wednesday, April ~~29, 2015~~<sup>30, 2014</sup>

5<sup>th</sup> Season: Thursday, ~~April 30~~<sup>May 1</sup>-Thursday, May ~~7, 2015~~<sup>8, 2014</sup>

c) Open Counties:

NORTHERN ZONE

- Adams
- Boone
- Brown
- Bureau
- Calhoun
- Carroll
- Cass
- Champaign
- Christian
- Clark
- Coles
- Cumberland
- DeKalb
- DeWitt
- Douglas
- Edgar
- Ford
- Fulton
- Greene
- Grundy
- Hancock
- Henderson
- Henry
- Iroquois
- Jersey
- Jo Daviess
- Kane
- Kankakee
- Kendall
- Knox
- Lake

DEPARTMENT OF NATURAL RESOURCES

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La Salle  
Lee  
Livingston  
Logan  
Macon  
Macoupin  
Marshall-Putnam  
Mason  
McDonough  
McHenry  
McLean  
Menard  
Mercer  
Montgomery  
Morgan  
Moultrie  
Ogle  
Peoria  
Piatt  
Pike  
Rock Island  
Sangamon  
Schuyler  
Scott  
Shelby  
Stark  
Stephenson  
Tazewell  
Vermilion  
Warren  
Whiteside  
Will  
Winnebago  
Woodford

SOUTHERN ZONE

Alexander  
Bond

## DEPARTMENT OF NATURAL RESOURCES

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Clay  
Clinton  
Crawford  
Edwards  
Effingham  
Fayette  
Franklin  
Hamilton  
Gallatin-Hardin  
Jackson  
Jasper  
Jefferson  
Johnson  
Lawrence  
Madison  
Marion  
Massac  
Monroe  
Perry  
Pope  
Pulaski  
Randolph  
Richland  
Saline  
St. Clair  
Union  
Wabash  
Washington  
Wayne  
White  
Williamson

(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 710.50 Regulations at Various Department-Owned or -Managed Sites**

- a) Hunters who intend to hunt Department sites and who have a physical disability that requires special accommodations must contact the site superintendent at least

## DEPARTMENT OF NATURAL RESOURCES

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10 days before the date they wish to hunt. The site superintendent shall make reasonable accommodations necessary to allow the disabled person to participate in the hunting experience at the site. Disabled hunters who require an aide or assistant with them during the hunt are responsible for providing the aide or assistant and notifying the site superintendent that an assistant will be present, and whether the assistant will also be hunting.

- b) Hunters must sign in/sign out at all sites that are followed by a (1). Sites that require use of windshield cards by hunters as specified in 17 Ill. Adm. Code 510.10 are followed by a (2).
- c) Statewide regulations shall apply for the following sites:
  - Alvah Borah State Habitat Area (2)
  - Anderson Lake Conservation Area (1)
  - Argyle Lake State Park (2)
  - Cache River State Natural Area (1)
  - Campbell Pond Wildlife Management Area (2)
  - Cape Bend State Fish and Wildlife Area (1)
  - Carlyle Lake State Fish and Wildlife Area (2)
  - Copperhead Hollow State Wildlife Area (2)
  - Cypress Pond State Natural Area (1)
  - Deer Pond State Natural Area (1)
  - Devil's Island State Fish and Wildlife Area
  - Dog Island Wildlife Management Area (2)
  - Ferne Clyffe State Park – Cedar Draper Bluff Hunting Area (1)

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Flag Pond State Natural Area

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

Giant City State Park (1)

Horseshoe Lake Conservation Area – Alexander County (controlled goose hunting area and public hunting area only) (1)

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Units (all hunters must obtain a free site permit)

Jubilee State Park (archery only) (1)

Kaskaskia River State Fish and Wildlife Area (no hunting east of and within 50 yards of the defined Baldwin Lake Waterfowl Rest Area's main north-south road, within 100 yards of any house or building, or south of the Dry Lake access road; a hunter with a P-2 handicapped certification, accompanied by a non-hunting attendant, may hunt at the site's designated handicapped hunting spot within this closed area; the hunting spot will be allocated on a first come-first served basis or via a drawing, if needed, held at the site office) (1)

Kinkaid Lake Fish and Wildlife Area (1)

Mark Twain National Wildlife Refuge, Gardner Division

Mississippi River Fish and Wildlife Area (Pools 25 and 26)

Mississippi River Pools 16, 17, 18, 21, 22, and 24

Nauvoo State Park (Max Rowe Unit only) (2)

Oakford Conservation Area

## DEPARTMENT OF NATURAL RESOURCES

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Peabody River King State Fish and Wildlife Area (except South Subunit)  
(1)

Pere Marquette State Park (designated area only) (2)

Ray Norbut Fish and Wildlife Area (2)

Rend Lake Project Lands and Waters except Wayne Fitzgerald State Park

Saline County Fish and Wildlife Area (2)

Sanganois Conservation Area (2)

Sielbeck Forest State Natural Area (2)

Skinner Farm State Habitat Area (1)

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1)

Union County Conservation Area – Firing Line Unit and Public Hunting  
Area only (1)

Weinberg-King State Park (2)

Weinberg-King State Park (Cecil White Unit) (2)

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

Wildcat Hollow Habitat Area (2)

Wise Ridge State Natural Area

- d) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 710.20. This permit is only valid for the specific site and season indicated on the permit.

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Apple River Canyon State Park – Thompson and Salem Units (2)

Beaver Dam State Park

Big Bend State Fish and Wildlife Area (1)

Big River State Forest (2)

~~Burning Star 5 (preseason scouting is permitted seven days prior to season date listed on permit; hunters must have their permit in possession while scouting; only hunters with valid Burning Star 5 spring turkey permits may be on the property)~~

Butterfield Trail State Recreation Area (2)

Carlyle Lake State Fish and Wildlife Area – East Fork Management Unit (2)

Castle Rock State Park (2)

Clinton Lake State Recreation Area (2)

Coffeen Lake State Fish and Wildlife Area

Crawford County State Fish and Wildlife Area (2)

Dixon Springs State Park (youth ages 10-15 only) (1)

Eagle Creek State Park (first two seasons only) (2)

Eldon Hazlet State Park

Ferne Clyffe Hunting Area (1)

Fort Massac State Park (Youth Ages 10-15 only) (1)

Fox Ridge State Park (2)

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French Bluff State Natural Area (2)

Green River State Wildlife Area (2)

Hamilton County Conservation Area (2)

Hanover Bluff State Natural Area (2)

Harry "Babe" Woodyard State Natural Area (2)

Hidden Springs State Forest (2)

Horseshoe Lake State Park (Madison County)

Iroquois County State Wildlife Area (2)

Jim Edgar Panther Creek State Fish and Wildlife Area (2)

Johnson-Sauk Trail State Park (2)

Kankakee River State Park (hunting hours are from ½ hour before sunrise until 12:00 noon) (1)

Kickapoo State Park (2)

Kishwaukee River State Fish and Wildlife Area (2)

Lowden Miller State Forest (2)

Mackinaw River Fish and Wildlife Area (2)

Marseilles State Fish and Wildlife Area (site is open to hunting Monday through Thursday only; hunting hours are from ½ hour before sunrise until 8:30 a.m. with potential additional hunting hours being posted by the site; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may only enter the site from designated parking lots) (1)

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Marshall Fish and Wildlife Area (2)

Matthiessen State Park (South of Vermilion River Area) (1)

Mautino State Fish and Wildlife Area (2)

Meeker State Habitat Area (2)

Mermet Lake State Fish and Wildlife Area (2)

Middle Fork State Fish and Wildlife Management Area (2)

Mississippi Palisades State Park (closed during the fifth season) (2)

Momence Wetlands (1)

Moraine View State Park (no hunting on weekends during 4<sup>th</sup> and 5<sup>th</sup> season) (2)

Morrison Rockwood State Park (closed during the fifth season) (1)

Mt. Vernon Game Propagation Center

Newton Lake Fish and Wildlife Area (2)

Paul C. Burrus Habitat Area (must have Fox Ridge State Park permit) (2)

Pere Marquette State Park (Piasa, Quotoga, Potawatomi Camp Areas) (no hunting allowed on weekends) (2)

Pyramid State Park (2)

Pyramid State Park – East Conant Unit (2)

Rall Woods State Natural Area (2)

Ramsey Lake State Park (1)

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Randolph County Conservation Area (a handicapped hunter with a P-2 handicapped certification, accompanied by a non-hunting attendant, wanting to hunt at one of the site's two designated handicapped hunting spots is not required to have a site-specific permit; these hunting spots will be allocated on a first come-first served basis or via a drawing, if needed, held at the site office) (1)

Red Hills State Park (2)

Red Hills State Park/Chauncey Marsh (2)

Sahara Woods State Fish and Wildlife Area (2)

Sam Dale Lake State Fish and Wildlife Area (2)

Sam Parr State Fish and Wildlife Area (2)

Sand Ridge State Forest (2)

Sandy Ford State Natural Area

Sangamon County Conservation Area

Sanganois Conservation Area (Squirrel Timber Unit) (2)

Sangchris Lake State Park (2)

Shelbyville State Fish and Wildlife Area (2)

Siloam Springs State Park (2)

Siloam Springs State Park (Buckhorn Unit) (2)

South Shore State Park (must have Eldon Hazlet State Park permit)

Spoon River State Forest (2)

## DEPARTMENT OF NATURAL RESOURCES

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Stephen A. Forbes State Park (2)

Tapley Woods State Natural Area (2)

Ten Mile Creek Fish and Wildlife Area (2)

Washington County Conservation Area (1)

Wayne Fitzgerald State Recreation Area

Weinberg-King State Park (Scripps Unit) (2)

Weldon Springs State Park – Piatt County Unit (2)

Winston Tunnel State Natural Area (2)

Witkowsky State Wildlife Area (2)

Wolf Creek State Park (first 2 seasons only) (1)

(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 710.70 Spring Youth Turkey Hunt**

- a) Hunting Dates
  - 1) Northern Zone: the Saturday and Sunday beginning 9 days prior to the opening date of the Northern Zone first spring turkey hunting season.
  - 2) Southern Zone: the Saturday and Sunday beginning 9 days prior to the opening date of the Southern Zone first spring turkey hunting season.
- b) Open Counties: All counties listed in Section 710.10 are open to Spring Youth Turkey Hunting.
- c) Eligibility: The Spring Youth Turkey Hunt is open only to hunters who have not reached their 16<sup>th</sup> birthday prior to the opening date of the youth season. Hunters must have an apprentice [or youth](#) hunting license, or they must have completed a

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

State-approved Hunter Education course and have a hunting license, unless exempt. In addition, hunters must have a Habitat Stamp, unless exempt.

- d) Permit Requirements – Spring Youth Turkey Hunt
- 1) All youth hunters must have a current, valid Youth Turkey Hunt Permit (\$10). Hunters are eligible to purchase only one Youth Turkey Hunt Permit. Hunting without a permit is a Class B misdemeanor (see 520 ILCS 5/2.9).
  - 2) For a county permit: Youth Turkey Hunt Permits valid for counties open to youth turkey hunting will be available for sale over-the-counter (OTC) from agents beginning the first Tuesday in March through the last day of the Youth Turkey Season.
  - 3) For a Special Hunt Area permit: Youth hunters may apply online (<http://dnr.state.il.us/admin/turkey.htm>) for a site-specific permit valid for one of the Special Hunt Areas. The application period begins the third Tuesday in January and ends the third Monday in February. Permits will be allocated via a lottery drawing in which Illinois residents will be given preference.
  - 4) The applicants must not have had their hunting privileges suspended or revoked in this State or any other state.
  - 5) A \$3 service fee will be charged for replacement permits issued by the Department, except when permits are lost in the mail, there will be no charge. Monies derived from this source will be deposited in the Wildlife and Fish Fund.
  - 6) The Youth Turkey Hunt Permit shall be valid only for the dates and counties/Special Hunt Area listed on the permit.
  - 7) A permit issued for the Youth Turkey Hunt will count toward the maximum number of permits (Section 710.20(j)) an individual can receive for the Spring Wild Turkey Season.
- e) Youth Turkey Hunting Regulations

## DEPARTMENT OF NATURAL RESOURCES

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- 1) Each hunter participating in the Illinois Youth Turkey Hunt while using an Apprentice Hunter License [or Youth Hunting License](#) must be accompanied by a non-hunting, validly-licensed (Illinois hunting license) parent, guardian or grandparent. All other hunters (using other types of hunting licenses or license-exempt) participating in the Youth Turkey Hunt must each be accompanied by a non-hunting supervisor (parent, guardian or responsible adult) who has a valid Illinois hunting license or who has in his or her possession a valid Firearm Owners Identification (FOID) Card. An Illinois resident serving as a youth supervisor must have a valid FOID card regardless of whether he or she has a valid Illinois hunting license. FOID cards are not issued to non-residents, so non-residents serving as youth supervisors must have a valid Illinois hunting license. The non-hunting supervisor must remain with the hunting youth so as to have the youth under immediate control. Each supervisor may only accompany a single youth at any given time during the hunt. The supervising adult shall be criminally liable for the actions of the youth in the hunting party and shall be subject to the criminal penalties provided by law.
  - 2) All regulations prescribed by Section 710.30 of this Part apply during the Youth Turkey Hunt.
- f) The following sites will be open to holders of a valid Youth Turkey Hunt Permit for the county in which the site is located. Persons wishing to hunt one of the listed sites should contact that site prior to hunting for information about site regulations and restrictions. Sites that require use of windshield cards by hunters as specified in 17 Ill. Adm. Code 510.10 are followed by a (2).

Anderson Lake Fish and Wildlife Area

Apple River Canyon State Park – Thompson and Salem Units (2)

Argyle Lake State Park

Big Bend Fish and Wildlife Area (Whiteside County)

Big River State Forest

DEPARTMENT OF NATURAL RESOURCES

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Cache River State Natural Area

Cape Bend State Fish and Wildlife Area

Carlyle Lake State Fish and Wildlife Area (2)

Carlyle Lake State Fish and Wildlife Area – East Fork Management Unit  
(2)

Copperhead Hollow State Wildlife Area (2)

Crab Orchard National Wildlife Refuge Public Hunting Area

Crawford County State Fish Wildlife Area

Cypress Pond State Natural Area

Deer Pond State Natural Area

Devil's Island State Fish and Wildlife Area

Dog Island Wildlife Management Area

Ferne Clyffe State Park – Cedar Draper State Habitat Area

Giant City State Park

Green River State Wildlife Area (2)

Hanover Bluff State Natural Area (2)

Horseshoe Lake Conservation Area – Alexander County

Kaskaskia River State Fish and Wildlife Area

Kinkaid Lake State Fish and Wildlife Area

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Mackinaw River State Fish and Wildlife Area (2)

Marshall State Fish and Wildlife Area

Mermet Lake State Fish and Wildlife Area

Moraine View State Park (free site permit required)

Mississippi River Area Pools 21, 22, 24, 25 and 26

Mt. Vernon Game Propagation Center (1)

Nauvoo State Park (Max Rowe Unit Only) (2)

Newton Lake State Fish and Wildlife Area (2)

Pere Marquette State Park (open area east of Graham Hollow Road only)  
(2)

Pyramid State Park (2)

Pyramid State Park – East Conant Unit (2)

Rall Woods State Natural Area (2)

Ray Norbut Fish and Wildlife Area (2)

Rend Lake Corps of Engineers-managed land in Jefferson and  
Franklin Counties

Rend Lake State Fish and Wildlife Area

Sahara Woods State Fish and Wildlife Area (2)

Sam Parr State Fish and Wildlife Area (2)

Shelbyville State Fish and Wildlife Area (2)

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Sielbeck Forest State Natural Area (2)

Siloam Springs State Park (2)

Siloam Springs State Park (Buckhorn Unit) (2)

Skinner Farm State Habitat Area

Spoon River State Forest (2)

Tapley Woods State Natural Area (2)

Trail of Tears State Forest

Ten Mile Creek State Fish and Wildlife Area

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area

Weinberg-King State Park (2)

Weinberg-King State Park (Cecil White Unit) (2)

Weinberg-King State Park (Scripps Unit) (2)

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

Winston Tunnel State Natural Area (2)

Wise Ridge State Natural Area

Witkowsky State Wildlife Area (2)

- g) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 710.70(d). This permit is only valid for the specific site and season indicated on the permit.

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~~Burning Star 5 (preseason scouting is permitted beginning the Saturday prior to the youth season; hunters must have their permit in possession while scouting)~~

Butterfield Trail State Recreation Area (2)

Castle Rock State Park

Clinton Lake State Recreation Area (2)

Coffeen Lake State Fish and Wildlife Area

Crab Orchard National Wildlife Refuge (Closed Portion)

Eldon Hazlet State Park

Ferne Clyffe State Park – Ferne Clyffe Hunting Area

Harry "Babe" Woodyard State Natural Area (2)

Hidden Springs State Forest

Iroquois County State Fish and Wildlife Area (2)

Jim Edgar Panther Creek State Fish and Wildlife Area

Kankakee River State Park

Kickapoo State Recreation Area (2)

Lake Shelbyville Project Land (U.S. Army Corps of Engineers managed)  
Moultrie County

Lake Shelbyville Project Land (U.S. Army Corps of Engineers managed)  
Shelby County

Middle Fork State Fish and Wildlife Area

DEPARTMENT OF NATURAL RESOURCES

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Momence Wetlands

Sam Dale Lake State Fish and Wildlife Area (2)

Sand Ridge State Forest

Sangchris Lake State Park

South Shore State Park (must have Eldon Hazlet State Park permit)

Stephen A. Forbes State Park (2)

Wayne Fitzgerald State Recreation Area

Weldon Springs – Piatt County Unit (2)

(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Smoke Free Illinois Code
- 2) Code Citation: 77 Ill. Adm. Code 949
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
949.10	New Section
949.20	New Section
949.30	New Section
949.40	New Section
949.50	New Section
- 4) Statutory Authority: Implementing and authorized by the Smoke Free Illinois Act [410 ILCS 82]
- 5) A Complete Description of the Subjects and Issues Involved: These rules implement the Smoke Free Illinois Act, PA 95-17 that authorizes the Illinois Department of Public Health to enforce the provisions of the Act and to assess fines for violation of the Act. This rulemaking focuses specifically on clarification that smoking is prohibited in a restaurant, bar and any area where food, beverages, or both, are prepared or served by employees, including outdoor areas such as patios, beer gardens, decks, or rooftops or concession areas. Additionally, the proposed rule includes provisions regarding filing of complaints and enforcement provisions.

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 rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- 11) Statement of Statewide Policy Objectives: The Smoke Free Illinois Act includes an exemption from the State Mandates Act.
- 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., 5<sup>th</sup> floor  
Springfield, Illinois 62761

217/782-2043  
e-mail: [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Businesses in the gaming, food and beverage industries, such as casinos, bars, taverns, and restaurants, will be affected. Other small businesses where the public is invited to conduct business will also be affected. Small municipalities are covered under Section 65 of the Act. Not-for-Profit organizations will be held to the same standard to maintain a smoke free work environment for their employees and the public.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not contemplated by the Department at the time that the Regulatory Agenda was prepared.

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

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER u: MISCELLANEOUS PROGRAMS AND SERVICESPART 949  
SMOKE FREE ILLINOIS CODE

Section	
949.10	Definitions
949.20	Referenced Materials
949.30	Smoking Prohibited
949.40	Complaints
949.50	Enforcement

AUTHORITY: Implementing and authorized by Smoke Free Illinois Act [410 ILCS 82]

SOURCE: Adopted at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 949.10 Definitions**

"Act" means the Smoke Free Illinois Act [410 ILCS 82].

*"Bar" means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and that derives no more than 10% of its gross revenue from the sale of food consumed on the premises. "Bar" includes, but is not limited to, taverns, nightclubs, cocktail lounges, brew pubs, saloons, microbreweries, sports bars, adult entertainment facilities, and cabarets. (Section 10 of the Act)*

"Clear and conspicuous" means that signage is designed so that letters, numbers and symbols are of sufficient size to be clearly legible and visible to an individual who is not visually impaired from a distance of 10 feet.

"Complaint" means a written or oral report of an alleged violation of the Act or this Part.

*"Department" means the Department of Public Health. (Section 10 of the Act)*

## DEPARTMENT OF PUBLIC HEALTH

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"Drift" means the physical movement of smoke, regardless of cause, into any area where smoking is prohibited.

*"Employee" means a person who is employed by an employer in consideration for direct or indirect monetary wages or profits, including, but not limited to, an independent contractor, or a person who volunteers his or her services for a non-profit entity. (Section 10 of the Act)*

*"Employer" means a person, business, partnership, association, or corporation, including a municipal corporation, trust, or non-profit entity, that employs the services of one or more individual persons. (Section 10 of the Act)*

"Enforcing agency" means State-certified local public health departments and local law enforcement agencies.

"Local law enforcement agency" means:

police department of a city, town, village or other incorporated area;

sheriff's department;

office of the state's attorney; or

special jurisdictions that provide police services for defined entities or areas, including, but not limited to, parks, universities, schools, or transportation resources, such as airports, subways, etc.

*"Place of employment" means any area under the control of a public or private employer that employees are required to enter, leave, or pass through during the course of employment, including, but not limited to, entrances and exits to places of employment, including a minimum distance, as set forth in Section 70 of the Act, of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited; offices and work areas; restrooms; conference and classrooms; break rooms and cafeterias; and other common areas. A private residence, self-service outdoor area, or home-based business, unless used to provide licensed child care, foster care, adult day care, or other similar social services care on the premises, is not a "place of employment". (Section 10 of the Act)*

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*"Public place" means that portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the State of Illinois, or any other public entity, and regardless of whether a fee is charged for admission, including a minimum distance, as set forth in Section 70 of the Act, of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited. A "public place" does not include a private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises. "Public place" includes, but is not limited to, hospitals, restaurants, retail stores, offices, commercial establishments, elevators, indoor theatres, libraries, museums, concert halls, public conveyances, educational facilities, nursing homes, auditoriums, enclosed or partially enclosed sports arenas, meeting rooms, schools, exhibition halls, convention facilities, polling places, private clubs, gaming facilities, all government owned vehicles and facilities, including buildings and vehicles owned, leased, or operated by the State or State subcontract, healthcare facilities or clinics, enclosed shopping centers, retail service establishments, financial institutions, educational facilities, ticket areas, public hearing facilities, public restrooms, waiting areas, lobbies, bars, taverns, bowling alleys, skating rinks, reception areas, places of worship, and no less than 75% of the sleeping quarters within a hotel, motel, resort, inn, lodge, bed and breakfast, or other similar public accommodation that are rented to guests, but excludes private residences.*  
(Section 10 of the Act)

*"Restaurant" means an eating establishment, including, but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, that gives or offers for sale food to the public, guests, or employees, and a kitchen or catering facility in which food is prepared on the premises for serving elsewhere. "Restaurant" includes a bar area within the restaurant.* (Section 10 of the Act)

"Self-service outdoor area" means an area or location where no employees are present and customers may serve themselves food or beverages or both and clean up the area after consuming their food and beverages. This area is not a place of employment because employees do not prepare or serve food or beverages in this area, and are not required to enter, leave or pass through this area during the course of employment.

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*"Smoke" or "smoking" means the carrying, smoking, burning, inhaling or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, or any other lighted smoking equipment. (Section 10 of the Act)*

"State-certified local public health department" means a local health department that is certified under the Certified Local Health Department Code.

**Section 949.20 Referenced Materials**

- a) The following State and federal laws are referenced in this Part:
  - 1) Smoke Free Illinois Act [410 ILCS 82]
  - 2) Freedom of Information Act [5 ILCS 140]
  - 3) Illinois Administrative Procedure Act [5 ILCS 100]
- b) The following administrative rules are referenced in this Part:
  - 1) Access to Records of the Department of Public Health (2 Ill. Adm. Code 1127)
  - 2) Certified Local Health Department Code (77 Ill. Adm. Code 600)
  - 3) Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

**Section 949.30 Smoking Prohibited**

- a) *No person shall smoke in a public place or in any place of employment or within 15 feet of any entrance to a public place or place of employment. (Section 15 of the Act)*
  - 1) Smoking is prohibited in a restaurant, bar and any area where food, beverages or both are prepared or served by employees, including outdoor areas such as patios, beer gardens, decks or rooftops or concession areas.
    - A) Smoking may be permitted in a self-service outdoor area where employees do not prepare or serve food or beverages and are not

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required to enter, leave or pass through during the course of employment. The self-service outdoor area shall be at least 15 feet away from entrances, exits, windows or ventilation and shall be designated as a "self-service outdoor area where smoking is permitted" using clear and conspicuous signage.

- B) Smoke shall not be allowed to drift through entrances, windows or ventilation systems, or by other means enter into indoor and outdoor areas where smoking is prohibited. The employer shall ensure compliance with Section 15 of the Act and this Part.
- 2) Smoking is prohibited in all vehicles that serve as a place of employment.
- b) *Smoking is prohibited within a minimum distance of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited under the Act so as to ensure that tobacco smoke does not enter the area through entrances, exits, open windows, or other means. (Section 70 of the Act)*
- c) *An owner or employer shall reasonably assure that smoking is prohibited in indoor public places, places of employment, and workplaces unless specifically exempted by Section 35 of the Act. (Section 15 of the Act)*
- d) *No person may smoke in any vehicle owned, leased, or operated by the State or a political subdivision of the State. (Section 15 of the Act)*

**Section 949.40 Complaints**

- a) *Any person may register a complaint with the Department, a State-certified local public health department, or a local law enforcement agency for a violation of the Act or this Part. (Section 40(b) of the Act) Complaints shall be registered with the Department by calling the following toll-free telephone number: 1-866-973-4646 or by registering a complaint or downloading a complaint form from the Department's website ([www.idph.state.il.us](http://www.idph.state.il.us)). A complaint registered with the Department, a State-certified local public health department, or a local law enforcement agency shall include:*

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- 1) The name and address of the public place or place of employment that is the subject of the complaint (if available) and the name and address of the business owner (if available);
  - 2) The date and approximate time of the occurrence that prompted the complaint;
  - 3) A description of the occurrence that prompted the complaint; and
  - 4) Any other information relevant to the occurrence that prompted the complaint.
- b) The Department will protect the confidentiality of the complainant and will not disclose the complainant's name, including pursuant to any Freedom of Information Act request, unless he or she consents to the disclosure.
- c) Information about the complaint, including the date and time of the complaint, the complainant's name, the name of the public place or place of employment, and the specific allegations registered, will be maintained by the Department.
- d) After the receipt of a complaint, a State-certified local public health department or a local law enforcement agency shall investigate the complaint by:
- 1) Notifying the proprietor at the public place or place of employment of the complaint; and
  - 2) Conducting an inspection of the public place or place of employment for compliance with the Act and this Part.
- e) In determining whether a violation of the Act or this Part has occurred, the Department, State-certified local public-health department, or local law enforcement agency shall consider, but not be limited to, the following:
- 1) The presence of a used ashtray or container with ashes or cigarette butts in an area where smoking is prohibited;
  - 2) The lack of a sign that is required under the Act and this Part;
  - 3) The presence of smoking;

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- 4) The presence of ashes, cigarette butts or filters, or cigar stubs in an area where smoking is prohibited;
  - 5) The presence of smoke that drifts into a place of employment or public place through entrances, windows, ventilation systems or other means;
  - 6) The presence of smoke within 15 feet from entrances, open windows or ventilation systems; and
  - 7) The presence of employees in self-service outdoor areas.
- f) Information concerning complaints can be requested pursuant to the Freedom of Information Act and the Department's rules titled Access to Records of the Department of Public Health; however, the identity of the complainant is not disclosable.

**Section 949.50 Enforcement**

- a) The Department, State-certified local public health departments, and local law enforcement agencies shall enforce the provisions of the Act and this Part. Fines may be assessed pursuant to Section 45 of the Act and this Part.
- b) Any employer, owner, manager, operator or employee of any public place or place of employment shall immediately inform persons who are violating the Act or this Part of the requirements of the Act and this Part that are applicable to the public place or place of employment.
- c) Upon observing or being notified of any violation of the Act or this Part, an employer, owner, manager, operator or employee shall immediately ask persons to cease smoking in prohibited areas. If smoking does not immediately cease, the employer, owner, manager, operator or employee shall immediately notify local law enforcement.
- d) In accordance with Section 40(c) of the Act, any person or entity receiving a citation or a notice of violation of the Act may request an administrative hearing, provided that the request is in writing and is delivered to the enforcing agency identified on the citation or notice of violation within 30 days after the person or entity receives the citation or notice of violation. *Upon receipt of a request for hearing to contest the imposition of a fine imposed by a citation, the enforcing*

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*agency shall immediately forward a copy of the citation and notice of the request for hearing to the Department for initiation of a hearing conducted in accordance with Article 10 of the Illinois Administrative Procedure Act and the Department's rules titled Practice and Procedure in Administrative Hearings, except that, in case of a conflict between the Illinois Administrative Procedure Act and the Act, the provisions of the Act shall control. Parties to the hearing shall be the enforcing agency and the violator. (Section 40(d) of the Act)*

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- 1) Heading of the Part: Licensing Standards for Day Care Centers
- 2) Code Citation: 89 Ill. Adm. Code 407
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
407.45	Amendment
407.50	Amendment
407.55	Amendment
407.70	Amendment
407.100	Amendment
407.120	Amendment
407.130	Amendment
407.200	Amendment
407.210	Amendment
407.270	Amendment
407.310	Amendment
407.330	Amendment
407.350	Amendment
407.370	Amendment
407.Appendix E	Amendment
- 4) Statutory Authority: The Child Care Act of 1969 [225 ILCS 10/5.2], the Children's Product Safety Act [430 ILCS 125], the Lead Poisoning Prevention Act [410 ILCS 45/7.1] and the Missing Children Records Act [325 ILCS 50/5]
- 5) Effective Date of Rule: August 1, 2014
- 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*: August 23, 2013, 37 Ill. Reg. 13608
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No

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- 11) Differences between Proposal and Final Version: In addition to editing and formatting corrections, the following amendments were made:

The Department added language clarifying equivalent educational requirements in Section 407.130 and added language requiring testing by a radon professional in Sections 407.50, 407.55, and 407.370.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

- 13) Will this rulemaking replace an emergency rule currently in effect? No

- 14) Are there any rulemakings pending on this Part? No

- 15) Summary and Purpose of Rulemaking: In addition to formatting and grammatical corrections, the Department is amending Part 407 as follows:

Childhood Obesity – The amendments establish best practice standards for the prevention of childhood obesity by increasing physical activity, reducing passive screen time, and limiting unhealthy food choices.

Day Care Center Directors – Starting July 1, 2017, all new day care directors must have either a Gateways to Opportunity Level I Illinois Director Credential or 3 semester hours of college credit or 3 points of credential approved training in administration, leadership or management. In addition, starting July 1, 2017, centers must have an employee on-site at all times with a minimum of an associate degree in child development or early childhood education or the equivalent.

Radon – The amendments require day care centers to be tested for radon at least every 3 years pursuant to rules established by IEMA.

Mandated Reporter Training – Various subsections were expanded to require that all staff to complete a DCFS-approved mandated reporter course.

Lead Paint and Asbestos Removal – Added language that comports with existing state law regarding the removal of lead paint and asbestos.

SIDS – Amended Section 407.350 to add language regarding SIDS to comport with prevailing standards.

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

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

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

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

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## TITLE 89: SOCIAL SERVICES

## CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

## PART 407

## LICENSING STANDARDS FOR DAY CARE CENTERS

## Section

407.1	Purpose (Repealed)
407.2	Definitions (Repealed)
407.3	Effective Date of Standards (Repealed)
407.4	Application for License (Repealed)
407.5	Application for Renewal of License (Repealed)
407.6	Provisions Pertaining to the License (Repealed)
407.7	Provisions Pertaining to Permits (Repealed)
407.8	Organization and Administration (Repealed)
407.9	Finances (Repealed)
407.10	General Requirements for Personnel (Repealed)
407.11	Child Care Director (Repealed)
407.12	Child Care Workers and Group Workers (Repealed)
407.13	Child Care Assistants (Repealed)
407.14	Use of Students (Repealed)
407.15	Service Staff (Repealed)
407.16	Substitutes and Volunteers (Repealed)
407.17	Background Inquiry (Repealed)
407.18	Admission and Discharge Procedures (Repealed)
407.19	Discipline (Repealed)
407.20	Personal Care and Hygiene (Repealed)
407.21	Program (Repealed)
407.22	Equipment and Materials (Repealed)
407.23	Grouping and Staffing (Repealed)
407.24	Nutrition (Repealed)
407.25	Night Care (Repealed)
407.26	Children with Special Needs (Repealed)
407.27	Infants and Toddlers (Repealed)
407.28	School-Age Children (Repealed)
407.29	Health Requirements for Children (Repealed)
407.30	Transportation (Repealed)
407.31	Plant and Equipment (Repealed)

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- 407.32 Records and Reports (Repealed)
- 407.33 Confidentiality of Records and Information (Repealed)
- 407.34 Records Retention (Repealed)
- 407.35 Severability of This Part (Renumbered)

SUBPART A: INTRODUCTION, DEFINITIONS, AND APPLICABILITY

**Section**

- 407.40 Purpose and Applicability
- 407.45 Definitions

SUBPART B: PERMITS AND LICENSES

Section

- 407.50 Application for License
- 407.55 Application for Renewal of License
- 407.60 Provisions Pertaining to the License
- 407.65 Provisions Pertaining to Permits

SUBPART C: ADMINISTRATION

Section

- 407.70 Organization and Administration
- 407.80 Confidentiality of Records and Information

SUBPART D: STAFFING

Section

- 407.90 Staffing Structure
- 407.100 General Requirements for Personnel
- 407.110 Background Checks for Personnel
- 407.120 Personnel Records
- 407.130 Qualifications for Child Care Director
- 407.140 Qualifications for Early Childhood Teachers and School-age Workers
- 407.150 Qualifications for Early Childhood Assistants and School-age Worker Assistants
- 407.160 Students and Youth Aides
- 407.170 Substitutes
- 407.180 Volunteers
- 407.190 Grouping and Staffing

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SUBPART E: PROGRAM REQUIREMENTS

Section

- 407.200 Program Requirements for All Ages
- 407.210 Special Requirements for Infants and Toddlers
- 407.220 Special Requirements for School-Age Children
- 407.230 Intergenerational Programs
- 407.240 Evening, Night, Weekend and Holiday Care

SUBPART F: STRUCTURE AND SAFETY

Section

- 407.250 Enrollment and Discharge Procedures
- 407.260 Daily Arrival and Departure of Children
- 407.270 Guidance and Discipline
- 407.280 Transportation
- 407.290 Swimming and Wading
- 407.300 Animals

SUBPART G: HEALTH AND HYGIENE

Section

- 407.310 Health Requirements for Children
- 407.320 Hand Washing
- 407.330 Nutrition and Meal Service
- 407.340 Diapering and Toileting Procedures
- 407.350 Napping and Sleeping
- 407.360 Medications

SUBPART H: FACILITY AND EQUIPMENT

Section

- 407.370 Physical Plant/Indoor Space
- 407.380 Equipment and Materials
- 407.390 Outdoor Play Area

SUBPART I: SEVERABILITY OF THIS PART

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Section

407.400 Severability of This Part

407.APPENDIX A	Equipment for Infants and Toddlers
407.APPENDIX B	Equipment for Preschool Children
407.APPENDIX C	Equipment for School-Age Children
407.APPENDIX D	Infant Daily Food Requirements
407.APPENDIX E	Meal Patterns and Serving Sizes for Child Care Programs
407.APPENDIX F	Resource Reference List
407.APPENDIX G	Early Childhood Teacher Credentialing Programs
407.APPENDIX H	Playground Surfacing and Critical Height

**AUTHORITY:** Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10], the Children's Product Safety Act [430 ILCS 125], Section 7.1 of the Lead Poisoning Prevention Act [410 ILCS 45/7.1] and Section 5 of the Missing Children Records Act [325 ILCS 50/5].

**SOURCE:** Adopted and codified at 7 Ill. Reg. 9215, effective August 15, 1983; amended at 8 Ill. Reg. 8713, effective June 15, 1984; amended at 8 Ill. Reg. 24937, effective January 1, 1985; amended at 16 Ill. Reg. 7597, effective April 30, 1992; emergency amendment at 20 Ill. Reg. 11366, effective August 1, 1996, for a maximum of 150 days; emergency expired December 28, 1996; amended at 21 Ill. Reg. 923, effective January 15, 1997; amended at 22 Ill. Reg. 1728, effective January 1, 1998; amended at 24 Ill. Reg. 17036, effective November 1, 2000; amended at 28 Ill. Reg. 3011, effective February 15, 2004; amended at 29 Ill. Reg. 4502, effective March 15, 2005; amended at 34 Ill. Reg. 4700, effective March 22, 2010; amended at 36 Ill. Reg. 13076, effective August 15, 2012; amended at 38 Ill. Reg. 17293, effective August 1, 2014.

## SUBPART A: INTRODUCTION, DEFINITIONS, AND APPLICABILITY

**Section 407.45 Definitions**

"Accredited college or university" means a college or university that has been accredited by a regional or national institutional accrediting association recognized by the U.S. Department of Education or a non-governmental recognition counterpart.

"Age-appropriate safety restraint" for a child under 4 years of age means a child restraint system (infant carrier, infant/toddler seat, or convertible safety seat) that meets the standards of the United States Department of Transportation designed to restrain, seat or position children. For a child 4 years of age or older, an age-

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appropriate safety restraint means a child restraint system or seat belt (lap belt or lap-shoulder belt combination).

"Attendance" means the total number of children present at any one time.

"Authorized representative of the Department" means a licensing representative or any person acting on behalf of the Director of the Department.

"Background check" means:

- a criminal history check via fingerprints of persons age 17 and over that are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate; and
- a check of the Statewide Automated Child Welfare Information System (SACWIS) and other states' child protection systems, as appropriate, to determine whether an individual has been alleged or indicated as a perpetrator of child abuse or neglect; and
- a check of the Illinois Sex Offender Registry.

"CANTS" means the Child Abuse and Neglect Tracking System operated and maintained by the Department. This system is being replaced by the Statewide Automated Child Welfare Information System (SACWIS).

*"Child" means any person under 18 years of age.* (Section 2.01 of the Child Care Act of 1969 [225 ILCS 10/2.01])

*"Child care facility" means any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in the Child Care Act of 1969, established and maintained for the care of children.* (Section 2.05 of the Child Care Act of 1969 [225 ILCS 10/2.05])

"Child care staff" means all staff members providing direct care to children.

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"Consultant" means a person providing technical assistance or advice regarding any aspect of the program operation.

"Corporal punishment" means hitting, spanking, swatting, beating, shaking, pinching, excessive exercise, exposure to extreme temperatures, and other measures that produce physical pain.

"Cot" means a comfortable, safe and child-sized alternative bed made of resilient, sanitizable fabric, that is on legs or otherwise above the floor and can be stored to allow for air flow.

*"Day care center" means any child care facility which regularly provides day care for less than 24 hours per day for more than 8 children in a family home or more than 3 children in a facility other than a family home, including senior citizen buildings. The term does not include:*

- *programs operated by public or private elementary school systems or secondary level school units or institutions of higher learning that serve children who shall have attained the age of 3 years; or*
- *private entities on the grounds of public or private elementary or secondary schools that serve children who have attained the age of 3 years, except that this exception applies only to the facility and not to the private entities' personnel operating the program;*
- *programs or that portion of the program which serves children who shall have attained the age of 3 years and which are recognized by the State Board of Education;*
- *educational program or programs serving children who shall have attained the age of 3 years and which are operated by a school which is registered with the State Board of Education and which is recognized or accredited by a recognized national or multi-state educational organization or association which regularly recognizes or accredits schools;*
- *programs which exclusively serve or that portion of the program which serves handicapped children who shall have attained the age of 3 years but are less than 21 years of age and which are registered and approved*

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*as meeting standards of the State Board of Education and applicable fire marshal standards;*

- *facilities operated in connection with a shopping center or service, religious services or other similar facility where transient children are cared for temporarily while parents or custodians of the children are occupied on the premises and readily available;*
- *any type of day care center that is conducted on federal government premises;*
- *special activities programs, including athletics, crafts instruction and similar activities conducted on an organized and periodic basis by civic, charitable and governmental organizations;*
- *part day child care facilities, as defined in Section 2.10 of the Child Care Act of 1969; or*
- *programs or that portion of the program which:*
  - *serves children who shall have attained the age of 3 years,*
  - *is operated by churches or religious institutions as described in section 501(c)(3) of the federal Internal Revenue Code,*
  - *receives no governmental aid,*
  - *is operated as a component of religious, nonprofit elementary school,*
  - *operates primarily to provide religious education, and*
  - *meets appropriate State or local health and fire safety standards.*

*For purposes of this Section, "children who shall have attained the age of 3 years" shall mean children who are 3 years of age, but less than 4 years of age, at the time of enrollment in the program. (Section 2.09 of the Child Care Act of 1969 [225 ILCS 10/2.09])*

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*"Department" means the Illinois Department of Children and Family Services.*  
(Section 2.02 of the Child Care Act of 1969 [225 ILCS 10/2.02])

"Disinfect" means to eliminate virtually all germs from inanimate surfaces through the use of chemicals or physical agents (e.g., heat). In the child care environment, a solution of ¼ cup household liquid chlorine bleach added to one gallon of tap water and prepared fresh daily is an effective disinfectant for environmental surfaces and other objects.

"Early childhood" means the years from birth through age 6.

"Early childhood assistant" means a staff member who works under the direct supervision of an early childhood teacher and does not assume responsibility for a group of children.

"Early childhood teacher" means a staff member responsible for a group of infants, toddlers or preschool children.

"Employee", as used in this Part, means any staff person employed by a child care facility and includes any substitute or assistant. This definition includes administrative, professional and support staff who have access to children in their present or prospective employment.

"Enrollment" means the total number of children served by the facility on either a part-time or full-time basis.

"Gateways to Opportunity Registry" means a program administered by the Department of Human Services to track and maintain education and training credentials of administrators and staff that allows them to establish a profile in the registry of their educational attainment and professional development.

"Governing body", as used in this Part, means the board of directors of a corporation. Otherwise, the term means the owners or other persons, agency, association or organization legally responsible for the operation of the day care center that serves as the policy-making authority and that exercises general direction over the affairs of the facility.

"Group" means a specific number of children who remain together at least 60 percent of the time they are at the facility.

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"Guardian" means the guardian of the person of a minor. (Section 2.03 of the Child Care Act of 1969 [225 ILCS 10/2.03])

"Guidance/discipline" means the ongoing process of helping children to develop inner controls so that they can manage their own behavior in socially approved ways.

"Infant" means a child from 6 weeks through 14 months of age.

"Initial background check" means fingerprints have been obtained, as verified by a receipt from the fingerprint vendor, and the individual has cleared a check of the Statewide Automated Child Welfare Information System (SACWIS) and the Illinois Sex Offender Registry.

"Intergenerational activities" means activities that involve children and adults in shared activities that occur at least monthly on a regular basis.

"Kindergarten child" means a child currently enrolled in kindergarten who is eligible to attend first grade during the next school year.

"LEADS" means the Law Enforcement Agency Data System.

"License" means a document issued by the Department of Children and Family Services that authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act of 1969.

"License study", as used in this Part, means the review of an application for license, on-site visits, interviews, and the collection and review of supporting documents to determine compliance with the Child Care Act of 1969 and the standards prescribed by this Part.

"Licensed capacity" means the maximum number of children permitted in the facility at any one time.

"Licensee" means an individual, agency, or organization who holds a license or permit issued by the Department of Children and Family Services.

"Licensing representative", for the purposes of this Part, means Department staff

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authorized under the Child Care Act of 1969 to examine facilities for licensure.

"Parental involvement" means parental assistance with a child care program such as participation in field trips, parties, attendance on special days for special events, or parental support and cooperation in the classroom.

"Parents" or "Parent", as used in this Part, means persons assuming legal responsibility for the care and protection of the child on a 24-hour basis; includes guardian or legal custodian.

"Partially exempt program" means a child care program for children who have attained the age of 3 years and is operated by a private entity on grounds of a public or private elementary or secondary school where children have been attending school during the day. In a partially exempt program, the physical facility is exempt from Department regulations; however, the Department regulates the personnel and operating programs.

"Passive screen viewing" means the passive, sedentary use of age-appropriate and educational media through screen-based technologies, such as television, video, DVDs, visual recordings and other non-interactive technologies.

"Permit", as used in this Part, means a one-time only document issued by the Department of Children and Family Services for a 6-month period to allow the individuals, agency, or organization to operate a day care center and to become eligible for a full license.

"Physician" means a person licensed to practice medicine in the State of Illinois or a contiguous state.

"Preschooler" means a child from 3 through 5 years of age. Children enrolled in kindergarten may be considered either preschool or school-age. Children 2 years of age may be considered preschoolers or toddlers, depending on their level of development.

"Program" means all activities provided for the children during their hours of attendance in the facility.

"Related services" refers to, but is not limited to, supportive services (psychological, medical, social, or health) for children in a facility.

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"Replace or supplement staff" means a paid or unpaid individual who performs essential staff duties as evidenced by being counted in the staff-child ratio or being allowed to be alone with children outside the visual or auditory supervision of child care staff. It also includes professional contractual staff, such as physicians, nurses, therapists, etc., if the professional provides services within the facility and is allowed access to children outside the visual or auditory supervision of staff.

"Resource personnel" means physicians, nurses, psychologists, social workers, speech therapists, physical and occupational therapists, educators and other technical and professional persons whose expertise is utilized in providing specialized services to children.

"Resources" may include related services mentioned above and community agencies such as, but not limited to, libraries, university laboratories and their professional staffs, audiovisual materials, museums, and parks.

"Risk management plan" means a document that outlines the process for identifying and analyzing loss exposures, examining alternative risk control methods, and making and carrying out decisions that will minimize the adverse effects of accidental losses.

"School-age" means a child up to 18 years of age who is enrolled in 1<sup>st</sup> grade or higher. Children attending kindergarten may be considered either preschool or school-age.

"School-age assistant" means a staff member who works under the direct supervision of a school-age worker.

"School-age director" means a person designated by the governing body to assume full administrative responsibility for the ongoing operation of one or more sites (not to exceed 6) and who meets the qualifications for a child care director as outlined in Section 407.130.

"School-age site coordinator" means a person responsible for implementing curriculum and ensuring that licensing standards are met at the site of a school-age program serving a maximum of 50 children and that is overseen by a school-age director responsible for multiple sites.

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"School-age worker" means a staff member who has lead responsibility for a group of school-age children.

"Site" means the physical location in which a day care center operates. A site may consist of more than one building if all of the buildings within the site are connected by property under the exclusive control of the day care center that is used as a playground, for parking, or for other day care related purposes.

"Support staff" means any staff member providing indirect care and services to children in a day care center, such as a driver, cook, janitor, or clerical staff.

"Swimming pool", for purposes of this Part, means any natural or artificial basin of water intended for public swimming or recreational bathing that exceeds 2'6" in depth as specified in the Illinois Swimming Pool and Bathing Beach Act and Code. The term includes bathing beaches and pools at private clubs, health clubs, or private residences when used for children enrolled in a child care facility.

"Toddler" means a child from 15 months to 2 years of age. The term may include a child up to 30 months of age depending upon physical or social development.

"Tummy time" means a supervised period of time when an infant is allowed to lie on his or her abdomen to help strengthen the head, neck and shoulder muscles.

"Universal precautions" means an approach to infection control. According to the concept of Universal Precautions, all human blood and certain body fluids are treated as if known to be infectious for HIV, HBV, and other blood-borne pathogens.

"Wading pool", for purposes of this Part, means any natural or artificial basin of water less than 2'6" in depth that is intended for recreational bathing, water play or similar activity as specified in the Illinois Swimming Pool and Bathing Beach Act and Code. The term includes recessed areas less than 2'6" in depth in swimming pools and includes wading pools at private clubs, health clubs and private residences when used for children enrolled in a child care facility.

(Source: Amended at 38 Ill. Reg. 17293, effective August 1, 2014)

## SUBPART B: PERMITS AND LICENSES

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**Section 407.50 Application for License**

- a) The application for license shall be completed by the officers of the governing body of the day care center, or its authorized representative, on forms prescribed and furnished by the Department.
- b) Only complete applications shall be processed. Incomplete or unsigned applications shall be returned for completion and signature. For the application to be considered complete, the following shall be attached to the application form:
  - 1) Articles of incorporation and by-laws, if incorporated, indicating that the center's corporate status is in good standing with the Illinois Secretary of State;
  - 2) Statement of purposes and policies as required by Section 407.250(c);
  - 3) List of officers, board members and committees of the governing body;
  - 4) Annual operating budget showing anticipated expenses and income (required in original application only);
  - 5) Staffing plan that includes job descriptions and the qualifications of the staff;
  - 6) Written delegation of administrative authority as required by Section 407.70(b); ~~and~~
  - 7) A list of persons subject to the background check requirements of 89 Ill. Adm. Code 385 (Background Checks) and each person's complete, signed authorization to conduct the background check; ~~and~~
  - 8) *Effective January 1, 2014, as part of an initial application, the Department shall require proof the center has been tested within the last 3 years for radon by a Radon Measurement Professional licensed by the Illinois Emergency Management Agency (see 32 Ill. Adm. Code 422). [225 ILCS 10/5.8]*
- c) Applications submitted on or after September 1, 2012 shall include proof of

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membership in the Gateways to Opportunity Registry by all staff and assistants and by the director of the facility with all their educational and training requirements entered into the registry.

- d) Upon receipt of a complete, signed application for a license, the Department shall conduct a license study in order to determine that the day care center meets licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study. The applicant shall receive a copy of the license study upon written request and payment of copying costs.
- e) A new application shall be filed:
- 1) When an application for license has been withdrawn, and the center seeks to reapply;
  - 2) When there is a change of address of the day care center; and
  - 3) When there is a change of name, ownership or corporate status of the center.
- f) If the Department has revoked or refused to renew the license of a day care center and the former licensee or ~~1/3~~<sup>one third</sup> or more of the members of its governing body seek to reapply for license, it may do so if at least 12 months have passed since the effective date of the revocation or refusal to renew. If a new license is granted, the Department shall impose provisions on the new license for a minimum of ~~2~~<sup>two</sup> years, notwithstanding any other provisions of this Part. *The denial of a reapplication for a license pursuant to this subsection must be supported by evidence that the prior revocation renders the applicant unqualified or incapable of satisfying the standards and rules promulgated by the Department pursuant to the Child Care Act of 1969, or maintaining a facility which adheres to such standards and rules.* [225 ILCS 10/6(c)]
- g) The Department must approve that the facility is in reasonable compliance with the licensing standards before the day care center changes its operations regarding the number or ages of children served.

(Source: Amended at 38 Ill. Reg. 17293, effective August 1, 2014)

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**Section 407.55 Application for Renewal of License**

- a) Application forms for license renewal shall be mailed to the day care center by the Department ~~six~~ months prior to the expiration date of the license.
- b) The application for the renewal of a day care center license must be completed, signed by the governing body or its authorized representative, and submitted to the Department ~~three~~ months prior to the expiration date of the current license in order for the application to be considered timely and sufficient. In addition, revisions in items required by Section 407.50(b) ~~that~~ which have not been submitted previously to the Department shall accompany the application for the renewal of a license.
- c) When a licensed day care center seeks to change its name, address, corporate status or ownership, a new application reflecting the revised status must be completed, signed by the governing body or its authorized representative, and submitted to the Department 30 days prior to the effective date of the ~~changes~~ change(s) in order for the application to be considered timely and sufficient. In addition, a change of name, corporate status or ownership shall be documented by the filing of a copy of the amended articles of incorporation or ownership agreement with the Department within 30 days after its effective date.
- d) When a licensee has made timely and sufficient application for renewal of a license or a new license with reference to any activity of a continuing nature, the existing license shall continue in full force and effect until the final agency decision on the application has been made unless a later date is fixed by order of a reviewing court. (Section 10-65(b) of the Illinois Administrative Procedure Act [5 ILCS 100/10-65(b)])
- e) Upon receipt of the application for license renewal, the Department shall conduct a license study in order to determine that the day care center continues to meet licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study. The licensee shall receive a copy of the license study upon written request and payment of copying costs.
- f) For renewal applications submitted on or after September 1, 2012, the licensee shall provide proof of membership in the Gateways to Opportunity Registry by all

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staff and assistants and by the director of the facility with all their educational and training requirements entered into the registry.

- g) *Effective January 1, 2014, as part of an application for renewal of a license, the Department shall require proof the center has been tested within the last 3 years for radon by a Radon Measurement Professional licensed by the Illinois Emergency Management Agency (see 32 Ill. Adm. Code 422) [225 ILCS 10/5.8]. [225 ILCS 10/5.8]*

(Source: Amended at 38 Ill. Reg. 17293, effective August 1, 2014)

## SUBPART C: ADMINISTRATION

**Section 407.70 Organization and Administration**

- a) The members of the governing body of the day care center shall be legally responsible to the Department for maintaining the standards set forth in this Part. The members of the governing body shall be of reputable and responsible character. The governing body may delegate responsibility for day-to-day compliance with the standards to the day care center director.
- b) The governing body shall file with the Department written policies outlining any delegation of responsibility for compliance with this Part and lines of communication among the governing body, facility staff and parents. This statement shall be signed by the governing body and the day care center director with updates as changes occur.
- c) The governing body, or others designated in writing to represent the center, shall notify the Department immediately of major changes affecting any area of operation regulated by 89 Ill. Adm. Code 407, such as governance, location, physical plant, finances, staff, equipment, or a fire or natural disaster that affects the ability of the day care center to continue to operate.
- d) The Department shall be notified in writing within 7 days after any notice of legal action against the center that may negatively affect its operation and/or ability to maintain licensing standards.
- e) As a part of new staff orientation, the child care director and all staff shall review the following documents and the date of their review shall be recorded in the

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personnel files:

- 1) the Child Care Act of 1969 [225 ILCS 10];
  - 2) the Abused and Neglected Child Reporting Act [325 ILCS 5]; and
  - 3) the portions of 89 Ill. Adm. Code 407 (Licensing Standards for Day Care Centers) that affect their functions and responsibilities.
- f) A complete and current set of licensing standards shall be available at all times in an area that is accessible to all employees.
- g) The governing body shall insure that an adequate process is in place for recruiting, hiring, and maintaining staff as required by this Part.
- h) A day care center shall have written personnel policies available to the staff at all times. These policies shall include, but are not limited to, job descriptions, compensation and benefits, pay dates, Social Security, worker's compensation, unemployment insurance, holidays, sick leave, vacations, probationary periods, grievance procedures, promotions, staff development, discipline, termination of employment and performance evaluation.
- i) Each child's record shall contain a statement signed by the child's parents or guardian indicating that he/she has received a summary of licensing standards and other materials designated by the Department for distribution.
- j) Suspected child abuse or neglect shall be reported immediately to the Child Abuse/Neglect Hotline as required by the Abused and Neglected Child Reporting Act. The telephone number for the reporting hotline is 1-800-252-2873.
- k) The center shall develop a written risk management plan that identifies potential operational risks, specifies ways to reduce or eliminate the risks and establishes procedures to be followed in an emergency or crisis. All staff shall be trained in the implementation of the plan. This risk management plan shall specifically address at least the following:
- 1) training, including universal precautions, provided to staff to identify and minimize risks, particularly as it relates to the care and supervision of children;

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- 2) the design and maintenance of the building and any vehicles used in day care;
  - 3) maintenance and storage of food service and maintenance equipment, chemicals, and supplies, including an integrated pest management plan in accordance with Section 407.390;
  - 4) selection, maintenance, and supervision of education materials, toys, pets, and playground equipment;
  - 5) food service sanitation;
  - 6) cleanliness of the building and grounds;
  - 7) means of receiving information to alert the center of severe weather conditions or other emergency situations that may affect the safety of the children; and
  - 8) emergency and disaster preparedness plans, including fire drills and evacuation plans.
- l) The day care center shall carry public liability insurance in the single limit minimum amount of \$300,000 per occurrence and any vehicle used by the center for a purpose that requires a school bus driver permit under Section 6-104 of the Illinois Vehicle Code shall carry a minimum of liability insurance in the amount of \$1,000,000 combined single limit per accident [625 ILCS 5/12-707.01].
  - m) Any accident or injury requiring professional medical care, death or other emergency involving a child shall be entered into the child's record and orally reported immediately to the child's parent or guardian and to the appropriate local licensing office of the Department. If the center is unable to contact the parent or guardian and the Department immediately, it shall document this fact in the child's record. Oral reports to the Department shall be confirmed in writing within 2 business days after the occurrence.
  - n) The day care center shall maintain records essential for the operation of the facility. Records pertaining to children in care and to staff shall be maintained at the day care center.

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- 1) Financial records shall be maintained in Illinois and produced immediately upon request for licensing review.
    - A) The day care center shall maintain financial records including projected and current operating budget.
    - B) The day care center shall maintain financial solvency to assure adequate care of children and compliance with the standards prescribed in this Part. A center is considered insolvent if the sum of its debts is greater than all of its property, at a fair valuation, exclusive of property transferred, concealed or removed with intent to hinder, delay or defraud its creditors and property that may be exempted from property of the estate. (This definition is adapted from the U.S. Bankruptcy Code of 1978 (11 USC 101).)
  - 2) Required general and financial records shall be maintained for 5 years. Required personnel records shall be maintained for 5 years after the date of the employee's termination of employment. Children's records shall be maintained for 5 years after the child has been discharged from care or services.
  - 3) Accurate daily attendance records, by group, shall be maintained for one year. If a child attends on a part-time or irregular basis, this shall be recorded in the attendance records.
  - 4) The provisions of this Section notwithstanding, records required by this Part shall be maintained until all audits have been completed and no litigation is pending or reasonably anticipated.
- o) Authorized representatives of the Department shall be admitted to the center during the hours of operation for the purpose of determining compliance with the Child Care Act of 1969 and standards set forth in this Part.

(Source: Amended at 38 Ill. Reg. 17293, effective August 1, 2014)

## SUBPART D: STAFFING

**Section 407.100 General Requirements for Personnel**

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- a) Staff shall be able to demonstrate the skill and competence necessary to contribute to each child's physical, intellectual, personal, emotional, and social development. Factors contributing to the attainment of this standard include:
- 1) Emotional maturity when working with children;
  - 2) Cooperation with the purposes and services of the program;
  - 3) Respect for children and adults;
  - 4) Flexibility, understanding and patience;
  - 5) Physical and mental health that do not interfere with child care responsibilities;
  - 6) Good personal hygiene;
  - 7) Frequent interaction with children;
  - 8) Listening skills, availability and responsiveness to children;
  - 9) Sensitivity to children's socioeconomic, cultural, ethnic and religious backgrounds, and individual needs and capabilities;
  - 10) Use of positive discipline and guidance techniques; and
  - 11) Ability to provide an environment in which children can feel comfortable, relaxed, happy and involved in play, recreation and other activities.
- b) Child care staff, in addition to meeting the requirements of subsection (a) ~~of this Section~~, shall generally demonstrate skill and competence necessary to assume direct responsibility for child care including:
- 1) Skills to help children meet their developmental and emotional needs; and
  - 2) Skills in planning, directing, and conducting programs that meet the children's basic needs.

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- c) Child care staff shall be willing to participate in activities leading to professional growth in child development and education, and in training related to the specific needs of the children served.
- 1) The director and each child care staff member shall participate in 15 clock hours of in-service training per year. For the first year of employment, topics that must be included in the training are staff requirements to recognize and report suspected child abuse or neglect, how to make a child abuse or neglect report, rules governing the operation of the facility, and the legal protection afforded to persons who report violations of licensing standards. Subsequent in-service training may include, but shall not be limited to, child development, symptoms of common childhood illnesses, hygiene, guidance and discipline, and communication with parents.
  - 2) A record of in-service training shall be maintained at the site.
  - 3) The required in-service training hours may consist of on-site training; documented attendance at seminars, workshops, conferences and early childhood classes; and documented self-study programs that have been approved by the day care center director. Staff meetings may be counted only if a planned in-service program is presented.
  - 4) Staff serving children who require special program services shall receive in-service training and/or consultation on issues related to those specific needs.
  - 5) By September 1, 2012, all child care staff employed by the day care center, assistants and the director shall become members of the Gateways to Opportunity Registry, with all educational and training credentials entered into the registry verified in accordance with procedures and requirements adopted by the Department of Human Services (see 89 Ill. Adm. Code 50.Subpart G). Newly hired staff serving children shall become members of the Gateways to Opportunity Registry within 30 days after hire.
  - 6) The director and each child care staff member must complete the online Mandated Reporter Training that is available on the Department's website. Current staff must complete this training by October 15, 2014. Newly hired staff must complete this training within 30 days after hire.

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- 7) If the facility is licensed to care for newborns and infants, all newly hired day care center staff shall take and complete the Sudden Infant Death Syndrome (SIDS) and Shaken Baby Syndrome (SBS) trainings within 30 days after hire.
- 8) Every 3 years, all child care staff in a facility licensed to care for newborns and infants, including the day care center director, shall receive training on the nature of Sudden Unexpected Infant Death (SUID), SIDS and the safe sleep recommendations of the American Academy of Pediatrics.
- d) Newly employed staff shall submit a report of a physical examination completed no more than ~~six~~ months prior to employment that provides evidence that they are free of communicable disease, including active tuberculosis, and physical or mental conditions that could affect their ability to perform assigned duties. This examination shall include a test for tuberculosis by the Mantoux method.
- e) Cooks, kitchen helpers and others assisting in the preparation, serving and handling of food and cooking/serving utensils shall make their positions known to the examining physician, and shall comply with the current rules and regulations of the Illinois Department of Public Health pertaining to Food Service Sanitation (77 Ill. Adm. Code 750).
- f) Staff shall have physical re-examinations every ~~two~~ years and whenever communicable disease or illness is suspected.
- g) A staff member experiencing fever, sore throat, vomiting or diarrhea shall not be responsible for food handling or the care of children.
- h) The center shall have on duty at all times at least one staff member who has successfully completed training and is currently certified in first aid, cardiopulmonary resuscitation (CPR) and the Heimlich maneuver, and for centers serving infants, first aid for choking infants in accordance with the approved method specified in the Department of Public Health's rules 77 Ill. Adm. Code 520 (The Treatment of Choking Victims). CPR certification must be specific for all age groups served, i.e., infant (birth to 12 months), child (one to ~~eight~~ years) and adult (~~eight~~ years and older).

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- i) Any center that serves food shall have posted in a conspicuous location visible to employees the Choke Saving Methods Poster available from the Illinois Department of Public Health at <http://www.state.il.us/about/choking.htm>.

(Source: Amended at 38 Ill. Reg. 17293, effective August 1, 2014)

**Section 407.120 Personnel Records**

- a) A confidential file shall be maintained on each staff person and contain at least the following information:
- 1) A copy of a form prescribed by the Department ~~that~~<sup>which</sup> contains information on persons employed in the day care center;
  - 2) A record of current medical examination on a form prescribed by the Department;
  - 3) Three written character references, verified by the day care center;
  - 4) Proof of educational achievement as required for the individual's position. Foreign credentials require additional documentation providing a statement of the equivalency in the U.S. educational system;
  - 5) Verification of previous experience, when such experience is considered as part of the individual's qualifications for his or her position; and
  - 6) A signed statement that acknowledges the employee's status as a mandated reporter of suspected child abuse and neglect.
- b) Authorizations for and results of the background check required by 89 Ill. Adm. Code 385, Background Checks, shall be maintained in a separate and confidential file.
- c) The Department shall be notified by the next business day when there is a change of director or school-age director. Other staff changes, including a change in an employee's position status within the center, shall be reported to the Department monthly in a form prescribed by the Department. Name changes shall be documented in the personnel file.

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- d) For any individual who serves as a child care facility driver, a driver application shall be submitted to the Department with a copy of the current medical report that was completed not more than 60 days prior to assuming duties as a child care driver. If an individual holds a valid school bus driver permit and is currently employed by a school district or parochial school, a copy of the school bus driver permit may be substituted for the required medical examination.
- e) The day care center shall maintain written documentation of the following:
- 1) That a person certified in food service sanitation is on site to manage the preparation and/or service of food, including the service of catered food. This requirement does not apply if the center serves no food, or serves only prepackaged prepared snacks. Refer to the Illinois Department of Public Health, Food Service Sanitation Code (77 Ill. Adm. Code 750);
  - 2) That in-service training is being provided as required for the child care director and each member of the child care staff; ~~and~~
  - 3) That an employee who has successfully completed training and is currently certified in first-aid, cardiopulmonary resuscitation (CPR) and the Heimlich maneuver is on site at all times. CPR certification shall be specific for all age groups served (infant, child and adult);
  - 4) Mandated Reporter Training certificates identifying that all required staff have completed the DCFS-approved Mandated Reporter Training; and
  - 5) If the center is licensed to serve infants, current training certificates and attendance records that the day care center director, and other staff as required, have completed DCFS-approved trainings on SIDS, SUID, SBS and the safe sleep recommendations of the American Academy of Pediatrics.
- f) The day care center shall submit copies of the following to the Department for the child care director and any person designated to serve as alternate director:
- 1) Proof of educational achievement, including course descriptions if necessary; and
  - 2) Three written references.

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- g) The records required by this Section shall be maintained in a locked file at the day care center.

(Source: Amended at 38 Ill. Reg. 17293, effective August 1, 2014)

**Section 407.130 Qualifications for Child Care Director**

- a) Day care centers licensed for more than 50 children shall employ a full-time child care director to be on site in a non-teaching capacity. The director may be on site in a teaching capacity at the following times:
- 1) During the first hour and last hour of a program that operates 10 or more hours per day; or
  - 2) When attendance falls below 50 children.
- b) Day care centers licensed for 50 or fewer children, or half-day programs with children attending no more than 3 consecutive hours per day regardless of capacity, may employ a child care director who also serves as a member of the child care staff.
- 1) When the director serves in both capacities, he or she must meet the qualifications of both the director position and the teaching position.
  - 2) When the director attends to non-teaching responsibilities, his or her group must be supervised by a person qualified to be in charge of the group.
- c) The child care director shall be at least 21 years of age.
- d) The child care director shall have a high school diploma or equivalency certificate (GED).
- e) In addition to meeting the requirements of Section 407.100, the child care director of a facility serving the same number of groups of pre-school and school-age children or more groups of pre-school children than groups of school-age children shall have achieved:
- 1) Sixty semester or 90 quarter hours of credit from an accredited college or

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university with 18 semester or 27 quarter hours in courses related directly to child care and/or child development from birth to age 6; or

- 2) Two years (3120 clock hours) of child development experience in a nursery school, kindergarten, or licensed day care center, 30 semester or 45 quarter hours of college credits with ~~10~~ten semester or 15 quarter hours in courses related directly to child care and/or child development, and proof of enrollment in an accredited college or university until ~~2~~two years of college credit have been achieved. A total of 18 semester or 27 quarter hours in courses related directly to child care and/or child development is required to be obtained within the total ~~2~~two years of college credits; or
  - 3) Completion of a credentialing program approved in accordance with Appendix G of this Part, completion of 12 semester or 18 quarter hours in courses related to child care and/or child development from birth to age 6 at an accredited college or university, and 2 years (3120 clock hours) child development experience in a nursery school, kindergarten or licensed day care center.
- f) In addition to meeting the requirements of Section 407.100, the child care director of a facility serving more groups of school-age children than groups of pre-school children shall have achieved:
- 1) Sixty semester or 90 quarter hours of credit from an accredited college or university with 18 semester or 27 quarter hours in courses related to child care and/or child development, elementary education, physical education, recreation, camping or other related fields, including courses related to school-age children; or
  - 2) Two years (3120 clock hours) of child development experience in a recreational program, kindergarten, or licensed day care center serving school-age children, or license exempt school-age child care program operated by a public or private school, 30 semester or 45 quarter hours of college credits with 10 semester or 15 quarter hours in courses related directly to child care and/or child development, elementary education, physical education, recreation, camping or other related fields, and proof of enrollment in an accredited college or university until ~~2~~two years of college credit have been achieved. A total of 18 semester or 27 quarter hours in courses related directly to child care and/or child development,

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elementary education, physical education, recreation, camping or other related fields, including courses related to school-age children, is required to be obtained within the total ~~two~~ years of college credits.

- g) Completion of a training program accredited by the American Montessori Society or Association Montessori International may be substituted for the courses directly related to child care and/or child development required by this Section. Persons holding a Montessori pre-primary credential may serve as director to children through age ~~six~~. Persons holding a Montessori primary or elementary credential may serve as director to children ~~six~~ years of age or older.
- h) Persons who were deemed qualified to serve as a child care director prior to January 1, 1985, continue to be deemed qualified for their position. [Directors deemed qualified must still have current Mandated Reporter Training, SIDS, SUID, SBS and other training certificates as required in this Part.](#)
- i) When a program serves only school-age children and meets the criteria of Section 407.90(c), qualifications for the school-age director responsible for multiple sites and the site coordinators shall be as follows:
  - 1) The school-age director and each site coordinator shall be at least 21 years of age.
  - 2) The school-age director shall meet both of the following requirements for education and experience:
    - A) Sixty semester or 90 quarter hours of credit from an accredited college or university, with 18 semester or 27 quarter hours in courses related to school-age child care, child development, elementary education, physical education, recreation, camping or other related fields; and
    - B) At least 1560 clock hours of child development experience in a recreational program or a licensed day care center serving school-age children.
  - 3) The school-age site coordinators must meet one of the following qualifications:

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- A) Thirty semester or 45 quarter hours of credit from an accredited college or university with 12 semester or 18 quarter hours related to school-age child care, child development, elementary education, physical education, recreation, camping or other related fields and 750 clock hours of experience in a recreational program or a licensed day care center serving school-age children or in a license exempt school-age child care program operated by a public or private school; or
  - B) 1560 clock hours of experience in a recreational program or licensed day care center serving school-age children or license exempt school-age child care program operated by a public or private school and either 6 semester hours or 9 quarter hours of credit from an accredited college or university related to school-age child care, child development, elementary education, physical education, recreation, camping or other related fields.
- j) A staff member who meets the qualifications for a day care center director shall be designated to assume decision-making responsibility whenever the child care director is off site. A record of employees who meet the qualifications for director and who have been designated to assume decision-making responsibility in the director's absence shall be kept at the site. All day care staff shall be informed of the designated director at each occurrence. The person designated as alternate director may be in the classroom and counted in the staff/child ratio under the following circumstances:
- 1) When the center meets the criteria of subsection (b); or
  - 2) During the first hour and last hour of a program that operates 10 or more hours per day; or
  - 3) When attendance falls below 50 children.
- k) The child care director must successfully complete a basic training course of 6 or more clock hours on providing care to children with disabilities that has been approved by the Department. The day care center shall have on file a certificate attesting to the training of the child care director.

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- 1) Persons employed as a child care director shall complete this training within 36 months from date appointed as child care director.
  - 2) A child care director who has completed training prior to employment may have that training approved as meeting the provisions of this subsection (k). A certificate of training completion and a description of the course content must be submitted to the Department for approval.
  - 3) A child care director who obtains approved training and moves from one day care facility to another shall not be required to take another training course as long as the child care director can provide documentation in the form of a certificate that the training was completed.
  - 4) A training program approved by the Department in providing care for children with disabilities must include the following components:
    - A) Introduction to Inclusive Child Care;
    - B) Understanding Child Development in Relation to Disabilities;
    - C) Building Relationships With Families;
    - D) Preparing for and Including Young Children in the Child Care Setting;
    - E) Community Services for Young Children With Disabilities (including Early Intervention Services).
- 1) By July 1, 2017, the following education requirements for licensed day care center staff shall be met. All new child care directors hired on or after July 1, 2017 shall have a minimum of an associate's degree in child development or early childhood education.
- 1) All new child care directors hired on or after July 1, 2017 shall have a minimum of an associate degree in child development or early childhood education, or the equivalent (defined as 64 semester hours in any discipline with a minimum of 21 semester hours of college credit in child development, early childhood education or early childhood special education) and either a Gateways to Opportunity Level I Illinois Director

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[Credential \(see 89 Ill. Adm. Code 50.720\(b\) and http://www.ilgateways.com/en/illinois-director-credential-idc\) or 3 semester hours of college credit or 3 points of credential approved training in administration, leadership or management.](#)

- 2) [Effective July 1, 2017, licensed child care centers must have an employee on site at all times with a minimum of an associate degree in child development or early childhood education or the equivalent \(defined as 64 semester hours in any discipline with a minimum of 21 semester hours of college credit in child development, early childhood education or early childhood special education\).](#)

(Source: Amended at 38 Ill. Reg. 17293, effective August 1, 2014)

## SUBPART E: PROGRAM REQUIREMENTS

**Section 407.200 Program Requirements for All Ages**

- a) Each child shall be recognized as an individual whose gender, ability differences, personal privacy, choice of activities, cultural, ethnic, and religious background shall be respected.
- b) The staff of the day care center shall have a written plan for encouraging parents to visit the center to observe and participate in their children's experience. Parents shall be allowed to visit the center without an appointment any time during normal hours of operation.
- c) The program shall include opportunities for a child to have free choice of activities to play alone, if desired, or with one or several peers chosen by the child.
- d) The facility shall provide a basic program of activities geared to the age levels and developmental needs of the children served. The daily program shall be posted in the facility, and shall provide:
  - 1) Regularity of such routines as eating, napping, and toileting with sufficient flexibility to respond to the needs of individual children;
  - 2) A balance of active and quiet activity;

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- 3) Daily indoor and outdoor activities in which children make use of both large and small muscles. The day care provider shall be required to encourage children of all ages to participate daily in at least 2 occasions of age-appropriate outdoor time, with active movement or play for children who are mobile, weather permitting, and in a safe environment. In inclement weather, active play shall be encouraged and supported in indoor play areas. For pre-school programs in which individual children receive care for less than ~~3~~ hours per day, outdoor activities are recommended to be encouraged by the day care provider, but not required;
- 4) Children who are mobile shall not be allowed to remain sedentary or to sit passively for more than 30 continuous minutes, except during scheduled rest or nap times, or as otherwise allowed in this Part;
- ~~5~~4) Occasional trips and activities away from the facility (frequency to be determined by the day care center);
- ~~6~~5) A supervised nap or rest period for children under ~~6~~ years of age who remain for ~~5~~ or more hours as required by Section 407.350;-
- 7) Children younger than 2 years of age shall not be allowed passive screen viewing;
- 8) Children 2 years of age and older, who are in the program for 6 or more hours in a day, shall have a passive screen viewing limit of no more than 60 minutes per day of age-appropriate and educational media.
  - A) Each uninterrupted, passive screen viewing session shall be limited to a maximum of 30 minutes.
  - B) Children attending a program for less than 6 hours in a day shall be limited to a proportionate amount of passive screen viewing;
- 9) TV, video or DVD viewing shall not be allowed during meal or snack time;
- 10) All screen time must be related to educational program planning developed by the center.

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- e) The daily program of the facility shall provide experiences which promote the individual child's growth and well-being and the development of self-help and communication skills, social competence, and positive self-identity.
- f) Program planning shall provide the following:
  - 1) A variety of activities which takes into consideration individual differences in interest, attention span, and physical and intellectual maturity;
  - 2) Sufficient time for activities and routines, so that the children can manage them and progress at their own developmental rate;
  - 3) Sufficient materials and equipment to avoid excessive competition and long waits;
  - 4) Program planning so that the children are not always required to move from one activity to another as a total group. Staff-initiated large group activities shall not be the predominant program option;
  - 5) Smooth transition from one activity to another to avoid long waiting periods between activities and prolonged periods during which the children must stand or sit; and
  - 6) Provision for privacy through arranging a small, quiet area that is easily accessible to the child who seeks or needs time to be alone.
- g) The use of visual media, such as television, films and videotapes, shall be limited to developmentally appropriate programming, and an alternative activity shall be made available. Media may be used as a special event or to achieve a specific goal, but shall not be used as a regular daily routine.
- h) The program shall take into account the stress and fatigue that result from constant pressures and stimulation of long hours in a group living situation.
- i) Activity areas, equipment, and materials shall be arranged so that staff can be easily aware of the child's presence and activity at all times.

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- j) Equipment shall be arranged in orderly, clearly defined areas of interest, with sufficient space in each area for the children to see various activities available to them.
- k) Programs involving intergenerational activities shall conduct those activities according to Section 407.230.
- l) Materials and equipment shall respect children's racial, cultural, ethnic, religious and gender identities, as well as age and ability.
- m) Each child shall have access to the full variety of age-appropriate equipment on a daily basis.
- n) When a specific plan is developed to meet a child's individual needs, the record shall include:
  - 1) Any assessments by center staff or resource personnel;
  - 2) Written program recommendations and goals for the child;
  - 3) A written plan for implementing those recommendations within the program;
  - 4) Periodic written evaluations of whether goals are being met;
  - 5) Adjustments to the program plan as indicated by the evaluations.
- o) Staff shall consult with parents before implementing any special procedures required to meet a child's individual needs.
- p) Children shall not be left unattended at any time.
- q) Staff assignments shall be such that children experience comfortable, ongoing relationships with adults. Every attempt shall be made to establish a primary relationship between each child and one adult.
- r) Children shall receive supervision appropriate to their developmental age at all times. All children in the facility shall be protected from exploitation, neglect, and abuse.

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- s) There shall be a minimum of 35 square feet of activity area per child in facilities caring for children ~~two~~ years of age and older.

(Source: Amended at 38 Ill. Reg. 17293, effective August 1, 2014)

**Section 407.210 Special Requirements for Infants and Toddlers**

- a) A center receiving children within the infant and toddler age range shall comply with standards for all day care centers, except when inconsistent with the special requirements prescribed by this Section.
- b) A center serving infants and toddlers shall have a licensed physician, registered nurse, licensed practical nurse or licensed physician's assistant with training in infant care to instruct child care staff in the proper health care of infants and toddlers. The person shall visit the facility to observe the child care techniques of the staff and provide in-service training. Visits shall be at least weekly during the permit period and monthly thereafter.
- c) A center for infants and toddlers shall have sufficient indoor and outdoor space and appropriate furniture and equipment to provide for support functions necessary to the program.
- 1) Separate space for infants and toddlers shall be available away from older children except in facilities enrolling 10 or fewer children or in programs combining infants, toddlers, and 2-year-olds.
  - 2) The amount of space required for infants and toddlers shall be based on the sleeping and play area arrangements, as required by Section 407.370(d).
  - 3) A sink or lavatory for the infant/toddler program shall be in the same room for the use of staff for hand washing and for use by the children.
  - 4) A toilet for the infant/toddler program shall be easily accessible.
  - 5) No extension cords shall be used in areas where children are permitted. All electrical cords not in use with supervision of an adult shall be unplugged and the outlets covered.

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- 6) The means for warming bottles and food shall be accessible only to adults. Microwave ovens shall not be used for the purpose of warming bottles.
  - 7) A refrigerator shall be available and easily accessible to the children's room.
- d) Indoor and outdoor play materials and equipment suitable for staff to use with infants and toddlers to stimulate learning, growth, health, and overall development shall be provided in accordance with the equipment requirements in Appendix A ~~of this Part~~.
- 1) Equipment and play materials shall be durable and free from characteristics that may be hazardous or injurious to infants and toddlers. Hazardous or injurious characteristics include sharp or rough edges, toxic paint, and objects small enough to be swallowed.
  - 2) Toys and indoor equipment shall be cleaned and disinfected daily.
- e) Child care shall be given in a manner that meets the children's health and safety needs, as well as their nurturing requirements.
- f) Food for infants shall be handled and served according to the provisions of Section 407.330 and this Section, as applicable.
- 1) Daily food requirements for children under one year of age shall be offered to the child as detailed in Appendix D, unless otherwise indicated in writing by a physician, in consultation with the parents.
  - 2) Food for infants not consuming table food may be provided by either the day care center or the parent, according to the center's written policy.
  - 3) Flexible feeding schedule of infants shall be established to coordinate with parents' schedules at home and to allow for nursing infants.
  - 4) Infants not consuming table food shall be fed in consultation with the parents. Feeding times and amounts consumed shall be documented in writing and available for review by the parents.

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- 5) If provided by the day care center, formula shall be diluted according to the manufacturer's instructions using water from a source approved by the local health department.
- 6) Formula shall be milk-based, unless otherwise indicated in writing by the child's physician.
- 7) If the child's formula is provided by the parent, it shall be labeled, dated and refrigerated upon arrival at the center.
- 8) Bottles of breast milk and opened containers of unmixed concentrate shall be dated. When there is more than one bottle-fed infant, all bottles shall be labeled with the child's name.
- 9) All filled bottles of milk or formula shall be refrigerated until immediately before feeding. Contents remaining in a bottle after a feeding shall be discarded after 2 hours.
- 10) Formula prepared from powder or concentrate or an open container of ready-to-feed formula shall be labeled and dated. Prepared formula not used within 24 hours shall be discarded.
- 11) Breast milk may be stored up to 48 hours in the refrigerator or up to 2 weeks in the freezer before discarding.
- 12) Breast milk shall be used only for the intended child.
- 13) Frozen breast milk shall be thawed under running water or in the refrigerator. Bottles of formula or breast milk shall be warmed by placing them in a pan of hot (not boiling) water for 5 minutes or in a bottle warmer according to the manufacturer's directions, followed by shaking the bottle well and testing the milk temperature before feeding.
- 14) Bottles shall never be warmed or defrosted in a microwave oven.
- 15) Only sanitized bottles and nipples shall be used. Bottles and nipples reused by the day care center shall be sanitized by washing in a dishwasher, by boiling for 5 minutes or more just prior to refilling or by other method if approved by the Illinois Department of Public Health or local health

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department. Nipples are to be rinsed prior to washing.

- 16) No food other than formula, milk, breast milk, or water shall be placed in a bottle for infant feeding unless otherwise indicated by the child's physician, in consultation with the parents.
- 17) When children are exclusively bottle-fed or breast-fed, supplemental water shall be offered.
- 18) Juice may be fed from a cup when the infant is old enough to drink from a cup (approximately ~~12~~6 months). No juice is permitted for children under 12 months of age. Juices shall be 100 percent fruit juice and limited to a 4 ounce daily serving.
- 19) Children under 2 years of age shall not be fed berries, candies, raisins, corn kernels, raw carrots, whole grapes, hot dogs, nuts, seeds, popcorn, raw peas or peanut butter, as these foods may cause choking.
- 20) Cooked carrots, corn, peas and bananas may be served to infants only if mashed, grated or pureed.
- 21) Human milk or infant formula shall be served to children younger than 1 year of age. Children between 1 and 2 years of age who are not on human milk or infant formula shall be served whole~~Whole milk shall be served to children under 2 years of age,~~ unless low-fat milk is recommended in writing~~requested~~ by the child's medical provider~~physician~~. Children 2 years of age and older shall not be served milk with a fat content higher than 1 percent, unless recommended in writing by the child's medical provider.
- 22) The use of honey for sweetening infant foods is not allowed.
- 23) Staff members shall wash their hands and the child's hands according to Section 407.320 before feeding each child.
- 24) ~~Infants shall either be held or be fed sitting up for bottle feeding. Infants unable to sit shall always be held for bottle feeding. When infants are able to hold their own non-glass bottles, they may feed themselves. The bottle shall be removed once the child has fallen asleep.~~ Bottle propping and

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carrying of bottles or no-spill cups by young children throughout the day/night shall not be permitted, unless they contain plain water. The facility shall not permit infants to have bottles in the crib.

- 25) Foods stored or prepared in jars shall be served from a separate dish and spoon for each child. Any leftovers from the serving dish shall be discarded. Leftovers in the jar shall be labeled with the infant's name, dated, refrigerated and served within 24 hours or discarded.
  - 26) In accordance with the American Academy of Pediatrics recommendations, solid foods shall be introduced generally between 4 and 6 months of age. The time of introduction shall be indicated by each child's nutritional and developmental needs after consultation with the parents.
  - 27) Infants, according to their developmental ability, shall be allowed and encouraged to feed themselves. Staff shall provide supportive help for as long as each child needs such help.
- g) Routines, such as naps and feeding, shall take into consideration parents' information and wishes about the routines followed in the home.
  - h) Infants and toddlers shall be provided a daily program designed to meet the developmental needs of children of this age.
    - 1) The same staff member shall feed, diaper and play with the child every day to establish interaction and establish continuity in the child's relationship with as few adults as possible.
    - 2) Children shall be free to creep, crawl, toddle and walk as they are physically able. Walkers are not permitted unless prescribed by a physician.
    - 3) Toddlers shall be encouraged to explore and manipulate art materials and shall not be expected to produce a finished art product.
    - 4) Except as allowed in Section 407.200(d)(3), children shall be taken outdoors for a portion of every day unless the weather conditions pose a danger such as lightninglightening or extremely high or low temperatures.

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- 5) A variety of toys shall be accessible on low open shelves for the children to use, and these shall be rotated with stored toys.
  - 6) For awake infants who cannot move about the room, the staff shall hold, rock and/or carry the child at least every 30 minutes and change the place and position of the child and the selection of toys available.
  - 7) Infants shall have supervised tummy time every day when the infant is awake. Staff shall interact with an awake infant on his or her tummy for short periods of time (3-5 minutes) and increase the amount of time as the infant shows enjoyment of the activity.
  - 8) Information about feeding and elimination and other important information shall be recorded in writing and made available to parents when the child is picked up at the end of the day.
- i) A written plan shall be provided prior to reassignment for children who are moved to a new group. The development of this plan shall involve the child's parents and the child care staff in both the sending and receiving rooms.
  - j) The daily program for infants and toddlers shall provide experiences that promote the individual child's growth and well-being in the development of gross and fine motor skills, sensory learning, language, cognition, and positive self-concept.
  - k) Self-care such as washing, dressing, toileting, brushing, and combing shall be encouraged as each child shows evidence of ability to do so.

(Source: Amended at 38 Ill. Reg. 17293, effective August 1, 2014)

## SUBPART F: STRUCTURE AND SAFETY

**Section 407.270 Guidance and Discipline**

- a) The day care center shall develop a guidance and discipline policy for staff use that is also provided to parents. Staff shall sign the guidance and discipline policy at the time of employment and parents shall sign the policy when their child is enrolled. The policy shall include:

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- 1) A statement of the center's philosophy regarding guidance and discipline;
  - 2) Information on how discipline will be implemented by staff;
  - 3) Information on how parents will be involved in the guidance and discipline process;
  - 4) Information on how children will be involved in the guidance and discipline process; and
  - 5) Written procedures for termination of a child's enrollment in the day care center because of disciplinary issues.
- b) Written rules for all children shall be established and available to children, parents and staff. These rules shall set the limits of behavior required for the protection of the group and individuals. The rules shall:
- 1) Pertain to important situations;
  - 2) Be understandable to children;
  - 3) Be stated in the positive form whenever possible; and
  - 4) Be enforceable.
- c) Child care staff shall help individual children develop self-control and assume responsibility for their own actions. Imposing physical activity or withholding active play shall not be used on children as a form of discipline.
- 1) Limits and consequences shall be clear and understandable to the child, consistently enforced and explained to the child before and as part of any disciplinary action.
  - 2) Discipline shall be developmentally appropriate and logically related to the child's act and shall not be out of proportion to the particular inappropriate behavior. The child shall be made aware of the relationship between the act and the consequences.
  - 3) Firm positive statements about behaviors or redirection of behaviors shall

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be the accepted techniques for use with infants and toddlers.

- 4) Removal from the group to help a child gain control shall not exceed one minute per year of age. Removal from the group shall not be used for children less than 24 months of age.
- 5) Children shall not be disciplined for toilet accidents.
- 6) The following behaviors are prohibited in all child care settings:
  - A) Corporal punishment, including hitting, spanking, swatting, beating, shaking, pinching and other measures intended to induce physical pain or fear;
  - B) Threatened or actual withdrawal of food, rest or use of the bathroom;
  - C) Abusive or profane language;
  - D) Any form of public or private humiliation, including threats of physical punishment; and
  - E) Any form of emotional abuse, including shaming, rejecting, terrorizing, or isolating a child.
- d) Preschool and school-age children shall have reasonable opportunity to resolve their own conflicts.
- e) Discipline shall be the responsibility of adults who have an ongoing relationship with the child.
- f) When there is a specific plan for responding to a child's pattern of unacceptable behavior, all staff who affect the child shall be aware of the plan and cooperate in its implementation.
- g) Clinical behavior management plans may be developed to meet the needs of a particular child if developed with the parent and a professional clinician. This must be documented in the child's file. All staff working with the child shall receive training on implementing the plan.

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(Source: Amended at 38 Ill. Reg. 17293, effective August 1, 2014)

## SUBPART G: HEALTH AND HYGIENE

**Section 407.310 Health Requirements for Children**

- a) A medical report on forms prescribed by the Department shall be on file for each child.
  - 1) The initial medical report shall be dated less than 6 months prior to enrollment of infants, toddlers and preschool children. For school-age children, a copy of the most recent regularly scheduled school physical may be submitted (even if more than 6 months old) or the day care center may require a more recent medical report by its own enrollment policy. If a health problem is suspected, the day care center may require additional documentation of the child's health status.
  - 2) If a child transfers from one day care center to another, the medical report may be used at the new center if it is less than one year old. In such a case, the center the child is leaving shall maintain a copy of the child's medical form and return the original to the parent.
  - 3) The medical examination shall be valid for 2 years, except that subsequent examinations for school-age children shall be in accordance with the requirements of the Illinois School Code [105 ILCS 5/27-8.1] and the Child Health Examination Code (77 Ill. Adm. Code 665), provided that copies of the examination are on file at the day care center.
  - 4) The medical report shall indicate that the child has received the immunizations required by the Illinois Department of Public Health in its rules (77 Ill. Adm. Code 695, Immunization Code). These include poliomyelitis, measles, rubella, mumps, diphtheria, pertussis, tetanus, haemophilus influenzae B, hepatitis B, and varicella (chickenpox) or provide proof of immunity according to requirements in 77 Ill. Adm. Code 690.50 of the Department of Public Health rules (<http://www.idph.state.il.us>).
  - 5) If the child is in a high-risk group, as determined by the examining

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physician, a tuberculin skin test by the Mantoux method and the results of that test shall be included in the initial examination for all children who have attained one year of age, or at the age of one year for children who are enrolled before their first birthday. The tuberculin skin test by the Mantoux method shall be repeated when children in the high-risk group begin elementary and secondary school.

- 6) The initial examination shall show that children from the ages of one to 6 years have been screened for lead poisoning (for children residing in an area defined as high risk by the Illinois Department of Public Health in its Lead Poisoning Prevention Code (77 Ill. Adm. Code 845)) or that a lead risk assessment has been completed (for children residing in an area defined as low risk by the Illinois Department of Public Health).
  - 7) In accordance with the Child Care Act of 1969, a parent may request that immunizations, physical examinations and/or medical treatment be waived on religious grounds. A request for waiver shall be in writing, signed by the parent or parents, and kept in the child's record.
  - 8) Exceptions made for children who should not be subject to immunizations or tuberculin tests for medical reasons shall be indicated by the physician on the child's medical form.
  - 9) Day care centers shall maintain an accurate list of all children enrolled in the center who are not immunized, as required by Illinois Department of Public Health rules (77 Ill. Adm. Code 695.40, List of Non-Immunized Child Care Facility Attendees or Students). The number of non-immunized children on the list shall be available to parents who request it.
  - 10) Medical records shall be dated and signed by the examining physician, advance practice nurse (APN) who has a written collaborative agreement with a collaborating physician authorizing the APN to perform health examinations, or physician assistants who have been delegated the performance of health examinations by their supervising physician, and include the name, address and telephone number of the physician responsible for the child's health care.
- b) A child suspected of having or diagnosed as having a reportable infectious, contagious, or communicable disease for which isolation is required by the

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Illinois Department of Public Health's General Procedures for the Control of Communicable Diseases (77 Ill. Adm. Code 690) shall be excluded from the center.

- c) Children shall be screened upon arrival daily for any obvious signs of illness. If symptoms of illness are present, the child care staff shall determine whether they are able to care for the child safely, based on the apparent degree of illness, other children present and facilities available to care for the ill child.
  - 1) Children with diarrhea and those with a rash combined with fever (oral temperature of 101° F or higher or under the arm temperature of 100° F or higher) shall not be admitted to the day care center while those symptoms persist, and shall be removed as soon as possible should these symptoms develop while the child is in care.
  - 2) Children need not be excluded for a minor illness unless any of the following exists, in which case exclusion from the day care center is required:
    - A) Illness that prevents the child from participating comfortably in program activities;
    - B) Illness that calls for greater care than the staff can provide without compromising the health and safety of other children;
    - C) Fever with behavior change or symptoms of illness;
    - D) Unusual lethargy, irritability, persistent crying, difficulty breathing or other signs of possible severe illness;
    - E) Diarrhea;
    - F) Vomiting 2 or more times in the previous 24 hours, unless the vomiting is determined to be due to a noncommunicable condition and the child is not in danger of dehydration;
    - G) Mouth sores associated with the child's inability to control his or her saliva, until the child's physician or the local health department states that the child is noninfectious;

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- H) Rash with fever or behavior change, unless a physician has determined the illness to be noncommunicable;
  - I) Purulent conjunctivitis, until 24 hours after treatment has been initiated;
  - J) Impetigo, until 24 hours after treatment has been initiated;
  - K) Strep throat (streptococcal pharyngitis), until 24 hours after treatment has been initiated and until the child has been without fever for 24 hours;
  - L) Head lice, until the morning after the first treatment;
  - M) Scabies, until the morning after the first treatment;
  - N) Chicken pox (varicella), until at least 6 days after onset of rash;
  - O) Whooping cough (pertussis), until 5 days of antibiotic treatment have been completed;
  - P) Mumps, until 9 days after onset of parotid gland swelling;
  - Q) Measles, until 4 days after disappearance of the rash; or
  - R) Symptoms that may be indicative of one of the serious, communicable diseases identified in the Illinois Department of Public Health Control of Communicable Diseases Code (77 Ill. Adm. Code 690).
- d) The center shall ensure that hearing and vision screening services are provided annually in accordance with Illinois Department of Public Health's Hearing and Vision Screening Codes (77 Ill. Adm. Code 675 and 685) and the Illinois Child Vision and Hearing Test Act [410 ILCS 205].
- e) Space shall be provided for a child who becomes ill at the center. The space shall be ventilated and heated, within sight and hearing of an adult and equipped with a cot and materials that can be easily cleaned and sanitized.

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- f) The center shall report any known or suspected case or carrier of communicable disease to local health authorities and comply with the Illinois Department of Public Health's Control of Communicable Diseases Code (77 Ill. Adm. Code 690). The center shall maintain a file of reported illnesses that may indicate possible infectious disease.
- g) If a child needs emergency care because of an accident or illness that occurs while the child is in care, the day care center shall attempt to contact the child's parents at the phone numbers provided for that purpose. If unable to locate the parents, the day care center's attempts to do so shall be documented in the child's file.
- h) Major and minor accidents or illnesses that happen to a child at the day care center shall be recorded in the file, and parents shall be notified.
- i) Reports of all incidents and injuries involving children shall be prepared by the person responsible for the child at the time of the occurrence and shall include:
  - 1) The time and place of the incident or injury and details about how it occurred;
  - 2) When medical care is necessary, a statement signed by the physician attending the child, describing the nature and the extent of injury.
- j) Employees shall wear disposable latex gloves when treating a wound. Employees shall wash their hands, as prescribed by Section 407.320, after removing the disposable gloves.
- k) When a child's medical needs require special care or accommodation, the care shall be administered as required by a physician, subject to receipt of appropriate releases from the parent or parents. Medical consultation shall be available to the staff as needed for the health and medical needs of the children served.
- l) The facility shall make potable drinking water freely available to all children by providing drinking fountains and/or disposable cups for individual use. Water shall be offered to ~~children~~infants and toddlers at frequent intervals and during meals and snacks.
- m) A child's wet or soiled clothing shall be changed immediately. Universal

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precautions shall be followed when handling soiled clothing. During outdoor play, children shall be dressed appropriately for the weather and temperature.

- n) Children shall have a shower, tub or sponge bath when necessary to ensure bodily cleanliness. Parents shall be notified when a child has received a shower or bath. Children under the age of 5 shall not be left alone when bathing.
- o) When used by children at the child care center, toilet articles such as combs, brushes, toothbrushes, towels and washcloths shall be individually provided by the parent or the center. They shall be plainly marked with the child's name and stored individually in a sanitary manner in areas that promote drying. Single-use and disposable articles are permitted. Toothbrushes, if used, shall be replaced when they have lost their tone.
- p) If toothpaste is used, care shall be taken to avoid cross-contamination when dispensing.
  - 1) Each child shall be given a separate tube of toothpaste labeled with his or her name; or
  - 2) If a single tube is used, the toothpaste shall be dispensed by placing a small amount on the rim of each child's rinsing cup or on a piece of waxed paper.
- q) All new linens shall be laundered prior to use.
- r) Staff and children shall wash hands as required by Section 407.320.

(Source: Amended at 38 Ill. Reg. 17293, effective August 1, 2014)

**Section 407.330 Nutrition and Meal Service**

- a) Food shall be cooked or prepared at the day care center in a kitchen which has been inspected and approved in accordance with the Illinois Department of Public Health's Food Service Sanitation Code (77 Ill. Adm. Code 750), unless the partially exempt program is exempt per Section 2.09(a)(ii) of the Child Care Act, or food may be purchased from a licensed catering service. Preparation of food, whether on or off site, shall comply with the Food Service Sanitation Code. A copy of these regulations shall be available to appropriate staff.

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- b) Food service shall be under the management of a State-certified food service manager as required by the Food Handling Regulation Enforcement Act [410 ILCS 625].
- c) None of the operations connected with routine food preparation shall be conducted in a room used for sleeping, caregiving or laundry purposes.
- d) Kitchen areas shall be clean and equipped for preservation, storage, preparation and serving of food.
- e) Provisions shall be made for the cleaning and sanitization of dishes.
- f) All food consumed by children under the supervision of the child care center shall be provided by the center, except as follows:
  - 1) Parents may provide food for infants not yet consuming table food or for any child requiring a special diet that cannot reasonably be provided by the center.
  - 2) Upon agreement of the staff, commercially prepared foods may be brought in occasionally by parents as part of holiday or birthday celebrations. Food brought in for this purpose must arrive unopened as packaged by the bakery or manufacturer, or it shall not be accepted.
  - 3) If food is to be catered rather than prepared at the center, a dated contract with the catering service specifying the number of food orders to be delivered shall be available for review.
- g) Menus shall be planned at least one week in advance and shall be available for review. If substitutions are made for any food item, menus shall be corrected to reflect meals as served. Substitutions shall be nutritionally equal to the food items being replaced. Corrected menus shall be on file and available for review for one year after the meals were served.
  - 1) Menus shall be posted in the kitchen, the classroom or other area accessible to parents, and made available to parents upon request.
  - 2) Menu planning shall reflect consideration for cultural and ethnic patterns,

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and menus shall be nutritionally equivalent to the requirements of the Meal Pattern Chart in Appendix D and Appendix E, as appropriate.

- 3) From the months of October through May, the main meal shall be a hot meal, with occasional exceptions of no more than twice per month. During the months of June through September, a hot or a cold meal conforming to the Meal Pattern Chart (see Appendix E) shall be served.
- 4) Lunches served during field trips shall be provided by the center or purchased from a food vendor.
- h) Adequate and appropriate food shall be served according to the amount of time the child spends at the center. The center shall provide 1/3 to 2/3 of the child's daily nutrient needs depending on length of stay, as outlined in the chart below. These nutrient needs are based on the current recommended dietary allowances set by the Food and Nutrition Board of the National Research Council and are outlined in Appendix D and Appendix E.

Time Present Per Day	Number of Meals and Snacks Per Day
Two to five hours	One snack
Five to ten hours	One meal and two snacks or two meals and one snack
More than ten hours	Two meals and two snacks or one meal and three snacks

- i) Children shall be offered food at intervals of not less than ~~two~~ two hours and not more than ~~three~~ three hours apart, unless the child is asleep.
- j) Provisions of this Section notwithstanding, a child requiring a special diet due to medical reasons, allergic reactions or religious beliefs shall be provided with meals and snacks according to the written instructions of the child's parents, clergy and/or the child's medical provider.
  - 1) Information on special diets shall be obtained in writing from the parents and/or medical providers and maintained on file at the child care center.
  - 2) Records of food intake shall be maintained when indicated by the child's

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medical provider.

- 3) When providing a special diet causes undue hardship or expense for the child care center, meals or portions of meals shall be provided by the parent upon written agreement of the parent and the center. The parent shall be responsible for the safety of food brought into the center.
  - 4) Potentially hazardous and perishable food shall be refrigerated immediately upon arrival.
  - 5) Special foods provided by parents shall be clearly labeled with the child's name, date and identity of the food and shall not be shared by other children.
- k) Meals and snacks for children one year of age and older shall comply with the requirements of Appendix E. Meals shall be prepared so as to moderate fat and sodium content. Limit salty snack foods, such as pretzels or chips.
- 1) Meal components are as follows:
    - A) Milk: Grade A, pasteurized, fortified, fluid milk. Because low-fat and skim milks may not provide adequate levels of calories and fatty acids, these milks shall not be given to children under ~~2~~two years of age unless recommended in writing~~ordered~~ by the child's medical provider~~physician~~. Only milk with a fat content of 1 percent or less may be given to children over 2 years of age, unless recommended in writing by the child's medical provider.
    - B) Meat or meat alternative: Edible protein such as meat, fish or chicken or other protein sources such as eggs, cheese, dried beans or peas. A casserole or mixed dish must contain the required amount of protein per serving.
    - C) Fruits and vegetables: Cooked or raw. Each child shall have a total of ~~2~~two servings of fruits and/or vegetables for lunch. A good source of vitamin C shall be served daily. These include citrus fruits, melons and other fruits and juices that contain at least 30 mg of vitamin C per serving.

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- D) Bread or bread alternative: An equivalent serving of cornbread, biscuits, rolls, muffins, bagels or tortillas made of enriched or whole grain meal or flour may be substituted for sliced bread. Bread alternatives include enriched rice, macaroni, noodles, pasta, stuffing, crackers, bread sticks, dumplings, pancakes, waffles and hot or cold cereal.
- E) Butter or margarine: As a spread for bread, if desired. Choose monounsaturated and polyunsaturated fats (olive oil, safflower oil) and soft margarines; avoid trans fats, saturated fats and fried foods.
- F) Beverages with added sweeteners, whether natural or artificial, shall not be provided to children.
- G) Children shall be offered water to rinse their mouths after snacks and meals when tooth brushing is not possible.
- 2) If any part of the nutritional requirements is designated as dessert, it shall be served as an integral part of the meal. Ice cream or milk-based pudding may be used occasionally. Cake, pastries, cookies or other foods with high sugar and/or fat content shall not be served to children enrolled in the day care program~~used as lunch desserts.~~
- 3) Vegetarian meals that meet protein requirements may be served. The main dish shall contain one or more of the following: cheese, eggs, legumes, or peanut butter.
- 4) Foods that cause choking shall not be served to children under two years of age as noted in Section 407.210(f)(19). Hot dogs and raw carrots may be served to children between two and three years of age only if cut into short, thin strips. Peanut butter shall only be served to children between two and three years of age if thinly spread on bread, crackers, or other foods or if mixed with other foods.
- 5) Children shall be permitted to have one or more additional servings to meet their individual needs.
- 1) Food shall be prepared and handled safely.

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- 1) Hot foods shall be maintained at a temperature of 140° F or above and cold foods at 40° F or below, except that food may be held at a temperature of 45° F for a maximum of ~~3~~three days. See Section 750.140 of the Food Service Sanitation Code (77 Ill. Adm. Code 750).
  - 2) Food returned from individual plates and family style serving bowls shall be discarded. Other ~~unused~~~~unserved~~ food shall be promptly covered to avoid contamination, labeled, dated and refrigerated or frozen immediately. Leftover fresh food shall be used within 24 hours. Frozen food shall be used within 30 days.
  - 3) Milk, formula and baby food shall be handled and served to infants who are not yet eating table food according to the provisions of Section 407.210.
- m) Adequate numbers of appropriate durable dishes, glassware and eating utensils shall be provided to serve all of the children. These items shall be in good repair and free of breaks, cracks or chips. Disposable dishes and utensils may be used and shall be discarded after single use. Due to the danger of choking, disposable eating utensils shall not be used by children under ~~2~~two years of age.
- n) The design and size of tables, chairs, dishes, glasses and eating utensils shall be appropriate to the ages of the children served.
- o) All cooking and feeding utensils shall be washed and sanitized after each use.
- p) Meals shall be relaxed and unhurried and provide time for socialization.
- 1) An adult shall sit at the table with the children during meal time, provide supervision and demonstrate good mealtime practices.
  - 2) Delays in food service shall be avoided so that children do not have to sit and wait.
  - 3) Children shall be encouraged to eat, but not forced or bribed.
  - 4) Small portions of bite-sized pieces shall be provided for preschool children.

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- 5) Children shall be encouraged to feed themselves. Staff shall provide supportive help for as long as the child needs such help.
  - 6) Food shall be served onto plates or other sanitary containers.
  - 7) Children shall be seated comfortably, with sufficient room to manage food and eating utensils.
  - 8) School-age children may be served separately or with younger children, if this can be accomplished without disruption to the ongoing program.
- q) Food shall never be used as a punishment or reward.

(Source: Amended at 38 Ill. Reg. 17293, effective August 1, 2014)

**Section 407.350 Napping and Sleeping**

- a) When a child's time in attendance at the day care center requires sleep or nap provisions, the center shall provide a separate crib, bed or cot and individual sheets and bedding.
- 1) Children under 6 years of age who are not enrolled in kindergarten or elementary school who remain 5 or more hours shall have the opportunity to rest or nap.
  - 2) Infants and toddlers shall be allowed to rest or sleep according to each child's individual pattern, as determined in consultation with parents.
  - 3) Children 3 years of age and older (until they are enrolled in kindergarten) generally shall not nap for more than 2 hours or rest without sleeping for more than 60 minutes. Children in this age group who do not sleep may be permitted to get up and shall be helped to have a quiet time with equipment or activities that will not disturb the napping children. When children are allowed to get up, the staff to child ratio shall comply with Section 407.190(a).
  - 4) Kindergarten and school-age children shall not be required to sleep or nap. However, floor pillows, sofa, carpet, bean bag chairs, padded chairs or cots shall be provided for lounging or resting.

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- b) The crib, bed or cot provided for each child shall be appropriate to the child's level of development.
- 1) Infants shall sleep in cribs.
    - A) Safe, sturdy, well-constructed free-standing cribs or portable cribs used for sleeping shall be equipped with a good, firm, tight-fitting mattress.
    - B) Mattresses shall be at least 2 inches thick and made of washable materials. The center may only use the mattress supplied or recommended by the crib manufacturer.
    - C) There shall be no more than ½ inch of space between the mattress and the bed frame when the mattress is pushed flush to one corner of the crib.
    - D) When using cribs with slats, cribs slats shall be spaced no more than 2⅜ inches apart.
    - E) By December 28, 2012, the day care center shall obtain certification that all cribs used by the center meet or exceed the federal safety standards in 16 CFR 1219 or 1220 (2011). This certification from the manufacturer shall be available for inspection by the licensing representative. In the absence of a manufacturer's certificate, proof that the crib was manufactured on or after June 28, 2011 will meet the required standard.
  - 2) Toddlers may use either stacking cots or full-size cribs.
  - 3) A cot or bed shall be provided for each toddler and preschool child in attendance for 5 or more consecutive hours. A crib shall be provided for each licensed infant slot, regardless of the amount of time the child is present.
- c) Each cot, bed or crib shall be labeled with the name of the child.
- d) Cribs, beds and cots shall be maintained in clean and sanitary conditions.

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- 1) Cribs, beds and cots shall be wiped clean as often as necessary. Cribs shall be cleaned twice per week and then sanitized with a germicidal solution. Cots shall be cleaned once per week with a germicidal solution.
  - 2) All cribs, beds or cots shall be thoroughly cleaned and then sanitized with a germicidal solution when a child is no longer enrolled, prior to use by another child.
  - 3) At no time shall 2 children be allowed to share the same crib, bed or cot unless it is thoroughly cleaned and then sanitized with a germicidal solution before each child's use.
- e) Freshly laundered tightly fitted sheets for infants, and sheets and blankets for toddlers, shall be provided and changed at least twice per week for infants and toddlers and at least once per week for preschool children, or more frequently if wet or soiled.
  - f) Bed linens shall be tightly fitting and washable.
  - g) Waterproof mattress covers or under sheets for cribs, beds or cots shall be provided for all children who are enuretic~~enuretic~~.
  - h) Conveniently located, washable, plastic-lined, covered receptacles shall be provided for soiled bed linens.
  - i) To minimize the risk of sudden infant death syndrome, children shall be placed on their backs when put down to sleep according to the following guidelines:
    - 1) When the infant cannot rest or sleep on his or her back due to a disability or illness, the caregiver shall have written instructions, signed by a physician, detailing an alternative safe sleep position or special sleeping arrangements for the infant. The caregiver shall put the infant to sleep in accordance with a physician's written instructions;
    - 2) Infants that can easily turn over from the back to stomach position shall be placed down to sleep on their backs, but allowed to adopt their preferred position while sleeping;

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- 3) Infants unable to roll from their stomachs to their backs and from their backs to their stomachs, when found facedown, shall be placed on their backs;
  - 4) No infant shall be put to sleep on a sofa, soft mattress, car seat or swing; and
  - 54) When awake, an infant shall be placed on his or her stomach part of the time and observed at all times.
- j) No positioning device that restricts movement within the child's bed shall be used without written instructions from the child's physician. Soft bedding, bumpers, pillows, quilts, comforters, sheepskins, stuffed toys and other soft products shall not be used or stored in cribs removed from the crib when children are napping or sleeping. If using a blanket, put the child with his or her feet at the foot of the crib. Tuck a thin blanket around the crib mattress, reaching only as far as the child's chest.
  - k) Staffing during nap times shall be in accordance with Section 407.190(e). When non-sleeping children are allowed to get up, staffing shall be in accordance with Section 407.190(a).
  - l) When children are sleeping or napping, the room shall have reduced light but shall not be dark.

(Source: Amended at 38 Ill. Reg. 17293, effective August 1, 2014)

## SUBPART H: FACILITY AND EQUIPMENT

**Section 407.370 Physical Plant/Indoor Space**

Partially exempt programs are exempt from these standards.

- a) Buildings used for day care center programs shall be in good shape and operable and must comply with all applicable fire safety standards.
  - 1) The building housing a center shall be approved prior to occupancy and license renewal by the Illinois Department of Public Health and the Office of the State Fire Marshal or local agencies authorized by those State

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agencies to conduct inspections on their behalf. Otherwise, inspection and approval shall be in accordance with the regulations of the proper health and fire authorities.

- 2) Day care centers that provide day care only for school-age children in a building currently being used as a pre-primary, primary, or secondary school do not need to obtain the fire clearance in subsection (a)(1) if the day care center provides written documentation that a fire safety clearance has been received from the responsible party of the Illinois State Board of Education and/or the Regional School Superintendent and that all exit doors for the school remain unlocked. An acceptable fire safety clearance from the Illinois State Board of Education must be in writing and must indicate that the school complies with the applicable fire safety regulations adopted by the Illinois State Board of Education (23 Ill. Adm. Code 180).
- b) The building or portion of the building to which children from the center have access shall be used only for a program of child care during the hours that the center is in operation. The space used for child care may be shared by other groups or persons outside of the hours of operation.
- c) Infants and toddlers shall be housed and cared for at ground level unless otherwise approved through the exception process below. Travel distance between any point in a room used for infants and toddlers and an exit discharging directly outside shall not exceed 150 feet. Only a fire inspector from the Office of the State Fire Marshal or the Chicago Fire Department's Fire Prevention Bureau may grant an exception to the requirement that infants and toddlers be housed and cared for at ground level.
- d) There shall be sufficient indoor space to conduct the program.
  - 1) There shall be a minimum of 35 square feet of activity area per child in centers for children 2 years of age and older. This space is exclusive of exit passages and fire escapes, which must be clear. This space is also exclusive of administrative space, storage areas, bathrooms, kitchen, space required for equipment that is not used for direct activities with children, and gymnasiums or other areas used exclusively for large muscle activity or active sports.
  - 2) The amount of space required for infants and toddlers shall be determined

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according to the use of the space for sleep and play purposes.

- A) Regardless of whether infants play and sleep in the same room or in 2 separate rooms, there shall be a minimum of 25 square feet of play space per child plus a minimum of 30 square feet of sleeping space per child, with at least 2 feet between each crib and the next crib.
  - B) When toddlers play and sleep in the same room using cots that can be stacked, there shall be 35 square feet of space per child. When children are in their cots, there must be a minimum of 2 feet between the cots.
  - C) When toddlers play and sleep in the same room using cribs, there shall be a minimum of 55 square feet per child. When children are in their cribs, there must be a minimum of 2 feet between the cribs.
  - D) When toddlers play and sleep in separate rooms, there shall be minimum of 35 square feet of play space per child and a minimum of 30 square feet of sleeping space per child, with at least 2 feet between each cot or crib.
- 3) Storage space shall be provided for cots, bedding, and other equipment. Cots and cribs shall not be used for storage, including pillows and blankets, except when cots are stacked between uses.
  - 4) One room, no matter how large, shall accommodate only one group, except that room dividers or program equipment at least 3'6" in height may be used to define and separate the space for each group of children up to age 5. Gymnasiums and similar sized areas may accommodate 2 groups, without dividers, when used for large muscle activity and active sports.
  - 5) All rooms or spaces accommodating more than one group shall be provided with an acoustical ceiling or its equivalent in carpeting or wall covering. If carpeting is used to control noise, it shall not be required in water play, painting, and similar areas.
- e) The building and indoor space shall be maintained in good repair and shall

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provide a safe, comfortable environment for the children.

- 1) Adjustable window shades, drapes, or blinds shall be provided in all rooms where children rest or nap or in rooms that receive direct sunlight while children are present.
  - A) All new and replacement window coverings shall be cordless (free of external cords in their operation).
  - B) All window coverings installed on or before August 15, 2014 may remain in place until replaced due to normal wear. Replacement window coverings shall be in compliance with ANSI/WCMA 100.1-2009.
  - C) Strings and cords (as found on some window coverings) capable of forming a loop greater than 7¼" in diameter shall be inaccessible to children.
- 2) The floors and floor coverings shall be washable and free from drafts, splinters, and dampness.
- 3) Toxic or lead paints or finishes shall not be used on walls, window sills, beds, toys or any other equipment, materials or furnishings that may be used by children or within their reach. Peeling or damaged paint or plaster shall be repaired promptly to protect children from possible hazards.
  - A) Lead paint removal shall be in accordance with Illinois Department of Public Health rules (77 Ill. Adm. Code 845.85(b)).
  - B) Asbestos shall only be removed by trained and licensed professionals in accordance with the Asbestos Abatement Act [105 ILCS 105].
- 4) Effective January 1, 2013, the center shall be tested for radon at least once every 3 years by a licensed Radon Measurement Professional pursuant to rules established by the Illinois Emergency Management Agency (32 Ill. Adm. Code 422). The report of the most current radon measurement shall be posted next to the center's license, along with the following statement: Every parent or guardian is notified that this facility

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has performed radon measurements to ensure the health and safety of the occupants. The Illinois Emergency Management Agency (IEMA) recommends that all residential homes be tested and that corrective actions be taken at levels equal to or greater than 4.0 pCi/L. Radon is a Class A human carcinogen, the leading cause of lung cancer in non-smokers, and the second leading cause of lung cancer overall. For additional information about this facility contact the licensee and for additional information regarding radon contact the IEMA Radon Program at 800-325-1245 or on the Internet at [www.radon.illinois.gov](http://www.radon.illinois.gov). The center shall provide copies of the report to parents or guardians of children attending the center, upon request. [225 ILCS 10/5.8]

- 54) Any thermal hazards (radiators, hot water pipes, steam pipes, heaters) in the space occupied by children shall be out of the reach of children or be separated from the space by partitions, screens, or other means.
- 65) Sharp scissors, plastic bags, knives, cigarettes, matches, lighters, flammable liquids, drugs, sharp instruments, power tools, cleaning supplies and any other such items that might be harmful to children shall be kept in areas inaccessible to children. Hazardous items for infants and toddlers also include coins, balloons, safety pins, marbles, Styrofoam<sup>®</sup> and similar products, and sponge, rubber or soft plastic toys.
- 76) All cleaning compounds, pesticides, fertilizers and other potentially hazardous or explosive compounds or agents shall be stored in original containers with legible labels in a locked area that is inaccessible to children.
- 87) A draft-free temperature of 65° F to 75° F shall be maintained during the winter months or heating season. For infants and toddlers, a temperature of 68° F to 82° F shall be maintained during the summer or air-conditioning months. When the temperature in the center exceeds 78° F, measures shall be taken to cool the children. Temperatures shall be measured at least 3 feet above the floor.
- 98) If electric fans are used to control temperature, measures shall be taken to assure the safety of the children in the group:
- A) Stationary fans shall be mounted on the walls (at least 5 feet above

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the floor) or on the ceiling.

B) When portable fans on stands are used, they shall be anchored to prevent tipping.

C) All portable fans shall have blade guard openings of less than ½ inch and shall be inaccessible to children.

~~109~~) Exits shall be kept unlocked and clear of equipment and debris at all times.

~~1140~~) Electrical outlets within the reach of children shall be covered.

~~1244~~) The program shall be modified, as needed, when there are adverse conditions caused by weather, heating or cooling difficulties or other problems. When the conditions exceed a 24-hour period, the Department shall be notified regarding program modifications.

f) Drills for possible emergency situations including fire and tornado shall be conducted.

1) A floor plan shall be posted in every room indicating the following:

A) The building areas that will provide the most structural stability in case of tornado; and

B) The primary and secondary exit routes in case of fire.

2) Drills shall be conducted once a month for fire and twice a year (seasonally) for tornado.

3) Records shall be maintained of the dates and times that fire and tornado drills are conducted.

g) All areas of the center shall receive sufficient light.

1) Areas for reading, painting, puzzles or other close work shall be illuminated to at least 50 to 100 foot candles on the work surface.

2) Areas for general play, such as housekeeping and block building, shall be

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illuminated to at least 30 to 50 foot candles on the surface.

- 3) Stairways, walkways, landings, driveways and entrances shall be illuminated to at least 20 foot candles on the surface.
- h) A safe and sanitary water supply shall be maintained. If a private water supply is used instead of a public water supply, the center shall supply written records of current test results indicating that the water supply is safe for drinking in accordance with the standards specified for non-community water supplies in the Drinking Water Systems Code (77 Ill. Adm. Code 900). New test results must be provided prior to relicensing. If nitrate content exceeds 10 parts per million, bottled water must be used for infants.
- i) There shall be no smoking or use of tobacco products in any form in the child care center or in the presence of children while on the playground or engaged in other activity away from the center.
- j) Major cleaning shall not be done while children are present.
- k) Basement or cellar windows used or intended to be used for ventilation, and all other openings to a basement or cellar, shall not permit the entry of rodents.
- l) Openings to the outside shall be protected against the entrance of flies or other flying insects by doors, windows, screens, or other approved means.
- m) Any extensive extermination of pest or rodents shall be conducted by a licensed pest control operator under the direct observation of a staff member to insure that residue is not left in areas accessible to children.
- n) Pesticide Application
  - 1) Chemicals for insect and rodent control shall be applied in minimum amounts and shall not be used when children are present in the facility. Toys and other items mouthed or handled by the children must be removed from the area before pesticides are applied. Children must not return to the treated area within 2 hours after a pesticide application or as specified on the pesticide label, whichever time is greater. Over-the-counter products may be used only according to package instructions. Commercial chemicals, if used, shall be applied by a licensed pest control

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operator and shall meet all standards of the Department of Public Health (Structural Pest Control Code, 77 Ill. Adm. Code 830). A record of any pesticides used shall be maintained at the facility.

- 2) Before a child is enrolled, the day care center shall provide a summary of its pest management plan and uses of pesticides to the child's parents or guardians. The center shall notify all parents or guardians before a pesticide application, or maintain a registry of parents or guardians who wish to receive written notification of when the facility will receive a pesticide application and send a written notification to them. Notification of the intended date of the application of the pesticide, which may be in the form of newsletters, bulletins, calendars, or other written communication methods presently used by the center, must be given at least 2, but not more than 30, days before the pesticide application. When economically feasible, the center must adopt an Integrated Pest Management (IPM) program as defined in Section 3.25 of the Structural Pest Control Act [225 ILCS 235/3.25], involving the cooperation between day care staff and pest control personnel or other specialists to use a variety of non-chemical methods as well as pesticides, when needed, to reduce pest infestations to acceptable levels and to minimize children's exposure to pesticides.
  - 3) Prior notice of pesticide application is not required if the application is due to an immediate threat to health or property, in which case the pesticide must be immediately applied. Children shall not be present during the application and shall not return to the treated area within 2 hours after a pesticide application or as specified on the pesticide label, whichever time is greater. If such a situation arises, the appropriate day care center personnel must sign a statement describing the circumstances that gave rise to the health threat and ensure that written notice is provided to parents or guardians as soon as practicable.
  - 4) *Pesticides subject to notification requirements shall not include antimicrobial agents, such as disinfectants, sanitizers, or deodorizers, or insecticide baits and rodenticide baits* (Section 10.3 of the Structural Pest Control Act).
- o) All garbage and refuse shall be collected daily and stored in a manner that will not permit the transmission of disease, create a nuisance or a fire hazard or provide

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harborage for insects, rodents or other pests.

- 1) An adequate number of covered, durable, water-tight, insect and rodent-proof garbage and refuse containers shall be provided for use.
  - 2) Garbage and refuse containers used to discard diapering supplies, food products or disposable meal service supplies shall be tightly covered and lined with plastic. Contents shall be covered immediately or removed for discarding.
- p) The center shall be cleaned daily and kept in a sanitary condition at all times.
- 1) The center shall provide necessary cleaning and maintenance equipment.
  - 2) Toys, table tops, furniture and other similar equipment used by children shall be washed and disinfected when soiled or contaminated with matter such as food, body secretions or excrement.
  - 3) Cleaning equipment, cleaning agents, aerosol cans and other hazardous chemical substances shall be labeled and stored in a space designated solely for this purpose. These materials shall be stored in a locked place that is inaccessible to children.
- q) Kitchen sinks used for food preparation shall not be used as hand-washing lavatories nor counted in the total number of hand-washing lavatories required.
- r) There shall be means for communication in emergencies.
- 1) An operable non-coin telephone shall be on the premises, easily accessible for use in an emergency and for other communications.
  - 2) A list of emergency telephone numbers, such as the fire department, police department, poison control and emergency medical treatment, along with the full address of the day care center, shall be posted next to each telephone.
  - 3) In facilities where communication between groups is difficult due to the design of the day care center, operation in multiple buildings on the same site or on multiple floors, an intercom or a written plan for other effective

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means of communication between groups shall be provided.

- 4) During hours of operation and at all times that children are present, there shall be a means for parents of enrolled children to have direct telephone contact with a center staff person.

- s) The center shall provide reasonable, private accommodations for breastfeeding mothers who may want to breastfeed during hours of operation, including a private area with an electrical outlet for mothers to pump their breast milk, and shall notify parents of these accommodations.

(Source: Amended at 38 Ill. Reg. 17293, effective August 1, 2014)

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**Section 407.APPENDIX E Meal Patterns and Serving Sizes for Child Care Programs****MEAL PATTERNS AND SERVING SIZES  
FOR CHILD CARE PROGRAMS**

MEAL	FOOD ITEMS	AGE (1-2 years)	AGE (3-5 years)	AGE (6-12 years)
Breakfast	Fluid Milk	½ cup	¾ cup	1 cup
	Juice/fruit or vegetable <sup>1</sup>	¼ cup	½ cup	½ cup
	Grains/Breads	½ serving	½ serving	1 serving
	Bread	½ slice or 0.5 oz.	½ slice or 0.5 oz.	1 slice
	Or cereal cold/dry	¼ cup	⅓ cup or 0.5 oz.	¾ cup or 1 oz.
	Or cereal hot/cooked	¼ cup	¼ cup	½ cup
	Or cooked pasta/noodles	¼ cup	¼ cup	½ cup
Lunch/Dinner	Lean meat, fish or poultry	1 oz.	1½ oz.	2 oz.
	Or cheese	1 oz.	1½ oz.	2 oz.
	Or egg	1	1	1
	Or cooked dry beans and peas	¼ cup	⅜ cup	½ cup
	Or peanut butter*	2 Tbsp.*	3 Tbsp.	4 Tbsp.
	Or yogurt	½ cup	¾ cup	1 cup
	Fruits and/or Vegetables (2 or more total)	¼ cup total	½ cup total	¾ cup total
	Grains/Bread	½ serving	½ serving	1 serving

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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	Bread	½ slice or 0.5 oz.	½ slice or 0.5 oz.	1 slice or 1 oz.
	Or cooked pasta/noodles	¼ cup	¼ cup	½ cup
	Fluid milk	½ cup	¾ cup	1 cup
Snacks**	Fluid milk	½ cup	½ cup	1 cup
	Grains/Breads	½ serving	½ serving	1 serving
	Bread	½ slice or 0.5 oz.	½ slice or 0.5 oz.	1 slice
	Or cereal cold/dry	¼ cup	⅓ cup	¾ cup
	Or cereal hot/cooked	¼ cup	¼ cup	½ cup
	Lean meat, poultry or fish	½ oz.	½ oz.	1 oz.
	Or cheese	½ oz.	½ oz.	1 oz.
	Or cooked dry beans	⅛ cup	⅛ cup	¼ cup
	Or peanuts, peanut butter, nuts or seeds	1 Tbsp.*	1 Tbsp.	2 Tbsp.
	Juice/fruit or vegetable (full-strength juice) <sup>1</sup>	½ cup	½ cup	¾ cup

\* Shall not be served to children under ~~two~~ years of age. Spread thinly for children ages 2-3 years or mix with other foods.

\*\* Mid-morning or mid-afternoon supplement; select 2 of the 4 components.

<sup>1</sup> No more than 4 ounces (½ cup) of 100% juice daily. Fruit juice shall be given only as part of a meal or snack.

(Source: Amended at 38 Ill. Reg. 17293, effective August 1, 2014)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: AIDS Drug Assistance Program
- 2) Code Citation: 77 Ill. Adm. Code 692
- 3) Section Number: 692.Appendix A                      Adopted Action: Amendment
- 4) Statutory Authority: Ryan White HIV/AIDS Treatment Extension Act of 2009 [Public Law 111-87]; Section 315 of the Civil Administrative Code of Illinois [20 ILCS 2310/315]
- 5) Effective Date of Rule: August 1, 2014
- 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 Proposed Amendments published in the *Illinois Register*: April 11, 2014; 38 Ill. Reg. 7783
- 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 changes were requested.
- 13) Will this rulemaking replace an emergency rule currently in effect? Yes
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The United States Department of Health and Human Services (DHHS) establishes the federal poverty level at the end of January of each year. Once the new poverty level is established by the federal government, all Ryan White Programs are required to adopt the new standard. Neither the program nor the State has any discretion to operate on another standard of federal poverty level. On

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January 22, 2014, DHHS posted the new 2014 federal poverty level (FPL) in the Federal Register. The Department is updating its rules to reflect this new standard. The federal poverty level is posted on the following website:

<https://www.federalregister.gov/articles/2013/01/24/2013-01422/annual-update-of-the-hhs-poverty-guidelines#h-4>

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

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

217/782-2043  
e-mail: [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

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

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

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

PART 692  
AIDS DRUG ASSISTANCE PROGRAM

## Section

692.5	Definitions
692.6	Incorporated and Referenced Materials
692.10	Drugs to Prolong the Lives of Non-Medicaid Persons with Acquired Immunodeficiency Syndrome (AIDS) or Human Immunodeficiency Virus (HIV) Infection
692.15	Application Requirements
692.16	Non-Discrimination
692.APPENDIX A	<del>2014</del> 2013 Poverty Income Guidelines
692.APPENDIX B	Ryan White HIV/AIDS Treatment Extension Act of 2009 Sliding Fee Scale

**AUTHORITY:** Implementing the Ryan White HIV/AIDS Treatment Extension Act of 2009 (P.L. 111-87) and authorized by Section 315 of the Civil Administrative Code of Illinois [20 ILCS 2310/315].

**SOURCE:** Emergency rule adopted at 15 Ill. Reg. 14699, effective September 30, 1991, for a maximum of 150 days; adopted at 16 Ill. Reg. 4052, effective February 27, 1992; emergency amendment at 17 Ill. Reg. 12913, effective July 23, 1993, for a maximum of 150 days; emergency expired December 20, 1993; amended at 18 Ill. Reg. 1427, effective January 20, 1994; amended at 18 Ill. Reg. 17678, effective November 30, 1994; amended at 20 Ill. Reg. 7531, effective May 15, 1996; emergency amendment at 20 Ill. Reg. 8353, effective June 4, 1996, for a maximum of 150 days; emergency expired November 1, 1996; amended at 21 Ill. Reg. 1203, effective January 10, 1997; amended at 22 Ill. Reg. 14468, effective July 24, 1998; amended at 24 Ill. Reg. 11876, effective August 1, 2000; emergency amendment at 35 Ill. Reg. 16105, effective September 26, 2011, for a maximum of 150 days; amended at 36 Ill. Reg. 3909, effective February 22, 2012; peremptory amendment at 37 Ill. Reg. 2563, effective February 15, 2013; emergency amendment at 37 Ill. Reg. 3899, effective March 18, 2013, for a maximum of 150 days; amended at 37 Ill. Reg. 11371, effective July 2, 2013; emergency amendment at 38 Ill. Reg. 7997, effective March 28, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 17363, effective August 1, 2014.

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Section 692.APPENDIX A ~~2014~~2013 Poverty Income Guidelines20142013 Health and Human Services Poverty Guidelines

Persons in Family	Poverty Guideline	Maximum Gross Annual Income ADAP 300% Eligibility
1	<del>\$11,670</del> 11,490	<del>\$35,010</del> 34,470
2	<del>15,730</del> 15,510	<del>47,190</del> 46,530
3	<del>19,790</del> 19,530	<del>59,370</del> 58,590
4	<del>23,850</del> 23,550	<del>71,550</del> 70,650
5	<del>27,910</del> 27,570	<del>83,730</del> 82,710
6	<del>31,970</del> 31,590	<del>95,910</del> 94,770
7	<del>36,030</del> 35,610	<del>108,090</del> 106,830
8	<del>40,090</del> 39,630	<del>120,270</del> 118,890
For additional persons, add	<del>4,060</del> 4,020	<del>12,180</del> 12,060

Source: *Federal Register*, Vol. ~~79~~ FR 359378 No. 16, January ~~22~~24, ~~2014~~2013, pp. 3593-3594, Document Number 2014-013035182-5183

(Source: Amended at 38 Ill. Reg. 17363, effective August 1, 2014)

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## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Compassionate Use of Medical Cannabis Patient Registry
- 2) Code Citation: 77 Ill. Adm. Code 946
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
946.10	New Section
946.15	New Section
946.20	New Section
946.30	New Section
946.40	New Section
946.50	New Section
946.60	New Section
946.70	New Section
946.200	New Section
946.205	New Section
946.210	New Section
946.220	New Section
946.230	New Section
946.240	New Section
946.250	New Section
946.260	New Section
946.270	New Section
946.275	New Section
946.280	New Section
946.290	New Section
946.300	New Section
946.310	New Section
946.320	New Section
946.400	New Section
946.410	New Section
946.420	New Section
946.430	New Section
946.500	New Section
- 4) Statutory Authority: Implementing and authorized by PA 98-122, the Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130]
- 5) Effective Date of Rules: July 29, 2014

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- 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 Proposed Rules published in the *Illinois Register*: April 18, 2014; 38 Ill. Reg. 8243
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The following changes were made in response to comments received during the first notice or public comment period:
  - In Section 946.10, Definitions, for "Debilitating medical condition" insert "pursuant to the statute or" before "by the Department by rule as provided in Section 946.30 (Section 10 of the Act)"
  - In Section 946.20, Debilitating Medical Conditions, insert "pursuant to the statute or" before "by the Department by rule as provided in Section 946.30 (Section 10 of the Act)"
  - In Section 946.40, Limitations and Penalties (j)(1), delete "or death" at the end of the sentence.
  - In Section 946.200 Application for Registry Identification Card for Qualifying Patients and Designated Caregivers, insert "unless otherwise authorized by statute or rule." after "5) Be at least 18 years of age"
  - In Section 946.200, Application for Registry Identification Card for Qualifying Patients and Designated Caregivers, revise (c)(2) as follows: "Provides proof of Illinois residency by submitting at least two of the following items with the application for a registry identification card; persons who are homeless shall only be required to submit a Notarized Homeless Status Certification (available at [https://www.cyberdriveillinois.com/publications/pdf\\_publications/dsd\\_a230.pdf](https://www.cyberdriveillinois.com/publications/pdf_publications/dsd_a230.pdf)):"
  - In Section 946.200, Application for Registry Identification Card for Qualifying Patients and Designated Caregivers, delete (c)(2)(D) and reorder the subsequent subsections.
  - In Section 946.205, Deadlines for Submission of Application for Registry Identification Card (d)(1), insert "submitted electronically through the Department's

## DEPARTMENT OF PUBLIC HEALTH

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website [www.idph.state.il.us](http://www.idph.state.il.us) or" after "Applications for registry identification cards shall be"

- In Section 946.205, Deadlines for Submission of Application for Registry Identification Card (d)(2), insert "electronically or" after "...cards not submitted"
- In Section 946.210, Fees, revise (a) as follows "a) Except as set forth in subsection (b), the registration, renewal and replacement card fees are as specified. Annually, the Department may revise the fees contained in Section 946.210:"
- In Section 946.300, Qualifications of the Certifying Physician, revise (a) as follows: "a) A doctor of medicine or osteopathy who has a current, valid license under the Medical Practice Act of 1987 and has a current valid controlled substances license under Article III of the Illinois Controlled Substances Act and DEA registration may recommend the use of medical cannabis to a qualifying patient if the physician:"
- In Section 946.310, Physician Written Certification (a)(5), replace "Comments" with "Additional comments, if necessary,"
- In Section 946.310, Physician Written Certification (a)(6), insert ", if any" before "from the previous 12 months;"
- In Section 946.320, Records Maintained by the Physician and Department, revise (a)(7) as follows:"7) General consent for treatment;"

The following changes were made in response to comments and suggestions of JCAR:

- In the Table of Contents, add "946.275 Suspension of a Registry Identification Card"
- In Section 946.15(a), add "3) Health Insurance Portability and Accountability Act of 1996 (HIPAA) (P.L. 104-191)"
- In Section 946.15(b)(16), after "Act" add "(FOIA)"
- After Section 946.15(b)(19), add "20) Illinois Vehicle Code [625 ILCS 5]".
- After Section 946.15(c)(4), add "5) Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)."
- In Section 946.20, delete "of the following".
- In Section 946.20, after "medical conditions" add "(see Section 946.10)." and delete the remaining list of specific conditions.
- In Section 946.30(g)(4), change "requirements" to "standards"
- In Section 946.30(l), after "laws" add "(e.g., FOIA or HIPAA)."
- In Section 946.40(l), after "Act" add "and Sections 946.270 and 946.275 of this Part".
- In Section 946.50(b)(6), after "and" add "Section 910 of"
- In Section 946.50(d)(3) and (4), delete "as specified by the Department in this Section"
- In Section 946.50(d)(5)(E) change "may" to "will"
- In Section 946.50(d)(5)(E)(iv), after "add" add "can be renewed. The card"

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- In Section 946.205(e), after "application" and "documentation" add "(see Section 946.200)", after "fee" add "(see Section 946.210)", and delete "as described in this"
- In Section 946.210(a), after "specified" add "in this subsection (a)"
- In Section 946.220, after the (e) label add "Denial fo Application or Renewal" and before "The" add "1)"
- In Section 946.220(f), change the subsection label to "2)" and add the header "Exception"
- Change Section 946.240(c), to "with the Department on the Registry Identification Card application (see Section 946.200) and:"
- Delete Section 946.270(5) and (6) and replace with "6) The registered qualified patient is deceased."
- Add new Section called "Section 946.275 Suspension of a Registry Identification Card"
- Change Section 946.300(2) to "Medical Practice Act of 1987 and applicable state and federal rules specific to physician practice (e.g., HIPAA rules)."
- In Section 946.400(a), delete "food"
- In Section 946.410, change "certain" to "all of the following"

In addition, various typographical, grammatical and form changes were made in response to the comments from JCAR.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking sets forth the requirements for implementation of the Department's Compassionate Use of Medical Cannabis Patient Registry Program which is designed to ensure access to medical cannabis to qualifying patients with specific debilitating medical conditions who apply for and are approved for a registry identification card.
- 16) Information and questions regarding this adopted rule shall be directed to:

Susan Meister  
Division of Legal Services  
Department of Public Health

DEPARTMENT OF PUBLIC HEALTH

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535 West Jefferson, 5<sup>th</sup> Floor  
Springfield IL 62761

217/782-2043  
e-mail: [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

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

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NOTICE OF ADOPTED RULES

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER u: MISCELLANEOUS PROGRAMS AND SERVICES

PART 946  
COMPASSIONATE USE OF MEDICAL CANNABIS PATIENT REGISTRY

SUBPART A: GENERAL PROVISIONS

- Section
- 946.10 Definitions
  - 946.15 Referenced Materials
  - 946.20 Debilitating Medical Conditions
  - 946.30 Addition of Debilitating Medical Conditions
  - 946.40 Limitations and Penalties
  - 946.50 Notifications to the Department
  - 946.60 Confidentiality
  - 946.70 Applicability to the Smoke Free Illinois Act

SUBPART B: QUALIFYING PATIENTS AND DESIGNATED CAREGIVERS

- Section
- 946.200 Application for Registry Identification Card for Qualifying Patients and Designated Caregivers
  - 946.205 Deadlines for Submission of Application for Registry Identification Card
  - 946.210 Fees
  - 946.220 Fingerprint-Based Criminal History Records Check
  - 946.230 General Provisions
  - 946.240 Persons Receiving Medical Care at U.S. Department of Veterans Affairs Facilities
  - 946.250 Disposal of Medical Cannabis by Qualifying Patients
  - 946.260 Responsibilities of Designated Caregivers
  - 946.270 Revocation of a Registry Identification Card
  - 946.275 Suspension of a Registry Identification Card
  - 946.280 Medical Cannabis Obtained from a Medical Cannabis Dispensing Organization
  - 946.290 Renewal of Registry Identification Cards

SUBPART C: PHYSICIAN REQUIREMENTS

Section

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- 946.300 Qualifications of the Certifying Physician  
946.310 Physician Written Certification  
946.320 Records Maintained by the Physician and Department

## SUBPART D: CANNABIS-INFUSED PRODUCTS

- Section  
946.400 Manufacture of Cannabis-Infused Products  
946.410 Sale and Distribution of Cannabis-Infused Products  
946.420 Preparation  
946.430 Health Hazards

## SUBPART E: ENFORCEMENT

- Section  
946.500 Circuit Court Review

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

SOURCE: Adopted at 38 Ill. Reg. 17367, effective July 29, 2014.

## SUBPART A: GENERAL PROVISIONS

**Section 946.10 Definitions**

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

*"Adequate supply" means 2.5 ounces of usable cannabis during a period of 14 days and that is derived solely from an intrastate source.* (Section 10(a)(1) of the Act)

"Administer" or "Administration" means the direct introduction of medical cannabis into the body of a person, whether by inhalation, ingestion, or any other means.

"Bona-fide physician-patient relationship" means a relationship in which the physician has ongoing responsibility for the assessment, care and treatment of a

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patient's debilitating medical condition, or a symptom of the patient's debilitating medical condition, for which the physician has certified to the Department that the qualifying patient would receive therapeutic or palliative benefit from the medical use of cannabis.

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

"Caregiver" or "designated caregiver" means a person who is designated by a qualifying patient as the person authorized, on the qualifying patient's behalf, to possess, obtain from a certified medical cannabis dispensary, dispense and assist in the administration of medical cannabis.

"Cultivation center" means *a facility operated by an organization or business that is registered by the Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.* (Section 10(e) of the Act)

"DD214" means a certified DD214 Certificate of Release or Discharge from Active Duty Member Copy 4 or State Director of Veteran Affairs Copy 6; a certified DD214 Report of Separation from Active Duty Copy 2; or equivalent certified document indicating character of service and dates of service. A DD214 can be certified by the State Department of Veterans' Affairs, county veteran's officials, and the federal Department of Veterans Affairs.

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"DEA Registration Certificate" means a certificate to prescribe controlled substances issued by the U.S. Department of Justice's Drug Enforcement Administration.

*"Debilitating medical condition" means cancer, glaucoma, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), hepatitis C, amyotrophic lateral sclerosis (ALS), Crohn's disease, agitation of Alzheimer's disease, cachexia/wasting syndrome, muscular dystrophy, severe fibromyalgia, spinal cord disease, including but not limited to arachnoiditis, Tarlov cysts, hydromyelia, syringomyelia, Rheumatoid arthritis (RA), fibrous dysplasia, spinal cord injury, traumatic brain injury (TBI) and post-concussion syndrome, Multiple Sclerosis, Arnold-Chiari malformation and Syringomyelia, Spinocerebellar Ataxia (SCA), Parkinson's disease, Tourette's syndrome, Myoclonus, Dystonia, Reflex Sympathetic Dystrophy, RSD (Complex Regional Pain Syndromes Type I), Causalgia, CRPS (Complex Regional Pain Syndromes Type II), Neurofibromatosis, Chronic Inflammatory Demyelinating Polyneuropathy, Sjogren's syndrome, Lupus, Interstitial Cystitis, Myasthenia Gravis, Hydrocephalus, nail-patella syndrome, residual limb pain, or the treatment of these conditions; or any other debilitating medical condition that is added pursuant to the statute or by the Department by rule as provided in Section 946.30. (Section 10(h) of the Act)*

"Department" means the Illinois Department of Public Health.

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

"Dispensing organization district" or "District" means one of the 43 geographically dispersed areas identified in the Act and by the Department of Financial and Professional Regulation where one or more dispensing organizations may be located.

"Evidence-based medical research" means documentation of published, peer-reviewed best evidence on research related to the use of medical cannabis, which includes up-to-date information from relevant, valid research about the effects of medical cannabis on different forms of diseases and conditions, its use in health care, the potential for harm from exposure, and other relevant medical information.

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"*Excluded offense*" means:

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

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

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

"Fingerprint-based criminal history records check" means a fingerprint-based criminal history records check conducted by the Illinois State Police in accordance with the Uniform Conviction Information Act (UCIA).

"Health care facility" means any and all facilities and agencies licensed by the Illinois Department of Public Health, including, but not limited to, those registered under the Hospital Licensing Act, Nursing Home Care Act, Ambulatory Surgical Treatment Center Act, Alternative Health Care Delivery Act, Hospice Program Licensing Act, Specialized Mental Health Rehabilitation Act of 2013 and any nursing facility operated by the Illinois Department of Veterans' Affairs.

"ISP" means the Illinois State Police.

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

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"Livescan vendor" means an entity licensed by the Department of Financial and Professional Regulation to provide commercial fingerprinting services under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.

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

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

*"Medical cannabis dispensing organization" or "Dispensing organization" means a facility operated by an organization or business that is registered by the Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing medical cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients. (Section 10(o) of the Act)*

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

"Petitioner" means an applicant who seeks to add debilitating medical conditions to those listed in Section 10(h) of the Act as allowed under Section 946.30.

"Private residence" means the part of a structure used as a dwelling, including, without limitation: a private home, townhouse, condominium, apartment, mobile home, vacation home, cabin or cottage. For the purposes of this definition, a hotel, motel, inn, resort, lodge, bed and breakfast or other similar public accommodation, hospital, nursing home or assisted living facility shall not be considered a private residence.

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

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"Public place" means any place where an individual could reasonably be expected to be observed by others, including all parts of buildings owned in whole or in part or leased by the State or a unit of local government. A "public place" does not include health care facilities, as defined in this Part, or private residences unless the private residence is used to provide child care, foster care or other similar social service care on the premises.

*"Qualifying patient" means a person who has been diagnosed by a physician as having a debilitating medical condition. (Section 10(t) of the Act)*

"Quorum" means a majority of the appointed members of the advisory committee being present in person or participating through video conference or by telephonic means.

"Registered qualifying patient" means a qualifying patient who has been approved by the Department and has been issued a registry identification card.

*"Registry identification card" or "medical cannabis patient registry card" means a document issued by the Department that identifies a person as a current registered qualifying patient or registered designated caregiver. (Section 10(v) of the Act)*

"Tincture" means cannabis flowered tops and leaves that are soaked in liquid, usually an alcohol solution, transferring the THC and other cannaboids to the liquid. The tincture may be added to foods and liquids, applied to the skin, or consumed directly by drinking a small quantity or placing a few drops under the tongue.

"Tetrahydrocannabinol" or "THC" means the primary active ingredient in cannabis.

"VA" means federal Department of Veterans Affairs.

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

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"VA hospital" means a health care facility operated by the federal Department of Veterans Affairs-Veterans Health Administration providing hospital and outpatient health care services to U.S. military service veterans.

"VA official hospital medical records" means records from the VA documenting medical conditions and dates of treatment in the VA healthcare system.

*"Violent crime" means any felony in which force or threat of force was used against the victim, or any offense involving sexual exploitation, sexual conduct or sexual penetration, or a violation of Section 11-20.1, 11-20.1B, or 11-20.3 of the Criminal Code of 1961 or the Criminal Code of 2012, domestic battery, violation of an order of protection, stalking, or any misdemeanor which results in death or great bodily harm to the victim or any violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, or Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, if the violation resulted in personal injury or death, and includes any action committed by a juvenile that would be a violent crime if committed by an adult. For the purposes of this definition, "personal injury" shall include any Type A injury as indicated on the traffic accident report completed by a law enforcement officer that requires immediate professional attention in either a doctor's office or medical facility. A Type A injury shall include severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene; or a substantially similar offense that was tried and convicted as a felony in the jurisdiction where the qualifying patient or designated caregiver was convicted. (Section 3(c) of the Rights of Crime Victims and Witnesses Act and Section 10(1)(1) of the Act)*

"Waiver" means a waiver of an excluded offense granted by the Department solely based upon the results of a fingerprint-based criminal history records check *if the person demonstrates to the Department's satisfaction that his or her conviction was for the possession, cultivation, transfer, or delivery of a reasonable amount of cannabis intended for medical use.* (Section 10(1)(2) of the Act)

*"Written certification" means a document dated and signed by a physician, stating that in the physician's professional opinion, the patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition; that the qualifying patient has a debilitating*

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*medical condition and specifying the debilitating medical condition the qualifying patient has; and that the patient is under the physician's care for the debilitating medical condition. A written certification shall be made only in the course of a bona-fide physician-patient relationship, after the physician has completed an assessment of the qualifying patient's medical history, reviewed relevant records related to the patient's debilitating condition, and conducted a physical examination.* (Section 10(y) of the Act)

**Section 946.15 Referenced Materials**

- a) The following federal statutes are referenced in this Part:
  - 1) Federal Food, Drug, and Cosmetic Act (21 USC 301 et seq.)
  - 2) Federal Fair Packaging and Labeling Act (15 USC 1451 et seq.)
  - 3) Health Insurance Portability and Accountability Act of 1996 (HIPAA) (P.L. 104-191)
  
- b) The following Illinois statutes are referenced in this Part:
  - 1) Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130]
  - 2) Administrative Review Law (Article III of the Code of Civil Procedure) [735 ILCS 5/Art. III]
  - 3) Cannabis Control Act [720 ILCS 550]
  - 4) Methamphetamine Control and Community Protection Act [720 ILCS 646]
  - 5) Open Meetings Act [5 ILCS 120]
  - 6) Medical Practice Act of 1987 [225 ILCS 60]
  - 7) Illinois Controlled Substances Act [720 ILCS 570]
  - 8) Illinois Food, Drug and Cosmetic Act [410 ILCS 620]

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- 9) Food Handling Regulation Enforcement Act [410 ILCS 625]
  - 10) Uniform Conviction Information Act [20 ILCS 2635]
  - 11) Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 [225 ILCS 447]
  - 12) Illinois Vehicle Code [625 ILCS 5]
  - 13) Criminal Code of 2012 [720 ILCS 5]
  - 14) Smoke Free Illinois Act [410 ILCS 82]
  - 15) Illinois Identification Card Act [15 ILCS 335]
  - 16) Freedom of Information Act (FOIA) [5 ILCS 140]
  - 17) Rights of Crime Victims and Witnesses Act [725 ILCS 120]
  - 18) Code of Civil Procedure [735 ILCS 5]
  - 19) State Records Act [5 ILCS 160]
  - 20) Illinois Vehicle Code [625 ILCS 5]
- c) The following State administrative rules are referenced in this Part:
- 1) The Illinois Food, Drug and Cosmetic Act (77 Ill. Adm. Code 720)
  - 2) Manufacturing, Processing, Packing or Holding of Food Code (77 Ill. Adm. Code 730)
  - 3) Food Service Sanitation Code (77 Ill. Adm. Code 750)
  - 4) Electronic Transmission of Fingerprints (20 Ill. Adm. Code 1265)
  - 5) Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

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**Section 946.20 Debilitating Medical Conditions**

A qualifying patient shall be eligible to apply for a Medical Cannabis Patient Registry Identification Card if diagnosed as having one or more debilitating medical conditions (see Section 946.10).

**Section 946.30 Addition of Debilitating Medical Conditions**

Residents may petition the Department to add debilitating medical conditions to those listed in Section 10(h) of the Act and Section 946.20. The Department will accept petitions twice annually. The open period for accepting petitions will be for a one-month period from January 1 through January 31 and again from July 1 through July 31 each year. Petitions received outside of the open periods specified in this Section will not be reviewed and will be returned to the resident submitting the petition.

- a) The Department will convene a Medical Cannabis Advisory Board (Advisory Board) composed of 15 members, including:
  - 1) One medical cannabis patient advocate or designated caregiver;
  - 2) Two nurses or nurse practitioners who work with medical cannabis patients;
  - 3) Three registered qualifying patients, including one veteran; and
  - 4) Nine healthcare practitioners with current professional licensure in their field. There shall be one healthcare practitioner with expertise in and representing each of the following areas, and at least two of the appointed healthcare practitioners shall have direct experience with the health care needs of veterans:
    - A) Neurology;
    - B) Pain management;
    - C) Medical oncology;
    - D) Psychiatry or mental health;

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- E) Infectious disease;
  - F) Family medicine;
  - G) General primary care;
  - H) Medical ethics; and
  - I) Pharmacy.
- b) The Advisory Board shall review petitions and recommend to the Department additional debilitating conditions or diseases that would benefit from the medical use of cannabis.
- c) Members of the Advisory Board will be appointed by the Governor.
- 1) Members shall serve a term of four years or until a successor is appointed and qualified. If a vacancy occurs, the Governor will appoint a replacement to complete the original term created by the vacancy.
  - 2) Members shall select a chairperson.
  - 3) Members may serve multiple terms.
  - 4) Members shall not have an affiliation with, serve on the board of, or have a business relationship with a registered cultivation center or a registered medical cannabis dispensary.
  - 5) Members shall disclose any real or apparent conflicts of interest that may have a direct bearing of the subject matter, such as relationships with pharmaceutical companies, biomedical device manufacturers, or corporations whose products or services are related to the medical condition or disease to be reviewed.
  - 6) Members will not be paid but will be reimbursed for travel expenses incurred while fulfilling the responsibilities of the Advisory Board.
- d) The Advisory Board shall convene at least twice per year to:

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- 1) Review petitions received from residents of Illinois for the addition of debilitating medical conditions or diseases that would benefit from the medical use of cannabis.
  - 2) Conduct a public hearing to review the petitions received.
  - 3) Review conditions previously reviewed by the Advisory Board and accepted by the Department for the purposes of determining whether to recommend the revision of the list of debilitating medical conditions or to review new medical and scientific evidence pertaining to currently approved conditions.
  - 4) Recommend the approval or denial of each petitioner's request by submitting a written report to the Department within 60 days after conducting the public hearing. The written report shall include a medical justification for the recommendation based upon the individual or collective expertise of the members of the advisory board. The medical justification shall delineate between the findings of fact made by the Advisory Board and the scientific conclusions of evidence-based medical research.
- e) During the open period, the Department will accept petitions from any resident requesting the addition of a new debilitating medical condition or disease to the list of approved debilitating medical conditions for which the use of cannabis has been shown to have a therapeutic or palliative effect. The Department will provide public notice 30 days before the open period for accepting petitions, describing the time period for submission, the required format of the submission, and the submission address, which is set forth in Section 946.205.
- f) Each petition shall be limited to one proposed debilitating medical condition or disease.
- g) A petitioner shall file one original petition in the format provided by the Department and two paper copies, along with a CD/DVD or flash drive containing the petition and all associated documents in electronic form, with the Department by certified U.S. mail. For a petition to be processed and submitted to the Advisory Board, the following information shall be included:

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- 1) The petition, prepared on forms provided by the Department.
- 2) A specific description of the medical condition or disease that is the subject of the petition. The petitioner shall not submit broad categories, e.g., all mental illnesses. Each petition shall be limited to a single condition or disease. Information about the proposed condition or disease shall include:
  - A) The extent to which the condition or disease itself and/or the treatments cause severe suffering, such as severe and/or chronic pain, severe nausea and/or vomiting, or otherwise severely impair a person's ability to carry on with activities of daily living;
  - B) Information about why conventional medical therapies are not sufficient to alleviate the suffering caused by the disease or condition and its treatment;
  - C) The proposed benefits from the medical use of cannabis specific to the medical condition or disease;
  - D) Evidence from the medical community and other experts supporting the use of medical cannabis to alleviate suffering caused by the condition or disease and/or treatment;
  - E) Letters of support from physicians or other licensed health care providers knowledgeable about the condition or disease, including, if feasible, a letter from a physician with whom the petitioner has a bona-fide physician-patient relationship;
  - F) Any additional medical, testimonial or scientific documentation; and
  - G) An electronic copy of all materials submitted.
- 3) Upon review of materials submitted pursuant to subsection (g)(2), the Department will determine whether:
  - A) The petition meets the standards for submission and, if so, will accept the petition for further review; or

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- B) The petition does not meet the standards for submission and, if so, will deny the petition without further review.
- 4) If the petition does not fulfill the standards for submission, the petition will be considered deficient. The Department will notify the petitioner, who may correct any deficiencies and resubmit the petition during the next open period.
- 5) If the petition is accepted, the Department will refer the petition documents to the Advisory Board for review.
- h) The petitioner may withdraw his or her petition by submitting a written statement to the Department indicating withdrawal.
- i) The Advisory Board shall have a minimum of 30 days to review the petitions before convening a public hearing.
- j) The Advisory Board shall convene a public hearing to review all petitions accepted by the Department pursuant to Section f(4)(B) requesting the addition of medical conditions or diseases to the list of debilitating medical conditions that would benefit from the medical use of cannabis.
  - 1) The Department will provide a notice of public hearing setting forth the date, time and location of the hearing, a brief description of the petitions received, and information on the requirements for public comment or statement of intent to present technical evidence, as required by the Open Meetings Act. The Department will publish a notice of the hearing on its website to provide notice to the public.
  - 2) Meetings of the Advisory Board shall be in accordance with the Open Meetings Act.
  - 3) Any meeting consisting of a quorum of the Advisory Board members held for the purpose of evaluating, discussing or otherwise formulating specific opinions concerning the recommendation of a petition filed pursuant to this Part shall be declared a public hearing open to the public at all times, unless a portion of the hearing is closed to protect information made confidential by applicable State or federal laws.

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- 4) A petitioner may request to close a portion of the hearing to protect the disclosure of confidential information. The request for closure of the hearing shall be submitted to the same address as the initial submission set forth in Section 946.205. The request must be received by the Department at least 48 hours prior to the hearing.
- k) Any individual or an association of individuals who wishes to present technical evidence at the hearing shall file a statement of intent, no later than 15 days prior to the date of the hearing. The statement of intent to present technical evidence shall include:
  - 1) Name of the person filing the statement;
  - 2) Indication of whether the person filing the statement supports or opposes the petition at issue;
  - 3) Name of each witness;
  - 4) Estimate of the length of the direct testimony of each witness;
  - 5) List of exhibits, if any, to be offered into evidence at the hearing; and
  - 6) Summary or outline of the anticipated direct testimony of each witness.
- l) Upon final determination, the Advisory Board shall provide the Director a written report of findings recommending either the approval or denial of the petitioner's request. The written report of findings shall include a medical justification for the recommendation based upon the individual or collective expertise of the Advisory Board membership. The medical justification shall delineate between the findings of fact made by the Advisory Board and scientific conclusions of evidence-based medical research. The written report of findings shall protect information by applicable State or federal laws (e.g., FOIA or HIPAA).
- m) Upon review of the Advisory Board's recommendations, the Director will render a final decision regarding the acceptance or denial of the proposed debilitating medical conditions or diseases.
- n) *The Department will approve or deny a petition within 180 days after its submission during the biannual petition period. (Section 45 of the Act)*

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**Section 946.40 Limitations and Penalties**

- a) Any person engaging in the following conduct may be charged with civil, criminal or other penalties for:
- 1) *Undertaking any task under the influence of cannabis, when doing so would constitute negligence, professional malpractice, or professional misconduct;*
  - 2) *Possessing cannabis:*
    - A) *in a school bus;*
    - B) *on the grounds of any preschool or primary or secondary school;*
    - C) *in any correctional facility;*
    - D) *in a vehicle under Section 11-502.1 of the Illinois Vehicle Code;*
    - E) *in a vehicle not open to the public unless the medical cannabis is in a reasonably secured, sealed, tamper-evident container and reasonably inaccessible while the vehicle is moving; or*
    - F) *in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises;*
  - 3) *Using cannabis:*
    - A) *in a school bus;*
    - B) *on the grounds of any preschool or primary or secondary school;*
    - C) *in any correctional facility;*
    - D) *in any motor vehicle;*
    - E) *in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises;*

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- F) *in any public place. "Public place" as used in this subsection (a)(3)(F) means any place where an individual could reasonably be expected to be observed by others. A "public place" includes all parts of buildings owned in whole or in part, or leased, by the State or a local unit of government. A "public place" does not include a private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises. For purposes of this subsection (a)(3)(F), a "public place" does not include a health care facility. For purposes of this Section, a "health care facility" includes, but is not limited to, hospitals, nursing homes, hospice care centers, and long-term care facilities;*
- G) *knowingly in close physical proximity to anyone under the age of 18 years of age;*
- 4) *Smoking medical cannabis in any public place where an individual could reasonably be expected to be observed by others, in a health care facility, or any other place where smoking is prohibited under the Smoke Free Illinois Act;*
- 5) *Operating, navigating, or being in actual physical control of any motor vehicle, aircraft, or motorboat while using or under the influence of cannabis in violation of Sections 11-501 and 11-502.1 of the Illinois Vehicle Code;*
- 6) *Using or possessing cannabis if that person does not have a debilitating medical condition and is not a registered qualifying patient or caregiver;*
- 7) *Allowing any person who is not allowed to use cannabis under the Act to use cannabis that a cardholder is allowed to possess under the Act;*
- 8) *Transferring cannabis to any person contrary to the provisions of the Act;*
- 9) *The use of medical cannabis by an active duty law enforcement officer, correctional officer, correctional probation officer, or firefighter; or*

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- 10) *The use of medical cannabis by a person who has a school bus permit or a Commercial Driver's License.*
- b) *Nothing in the Act shall be construed to prevent the arrest or prosecution of a registered qualifying patient for reckless driving or driving under the influence of cannabis where probable cause exists.*
- c) *Notwithstanding any other criminal penalties related to the unlawful possession of cannabis, knowingly making a misrepresentation to a law enforcement official of any fact or circumstance relating to the medical use of cannabis to avoid arrest or prosecution is a petty offense punishable by a fine of up to \$1,000, which shall be in addition to any other penalties that may apply for making a false statement or for the use of cannabis other than use undertaken under the Act.*
- d) *Notwithstanding any other criminal penalties related to the unlawful possession of cannabis, any person who makes a misrepresentation of a medical condition to a physician or fraudulently provides material misinformation to a physician in order to obtain a written certification is guilty of a petty offense punishable by a fine of up to \$1,000.*
- e) *Any cardholder or registered caregiver who sells cannabis shall have his or her registry identification card revoked and is subject to other penalties for the unauthorized sale of cannabis.*
- f) *Any registered qualifying patient who commits a violation of Section 11-502.1 of the Illinois Vehicle Code or refuses a properly requested test related to operating a motor vehicle while under the influence of cannabis shall have his or her registry identification card revoked.*
- g) *No registered qualifying patient or designated caregiver shall knowingly obtain, seek to obtain, or possess, individually or collectively, an amount of usable cannabis from a registered medical cannabis dispensing organization that would cause him or her to exceed the authorized adequate supply under Section 10(a) of the Act.*
- h) *Nothing in the Act shall prevent a private business from restricting or prohibiting the medical use of cannabis on its property.*

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- i) *Nothing in the Act shall prevent a university, college, or other institution of post-secondary education from restricting or prohibiting the use of medical cannabis on its property. (Section 30 of the Act)*
- j) Individuals who fail to comply with any of the following notification requirements (see Section 75(a) of the Act) shall be subject to a civil monetary penalty, pursuant to Section 75(d) of the Act. The civil monetary penalty, which may be assessed for each instance of non-compliance, is not to exceed \$150 per instance.
  - 1) *A registered qualifying patient shall notify the Department of Public Health of any change in his or her name or address, or if the registered qualifying patient ceases to have his or her debilitating medical condition, within 10 days after the change.*
  - 2) *A registered designated caregiver shall notify the Department of Public Health of any change in his or her name or address, or if the designated caregiver becomes aware the registered qualifying patient passed away, within 10 days after the change or death.*
  - 3) *Before a registered qualifying patient changes his or her designated caregiver, the qualifying patient must notify the Department of Public Health.*
  - 4) *If a cardholder loses his or her registry identification card, he or she shall notify the Department within 10 days after becoming aware the card has been lost. (Section 75(a) of the Act)*
- k) *Any person, including an employee or official of the Department of Public Health, Department of Financial and Professional Regulation, or Department of Agriculture or another State agency or local government, is guilty of a Class B misdemeanor with a \$1,000 fine for breaching the confidentiality of information obtained under the Act (Section 145(c) of the Act) and Sections 946.270 and 946.275 of this Part.*
- l) Any cardholder found to be in violation of the Act or this Part may have his or her registration suspended or revoked, pursuant to Section 185(a) of the Act and Sections 946.270 and 946.275 of this Part.

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- m) *The Department of Public Health may with reasonable cause refer a physician, who has certified a debilitating medical condition of a patient, to the Illinois Department of Financial and Professional Regulation for potential violations of Section 35 of the Act. (Section 35(c) of the Act)*

**Section 946.50 Notifications to the Department**

- a) The registered qualifying patient and designated caregiver shall notify the Department of any changes in application information within 10 days after the change occurs. After a registry identification card is issued, information changes shall be made by notifying the Department. Forms for this purpose will also be available on the Department's website at <http://www.idph.state.il.us/HealthWellness/MedicalCannabis/index.htm>.
- b) Registered qualifying patients shall notify the Department:
- 1) Of changes in the patient's name or address;
  - 2) If the patient ceases to have the debilitating medical condition. If the qualifying patient is deceased, the designated caregiver, if any, or a legal representative of the patient shall notify the Department;
  - 3) Of a change in the designated caregiver;
  - 4) Of a change in the selected dispensary organization;
  - 5) If the registry identification card is lost or stolen; and
  - 6) Upon conviction of any excluded offenses as specified in Section 25(b) of the Act and Section 946.10 of this Part.
- c) *If a registered qualifying patient ceases to be a registered qualifying patient or changes his or her registered designated caregiver, the registered qualifying patient shall immediately notify the Department via telephone and the Department of Public Health shall promptly notify the designated caregiver. The registered designated caregiver's registry identification card shall immediately become void and all protections under the Act as to that qualifying patient shall expire 15 days after notification by the Department. (Section 75(c) of the Act)*

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- d) *A cardholder who fails to make a notification to the Department of Public Health that is required by this Part is subject to a civil infraction, punishable by a penalty of no more than \$150. (Section 75(d) of the Act)*

**Section 946.60 Confidentiality**

- a) The following information received and records kept by the Department for purposes of administering this Part are subject to all applicable federal privacy laws, are confidential, are exempt from the Illinois Freedom of Information Act, and are not subject to disclosure to any individual or public or private entity, except as necessary for authorized employees of the Department to perform official duties of the Department pursuant to this Part:
- 1) Applications or renewals, their contents and supporting information submitted by qualifying patients and designated caregivers, including information regarding designated caregivers and physicians;
  - 2) The individual names and other information identifying persons to whom the Department has issued registry identification cards; and
  - 3) All medical records provided to the Department in connection with an application for a registry identification card.
- b) Department hard drives or other data recording media that are no longer in use and that contain cardholder information will be destroyed.
- c) Data subject to this Section shall not be *combined or linked in any manner with any other list or database and shall not be used for any purpose not provided by this Part or the Act. (Section 150(a) of the Act)*
- d) Any dispensing information required to be kept under Section 135 or 150 of the Act or under this Part will identify cardholders by their registry identification numbers and not contain names or other personally identifying information.
- e) The Department of Agriculture, the Department of Financial and Professional Regulation and the Illinois State Police may verify registry identification cards. Law enforcement personnel shall have access to the Department's on-line verification system to verify application date and application status of qualifying patients who have submitted an application for a registry identification card.

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- f) This Section does not preclude the following notifications:
- 1) Department employees may notify law enforcement if information submitted to the Department is suspected to be falsified or fraudulent.
  - 2) The Department may notify State or local law enforcement about alleged criminal violations of this Part.
  - 3) The Department will notify the Department of Financial and Professional Regulation if there is reasonable cause to believe that a physician has:
    - A) Issued a written certification without a bona-fide physician-patient relationship; or
    - B) Issued a written certification to a person who was not under the physician's care for the debilitating medical condition; or
    - C) Failed to abide by the acceptable and prevailing standard of care when evaluating a patient's medical condition.

**Section 946.70 Applicability to the Smoke Free Illinois Act**

The Act does not permit any person to engage in, and does not prevent the imposition of any civil, criminal or other penalties for engaging in, smoking *medical cannabis in any public place where an individual could reasonably be expected to be observed by others, in a health care facility, or any other place where smoking is prohibited under the Smoke Free Illinois Act.* (Section 30(a)(4) of the Act)

## SUBPART B: QUALIFYING PATIENTS AND DESIGNATED CAREGIVERS

**Section 946.200 Application for Registry Identification Card for Qualifying Patients and Designated Caregivers**

- a) A qualifying patient who has been issued a written certification who seeks to use medical cannabis for palliative or therapeutic benefit for the patient's debilitating condition, and the qualifying patient's designated caregiver, when applicable, shall register with the Department on forms and in a manner prescribed by the Department.

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- b) To qualify for a registry identification card, a qualifying patient shall:
- 1) Be a resident of the State of Illinois, as defined in subsection (c), at the time of application and remain a resident during participation in the program;
  - 2) Have a qualifying medical condition;
  - 3) Have a signed, written certification for the use of medical cannabis meeting the requirements of this Part;
  - 4) Complete the fingerprint-based background check and not have been convicted of an excluded offense as specified under Section 25(b) of the Act; and
  - 5) Be least 18 years of age unless otherwise authorized by statute or rule.
- c) Residency. For purposes of this Part, the qualifying patient and designated caregiver, if any, shall be a resident of the State of Illinois if the individual:
- 1) Physically resides in the State of Illinois, or has taken verifiable actions to make Illinois his or her home indefinitely with no present intent to reside in another state.
  - 2) Provides proof of Illinois residency by submitting at least two of the following items with the application for a registry identification card; persons who are homeless shall only be required to submit a Notarized Homeless Status Certification (available at [https://www.cyberdriveillinois.com/publications/pdf\\_publications/dsd\\_a230.pdf](https://www.cyberdriveillinois.com/publications/pdf_publications/dsd_a230.pdf)):
    - A) Pay stub or electronic deposit receipt, issued less than 60 days prior to the application date, that shows evidence of the applicant's withholding for State income tax;
    - B) Valid voter registration card with an address in Illinois;
    - C) Valid, unexpired Illinois driver's license or other State identification card issued by the Illinois Secretary of State in the

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name of the applicant in accordance with the Illinois Identification Card Act;

- D) Bank statement (dated less than 60 days prior to application);
  - E) Deed/title, mortgage or rental/lease agreement;
  - F) Insurance policy (homeowner's or renter's);
  - G) Medical claim or statement of benefits (from private insurance company or public (government) agency, dated less than 90 days prior to application) or Social Security Disability Insurance Statement or Supplemental Security Income Benefits Statement;
  - H) Tuition invoice/official mail from college or university, dated less than the 12 months prior to application; or
  - I) Utility bill, including, but not limited to, those for electric, water, refuse, telephone land-line, cable or gas, issued less than 60 days prior to application.
- d) To apply for a registry identification card, a qualifying patient shall submit a completed application to the Department on the required forms, which shall include, at a minimum, the following items:
- 1) Written certification for the use of medical cannabis meeting the requirements of this Part issued by a physician who meets the requirements set forth in the Act and the Medical Practice Act of 1987 and dated less than 90 days prior to the application;
  - 2) Proof of Illinois residency of the qualifying patient, as specified in subsection (c);
  - 3) Proof of identity of the qualifying patient;
  - 4) Proof of the qualifying patient's age;
  - 5) Photograph of the qualifying patient and designated caregiver, if applicable, as follows:

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- A) Current digital passport-size image, taken no more than 30 calendar days before the submission of the application;
- B) Taken against a plain background or backdrop;
- C) At least 2 inches by 2 inches in size;
- D) In natural color; and
- E) That provides an unobstructed front view of the full face. A full-faced photograph must be taken without any obstruction of the applicant's facial features or any items covering any portion of the face. Prescription glasses and religious head coverings not covering any areas of the open face will be allowed.
  - i) A qualifying patient or designated caregiver will not be required to submit to a photograph if sufficient justification is provided by the qualifying patient or caregiver to establish that a photograph would be in violation of or contradictory to the qualifying patient's or designated caregiver's religious convictions. If a qualifying patient or designated caregiver declares that the use of a photograph is against his/her religious convictions, the qualifying patient or designated caregiver will be given an Affidavit to be completed. This Affidavit contains designated areas for a detailed written explanation of the reasons why a photograph is against the qualifying patient's or designated caregiver's religious convictions, a place for the qualifying patient's or designated caregiver's signature and date, the designation of the religious sect or denomination involved, space for a minister or other religious leader to apply his/her signature attesting to the explanation the qualifying patient or designated caregiver has offered, along with the date and official title of the minister or religious leader.
  - ii) The Affidavit shall be submitted to the Department. The Director will appoint a committee of three Department employees to review each affidavit. The committee shall

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submit a recommendation to the Director for his or her final decision.

- iii) If the qualifying patient or designated caregiver meets all other application requirements of this Part, the Department will issue a non-photo temporary registry identification card, not to exceed 90 days in duration, to allow for medical cannabis use privileges during the determination
  - iv) Upon approval by the Department, a valid registry identification card without a photograph will be issued and can be renewed. The card will be mailed to the qualifying patient's home address.
- 6) Designation of the medical cannabis dispensing organization where the qualifying patient will receive his or her medical cannabis. During 2014, and later if the Department so elects, a qualifying patient may designate the dispensing organization district in which he or she expects to obtain his or her medical cannabis.
  - 7) Completion of the designated caregiver application if applicable.
  - 8) Payment of the applicable application fee (see Section 946.210) by check or money order.

**Section 946.205 Deadlines for Submission of Application for Registry Identification Card**

A qualifying patient who has been issued a physician written certification who seeks to use medical cannabis for palliative or therapeutic benefit for the patient's debilitating condition, and the qualifying patient's designated caregiver when applicable, shall register with the Department on forms and in a manner prescribed in this Part.

- a) During 2014, qualifying patients whose last names begin with the letters A through L, and their designated caregivers, if applicable, regardless of the caregiver's last name, shall submit an application for a registry identification card from September 1, 2014 through October 31, 2014.
- b) During 2014, qualifying patients whose last names begin with the letters M through Z, and their designated caregivers, if applicable, regardless of the

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caregiver's last name, shall submit an application for a registry identification card from November 1, 2014 through December 31, 2014.

- c) Beginning January 1, 2015, applications for registry identification cards will be accepted year round.
- d) Application Submission
- 1) Applications for registry identification cards shall be submitted electronically through the Department's website ([www.idph.state.il.us](http://www.idph.state.il.us)) or shall be sent via U.S. mail to the following address:  

Division of Medical Cannabis  
Illinois Department of Public Health  
535 West Jefferson Street  
Springfield IL 62761-0001
  - 2) Applications for registry identification cards not submitted electronically or to the above address shall be considered deficient.
- e) *To maintain a valid registry identification card, a registered qualifying patient and designated caregiver must annually resubmit, at least 45 days prior to the expiration date stated on the registry identification card, a completed renewal application (see Section 946.200), renewal fee (see Section 946.210) and accompanying documentation (see Section 946.200). (Section 70 of the Act)*
- f) *The Department of Public Health shall send a notification to a registered qualifying patient or designated caregiver 90 days prior to the expiration date on the registry identification card. (Section 70 of the Act)*

**Section 946.210 Fees**

- a) Except as set forth in subsection (b), the registration, renewal and replacement card fees are as specified in this subsection (a). Annually, the Department may revise these fees:
- 1) Annual qualifying patient application fee \$100
  - 2) Annual caregiver application fee \$25

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- 3) Replacement card fee \$25
- 4) Returned check fee \$35
- b) The Department may reduce registration and renewal card fees for a qualifying patient enrolled in the federal Social Security Disability Income (SSDI) or the Supplemental Security Income (SSI) disability programs, with submission of proof as described in subsection (b)(2), and for veterans with proof of service as described in subsection (b)(3).
  - 1) Annual reduced qualifying patient application fee \$50
  - 2) The applicant shall submit a copy of a letter or other documentation from the Social Security Administration identifying the qualifying patient and showing the amount of monthly SSDI and SSI benefits to be received by the qualifying patient during the current year of application.
  - 3) Veterans shall provide a copy of their DD214.

**Section 946.220 Fingerprint-Based Criminal History Records Check**

*No person who has been convicted of a felony under the Illinois Controlled Substances Act, Cannabis Control Act, or Methamphetamine Control and Community Protection Act, or similar provisions in a local ordinance or other jurisdiction is eligible to receive a registry identification card. (Section 65(b) of the Act)*

- a) The Illinois State Police (ISP) will act as the Department's agent for purposes of receiving electronic fingerprints and conducting background checks of each qualifying patient and designated caregiver, if applicable, applying for a registry identification card.
  - 1) The ISP will conduct background checks for conviction information contained within ISP and Federal Bureau of Investigation (FBI) criminal history databases to the extent allowed by law.
  - 2) For verification of any statutorily imposed duty to conduct background checks pursuant to the Act, ISP will transmit the results of the background check to the Department.

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- 3) The electronic background checks will be submitted as outlined in the Illinois Uniform Conviction Information Act or ISP rules at 20 Ill. Adm. Code 1265.30 (Electronic Transmission of Fingerprints).
- b) Each qualifying patient and designated caregiver, if applicable, applying for a registry identification card shall have his or her fingerprints collected electronically by a livescan vendor licensed by the Illinois Department of Financial and Professional Regulation, and transmitted to ISP for processing no more than 30 days prior to the date of application or renewal for a registry identification card.
- 1) The qualifying patient or designated caregiver shall submit to the Department, with the registry card application or renewal, a copy of the livescan request form and the receipt provided by the livescan fingerprint vendor containing the Transaction Control Number (TCN) as proof that fingerprints have been collected.
  - 2) Registry card applications submitted without a copy of the livescan request form and receipt will be considered incomplete and will not be processed until fingerprinting is completed.
  - 3) Any fees associated with the livescan fingerprint-based criminal history records check shall be the responsibility of the individual seeking a registry identification card and will be collected by the livescan vendor at the time of fingerprinting.
  - 4) If the fingerprints are rejected by ISP, the qualifying patient or designated caregiver shall have his or her fingerprints collected electronically by a licensed livescan vendor a second time.
  - 5) If equipment malfunction or other special circumstances make electronic transmission of fingerprint data impractical, the Department will allow use of paper fingerprint records.
- c) The Department will obtain from ISP a State and federal criminal records check for each qualifying patient applying for a registry identification card and for each designated caregiver identified on a qualifying patient registry application.

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- d) The Department will maintain the results of the criminal history records check for the time period associated with the registry identification card or the registered qualifying patient and designated caregiver, if any, and in accordance with the State Records Act, after which the documentation shall be destroyed.
- e) Denial of Application or Renewal
- 1) The Department may deny an application or renewal for a qualifying patient or a designated caregiver who has been convicted of an excluded offense in accordance with this subsection (e).
    - A) Denial of a designated caregiver will not automatically result in the denial of a qualifying patient application.
    - B) The qualifying patient shall identify a new designated caregiver within 15 days after receiving notice of the denial of his or her designated caregiver application or shall indicate that a designated caregiver is not required.
    - C) The Department will not deny an application for a registry identification card based solely on the qualifying patient's or designated caregiver's conviction for an excluded offense for a violation of a State or federal controlled substance law that was classified as a felony if his or her conviction was for the possession, cultivation, transfer or delivery of a reasonable amount of cannabis intended for medical use and the termination of the last sentence was 10 or more years prior to application.
  - 2) Exception  
If the qualifying patient or designated caregiver has been convicted of any excluded offenses, the Department may approve a registry identification card pursuant to this Part *if the person demonstrates that his or her conviction was for the possession, cultivation, transfer, or delivery of a reasonable amount of cannabis intended for medical use.* (Section 10(1)(2) of the Act) In determining whether to waive a conviction for excluded offenses, the Department will:

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- A) Review the criminal records and the qualifying patient's medical history to determine whether the patient had been diagnosed with the debilitating medical condition at the time of the offense; and
  - B) Determine whether the offense consisted of conduct for which, had it occurred on or after January 1, 2014, would likely have been protected by the Act and would likely not have resulted in a conviction.
- f) The Department will not waive convictions for violations of the medical cannabis laws of Illinois or any other State or jurisdiction.

**Section 946.230 General Provisions**

- a) A registry identification card shall not be transferable.
- b) A registry identification card issued under this Section is the property of the State of Illinois and shall be surrendered upon demand of the Director.
- c) The qualifying patient and the designated caregiver, if applicable, shall sign and date the application for a registry identification card.
- d) The Department will require each applicant for a registry identification card to include a signed statement that specifies that the applicant attests that all information submitted as part of the application is true and accurate to the best of the applicant's knowledge and, at minimum, certifies that the applicant has actual notice that, notwithstanding any State law:
  - 1) Cannabis is a prohibited Schedule I controlled substance under federal law;
  - 2) Participation in the program is permitted only to the extent provided by the strict requirements of the Act and this Part;
  - 3) Any activity not sanctioned by the Act or this Part may be in violation of State law;

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- 4) Growing, distributing or possessing cannabis in any capacity, except through a federally approved research program, is a violation of federal law;
- 5) Use of medical cannabis may affect an individual's ability to receive federal or state licensure in other areas;
- 6) Use of medical cannabis, in tandem with other conduct, may be in violation of State or federal law;
- 7) Participation in the program does not authorize any person to violate federal or State law and, other than as specified in Section 25 of the Act, does not provide any immunity from or affirmative defense to arrest or prosecution under federal or State law; and
- 8) Applicants shall indemnify, hold harmless, and defend the State of Illinois for any and all civil or criminal penalties resulting from participation in the program.

**Section 946.240 Persons Receiving Medical Care at U.S. Department of Veterans Affairs Facilities**

- a) *A qualifying patient who is a veteran who has received treatment at a VA hospital is deemed to have a bona-fide physician-patient relationship with a VA physician if the patient has been seen for his or her debilitating condition at the VA hospital in accordance with VA hospital protocols. (Section 60 of the Act)*
- b) A veteran receiving care for a debilitating condition at a VA hospital shall not be required to submit a written certification from a physician.
- c) A veteran receiving care for a debilitating condition at a VA hospital shall register with the Department on the Registry Identification Card application (see Section 946.200) and shall comply with all other requirements specified in this Part.
- d) To qualify for a patient registry identification card, a qualifying patient who is a veteran and receiving medical care and treatment at a VA hospital shall:

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- 1) Be a resident of the State of Illinois, as defined in Section 946.200(c), at the time of application and remain a resident during participation in the program;
- 2) Have a qualifying medical condition;
- 3) Provide a copy of his or her official hospital medical records requested from the VA using VA Form 10-5345;
- 4) Provide a copy of his or her DD214 or equivalent certified document indicating character and dates of service;
- 5) Complete the fingerprint-based background check and not have been convicted of an excluded offense; and
- 6) Be at least 18 years of age.

**Section 946.250 Disposal of Medical Cannabis by Qualifying Patients**

- a) A qualifying patient or designated caregiver who is no longer registered with the Department or eligible for a registry identification card shall, within 10 calendar days after he or she ceases to be registered or eligible, return any unused medical cannabis in his or her possession to the law enforcement agency having local jurisdiction for destruction.
- b) A qualifying patient or designated caregiver whose registration has been revoked by the Department shall, within 10 days after receiving notice of the revocation, return any unused medical cannabis in his or her possession to the law enforcement agency having local jurisdiction for destruction.
- c) A qualifying patient or designated caregiver who is no longer registered with the Department shall not transfer, share, give, sell or deliver any unused medical cannabis in his or her possession to any other person, regardless of whether the person is participating in the Compassionate Use of Medical Cannabis Pilot Program.
- d) A qualifying patient or designated caregiver shall not dispose of medical cannabis in any manner other than permitted under this Section.

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- e) Disposal of medical cannabis pursuant to this Section or in compliance with this Section shall not constitute a violation of the Criminal Code of 2012.

**Section 946.260 Responsibilities of Designated Caregivers**

- a) A designated caregiver shall not receive payment or other compensation for services provided as a designated caregiver other than reimbursement for reasonable expenses incurred in the provision of services as a designated caregiver. In the case of an employee of a hospice provider, nursing facility or medical facility, or a visiting nurse, personal care attendant, or home health aide serving as a designated caregiver, the individual shall not receive payment or compensation above or beyond his or her regular wages.
- b) A designated caregiver is responsible for notifying the Department within 10 business days after any change to the information that his or her registered qualifying patient was previously required to submit to the Department, or after the designated caregiver discovers that his or her registry identification card has been lost or stolen.
- c) A designated caregiver shall carry his or her registry identification card at all times while in possession of medical cannabis.
- d) A designated caregiver may:
  - 1) Transport a registered qualifying patient to and from a licensed medical cannabis dispensary;
  - 2) Obtain and transport an adequate supply of medical cannabis from a licensed medical cannabis dispensary on behalf of a registered qualifying patient;
  - 3) Prepare medical cannabis for consumption by a registered qualifying patient; and
  - 4) Administer medical cannabis to a registered qualifying patient.
- e) A designated caregiver shall not:

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- 1) Consume, by any means, medical cannabis that has been dispensed on behalf of a registered qualifying patient;
  - 2) Sell, provide or otherwise divert medical cannabis that has been dispensed to a registered qualifying patient; or
  - 3) Grow or cultivate medical cannabis on behalf of a registered qualifying patient.
- f) The designated caregiver shall notify the Department promptly by phone and in writing within 10 calendar days following the death of the designated caregiver's registered qualifying patient.

**Section 946.270 Revocation of a Registry Identification Card**

- a) The Department will revoke a registry identification card for any of the following reasons:
- 1) Submission of misleading, incorrect, false or fraudulent information in the application or renewal application;
  - 2) Fraudulent use of the registry identification card;
  - 3) Selling, distributing, transferring in any manner, or giving medical cannabis to any unauthorized person;
  - 4) Tampering with, falsifying, altering, modifying or duplicating a registry identification card;
  - 5) Conviction of an excluded offense following the issuance of a registry identification card; or
  - 6) The registered qualified patient is deceased.
- b) The Department will, based on the totality of the circumstances, either revoke or suspend a registry identification card based on the Department's review of the registered qualifying patient's infraction for:
- 1) Purchasing more medical cannabis than allowable under the Act or this

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Part from a registered dispensing organization;

- 2) Failing to notify the Department within 10 business days after becoming aware that the registry identification card has been lost, stolen or destroyed;
  - 3) Failing to notify the Department within 10 business days after a change in the information provided in the application for a registry identification card; or
  - 4) Being convicted of a felony drug offense in Illinois or of a like violation of the laws of another state, the United States, or a military, territorial or Indian tribal authority.
- c) A registry identification card issued to a designated caregiver is void:
- 1) When the registered qualifying patient or designated caregiver has notified the Department that the individual registered as the designated caregiver is no longer the designated caregiver for that patient;
  - 2) When the registered qualifying patient for whom the designated caregiver serves is no longer registered with the Department;
  - 3) Ten days after the death of the registered qualifying patient, to allow for appropriate disposal of medical cannabis in accordance with this Part.
- d) The Department shall notify the Office of Secretary of State of the revocation.
- e) A void registry identification card is inactive and invalid.

**Section 946.275 Suspension of a Registry Identification Card**

- a) The Department will, based on the totality of the circumstances, suspend a registered qualifying patient's registry identification card for:
  - 1) Failing to inform the Department of a change of address within 10 days after the change of address occurred;

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- 2) Having a medical cannabis registration disciplined by another U.S. jurisdiction;
  - 3) Failing to pay a fee or fine associated with the registry identification card, including, but not limited to, an application or renewal fee;
  - 4) Failing, within 60 days, to provide information in response to a written request made by the Department;
  - 5) Committing unethical or dishonorable conduct, including, but not limited to, engaging in conduct likely to deceive, defraud or harm the public;
  - 6) Being convicted by plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or by sentencing of any crime, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation, under the laws of any jurisdiction of the United States of either a felony or a misdemeanor or a crime of moral turpitude;
  - 7) Failing to submit to a field sobriety test as required by Section 11-501.1 of the Illinois Vehicle Code, or any discipline on a registered qualifying patient's driver's license as a failure to submit to a field sobriety test as required by the Illinois Vehicle Code.
- b) In cases in which the Department seeks to suspend a registered qualifying patient's registration identification card, the Department will comply with the Department's Practice and Procedure in Administrative Hearings.
- c) Following a period of suspension, a qualifying patient may seek reinstatement of his or her registration identification card.
- 1) The qualifying patient shall have successfully completed the period of suspension, to be determined based on the totality of the circumstances, with no violation of the Act or this Part.
  - 2) The qualifying patient shall complete a reapplication for a registration identification card.

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- 3) The qualifying patient shall submit payment of all fees and fines associated with the registration identification card and suspension.
  - 4) The qualifying patient shall submit a Petition for Hearing for reinstatement. The burden of proof in all cases instituted by the filing of a Petition for Hearing rests with the petitioner. The petitioner must prove by a preponderance of the evidence that the card should be restored.
- d) The Department may use any grounds for suspension of a registration identification card as the basis for revocation of a registration identification card.
  - e) *The suspension or revocation of a registration is a final Agency action, subject to judicial review. Jurisdiction and venue for judicial review are vested in the Circuit Court. [410 ILCS 130/15]*

**Section 946.280 Medical Cannabis Obtained from a Medical Cannabis Dispensing Organization**

A registered qualifying patient or designated caregiver shall obtain medical cannabis only from the medical cannabis dispensing organization designated on his or her registry identification application and shall not:

- a) Grow or cultivate medical cannabis;
- b) Purchase medical cannabis from non-authorized sources; or
- c) Obtain medical cannabis from other registered qualifying patients or designated caregivers.

**Section 946.290 Renewal of Registry Identification Cards**

No less than 45 days prior to the expiration of a registry identification card, the qualifying patient and designated caregiver, if one is indicated, may apply for renewal of his or her registry identification card as follows:

- a) Submit a completed renewal application for the qualifying patient and designated caregiver, if one is indicated, to the Department on the required forms and include:

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- 1) One clear photocopy of a U.S. or State government-issued photo ID, such as a driver's license, as proof of identity;
  - 2) Proof of Illinois residency by meeting the requirements specified in Section 946.200(c); and
  - 3) A signed and dated written physician's certification for the use of medical cannabis meeting the requirements of this Part and dated not more than 90 days prior to the application renewal date. A qualifying patient who is a veteran and receiving medical care for his or her qualifying medical condition at a VA hospital shall submit his or her official VA Medical Record instead of a written physician's certification;
- b) Designate the medical cannabis dispensing organization where the qualifying patient will receive his or her medical cannabis; and
  - c) Pay the required application fee (see Section 946.210).

## SUBPART C: PHYSICIAN REQUIREMENTS

**Section 946.300 Qualifications of the Certifying Physician**

- a) A doctor of medicine or osteopathy who has a current, valid license under the Medical Practice Act of 1987 and has a current valid controlled substances license under Article III of the Illinois Controlled Substances Act and DEA registration may recommend the use of medical cannabis to a qualifying patient if the physician:
  - 1) Is in a bona-fide physician-patient relationship with the qualifying patient. The bona-fide physician-patient relationship may not be limited to a certification for the patient to use medical cannabis or a consultation simply for that purpose.
  - 2) Complies with generally accepted standards of medical practice, the Medical Practice Act of 1987 and applicable State and federal rules specific to physician practice (e.g., HIPAA rules).
  - 3) Has responsibility for the ongoing care and treatment of the qualifying patient's debilitating condition, provided that the ongoing treatment and

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care shall not be limited to or for the primary purpose of certifying a debilitating medical condition or providing a consultation solely for that purpose.

- 4) Has completed an in-person full assessment of the patient's medical history and current medical condition, including a personal physical examination, not more than 90 days prior to making the certification for medical cannabis. The assessment of the qualifying patient's current medical condition shall include, but not be limited to, symptoms, signs and diagnostic testing related to the debilitating medical condition.
  - 5) Certifies that the qualifying patient is under the physician's care, either for the qualifying patient's primary care or for his or her debilitating medical condition or symptoms of a debilitating medical condition.
  - 6) Confirms that he or she completed an assessment for the qualifying patient's medical history, including reviewing medical records from other treating physicians from the previous 12 months.
  - 7) Explains the potential risks and benefits of the medical use of cannabis to the qualifying patient.
- b) The physician shall not:
- 1) Except as provided in subsection (c), *accept, solicit, or offer any form of remuneration from or to a qualifying patient, primary caregiver, cultivation center, or dispensing organization, including each principal officer, board member, agent, and employee;*
  - 2) *Offer a discount or any other item of value to a qualifying patient who uses or agrees to use a particular primary caregiver or dispensing organization to obtain medical cannabis;*
  - 3) *Conduct a personal, in person, physical examination of a patient for purposes of diagnosing a debilitating medical condition at a location where medical cannabis is sold or distributed or at the address of a principal officer, agency, or employee or a medical cannabis organization;*

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- 4) *Hold a direct or indirect economic interest in a cultivation center or dispensing organization if he or she recommends the use of medical cannabis to qualified patients or is in a partnership with a physician who recommends medical cannabis;*
  - 5) *Serve on the board of directors or as an employee of a cultivation center or dispensing organization;*
  - 6) *Refer qualifying patients to a cultivation center, a dispensing organization, or an individual who seeks to become a designated caregiver;*
  - 7) *Advertise in a cultivation center or a dispensing organization. (Section 35 of the Act)*
- c) *The physician may accept payment from a qualifying patient for the fee associated with the personal physical examination required prior to issuing the written certification for the qualifying patient. (Section 35 of the Act)*

**Section 946.310 Physician Written Certification**

- a) A certification indicating that a qualifying patient is recommended for the use of medical cannabis shall be written on a form provided by the Department and shall include, at minimum, the following:
  - 1) The qualifying patient's name, date of birth, home address and primary telephone number;
  - 2) The physician's name, address, telephone number, e-mail address, medical license number, indication of specialty or primary area of clinical practice, if any, and DEA registration number;
  - 3) The length of time the qualifying patient has been under the care of the physician;
  - 4) The qualifying patient's debilitating medical condition;
  - 5) Additional comments, if necessary, that would be useful in assessing the qualifying patient's application for use of medical cannabis;

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- 6) A statement that the physician has confirmed a diagnosis of a debilitating medical condition; has a bona-fide physician-patient relationship; has conducted an in-person physical examination; has conducted a review of the patient's medical history, including reviewing medical records from other treating physicians, if any, from the previous 12 months; and has explained the potential risks and benefits of the use of medical cannabis to the qualifying patient; and
  - 7) The physician's signature and date.
- b) *A patient may apply for a waiver where a physician provides a substantial medical basis in a signed, written statement asserting that, based on the patient's medical history, in the physician's professional judgment, 2.5 ounces is an insufficient adequate supply for a 14-day period to properly alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition. (Section 10(a)(2) of the Act)*
- 1) The waiver recommendation shall be on a Physician Waiver Recommendation form provided by the Department.
  - 2) The waiver shall describe in the physician's professional opinion why 2.5 ounces is an insufficient supply for a 14-day period.
  - 3) The waiver shall describe how the qualifying patient will benefit from an increased supply.
  - 4) The waiver shall include a statement by the physician indicating the amount of medical cannabis that would be a sufficient supply for the qualifying patient's debilitating medical condition and provide a recommendation for the length of time the waiver should be in effect.
  - 5) If the Department approves the waiver, the amount of medical cannabis recommended by the physician shall be noted on the registry identification card.

**Section 946.320 Records Maintained by the Physician and Department**

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A physician certifying the use of medical cannabis by a qualifying patient shall establish a medical record for the qualifying patient with regard to his or her medical condition and his or her continued treatment for the condition or conditions under the physician's care. *The physician shall maintain a record-keeping system for all patients for whom the physician has recommended the use of medical cannabis. These records shall be accessible to and subject to review by the Departments of Public Health and Financial and Professional Regulation upon request.* (Section 35 of the Act) These records do not need to be maintained separately from the established records the physician maintains on the patient during the course of the ongoing bona-fide physician-patient relationship.

- a) In addition to records required to be maintained pursuant to the Medical Practice Act of 1987 and all applicable rules, the records shall accurately reflect the evaluation and treatment of the qualifying patient, and shall include the following as applicable:
  - 1) The patient's name and the date or dates of visits and treatment;
  - 2) The patient's medical history and updated health history;
  - 3) Documented results of a full assessment of the patient's medical history, including review of medical records from other treating physicians from the previous 12 months;
  - 4) A description of the patient's current medical condition;
  - 5) Documented results of the physician's physical examination of the patient;
  - 6) A treatment plan;
  - 7) General consent for treatment;
  - 8) Diagnosis and treatment rendered;
  - 9) A list of the drugs prescribed, administered and dispensed, and the quantity of the drugs;
  - 10) Radiographs and diagnostic tests;
  - 11) Patient financial and billing records;

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- 12) The name of the physician or assistive personnel providing services; and
  - 13) Laboratory results.
- b) The records for each qualifying patient for whom the physician has certified medical cannabis shall be kept for a minimum of three years after the physician last sees the patient.
  - c) The Department will maintain a confidential record of each certifying physician for the purpose of monitoring compliance with the Act. This confidential record will not be subject to requests under the Freedom of Information Act.

## SUBPART D: CANNABIS-INFUSED PRODUCTS

**Section 946.400 Manufacture of Cannabis-Infused Products**

- a) The Department will conduct a pre-operational inspection at all registered cultivation centers to determine whether the facilities, methods, practices and controls used in the manufacture, processing or holding of cannabis-infused products conform to or are operated or administered in conformity with good manufacturing practices to ensure that products for human consumption are safe and have been prepared, packed and held under sanitary conditions.
  - 1) Registered cultivation centers shall allow the Department to inspect the premises and all utensils, fixtures, furniture, machinery and devices used for preparing cannabis-infused products.
  - 2) The Department will conduct pre-operational inspections of registered cultivation centers with regard to the manufacture and preparation of cannabis-infused products under the authority of the Illinois Food, Drug and Cosmetic Act and the Food Handling Regulation Enforcement Act and the Food Service Sanitation Code.
- b) *A cultivation center that prepares cannabis-infused products for sale or distribution at a dispensing organization shall be under the operational supervision of a certified food service sanitation manager. (Section 80(a)(6) of the Act) Management responsibilities and supervision shall be in accordance with*

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77 Ill. Adm. Code 730.8000 and 730.8040 (Manufacturing, Processing, Packing or Holding of Food Code).

- c) *All items shall be individually wrapped or packaged at the original point of preparation. Smaller like items such as hard candies or cookies may be packaged into larger quantities in a single wrapped package.*
- 1) *The packaging of the medical cannabis-infused product shall conform to the labeling requirements of the Illinois Food, Drug and Cosmetic Act and shall include the following information in English on each product offered for sale or distribution:*
- A) *The name and address of the registered cultivation center where the item was manufactured;*
  - B) *The common or usual name of the item;*
  - C) *All ingredients of the item, including any colors, artificial flavors, and preservatives, listed in descending order by predominance of weight shown with common or usual names;*
  - D) *The following phrase: "This product was produced in a medical cannabis cultivation center, not subject to public health inspection, that may also process common food allergens.";*
  - E) *Allergen labeling as specified in the Federal Food, Drug and Cosmetic Act, Federal Fair Packaging and Labeling Act, and the Illinois Food, Drug and Cosmetic Act;*
  - F) *The pre-mixed total weight (in ounces or grams) of usable cannabis in the food product;*
  - G) *A warning that the item is a medical cannabis-infused product and not a food must be distinctly and clearly legible on the front of the package;*
  - H) *A clearly legible warning emphasizing that the product contains medical cannabis and is intended for consumption by registered qualifying patients only; and*

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- I) *Date of manufacture and "use by" date.* (Section 80(a) of the Act)
- 2) Signage may be translated into additional languages as needed.
- d) The Department may institute additional labeling requirements for cannabis-infused products, including, but not limited to, measures of potency.

**Section 946.410 Sale and Distribution of Cannabis-Infused Products**

*Neither the Department of Public Health nor the Department of Agriculture nor the health department of a unit of local government may regulate the service of medical cannabis-infused food products by a registered cultivation center or registered dispensing organizations provided all of the following conditions are met.* (Section 80 of the Act)

- a) *No cannabis infused products requiring refrigeration or hot-holding or considered potentially hazardous food (Section 4 of the Food Handling Regulation Enforcement Act) shall be manufactured at a cultivation center for sale or distribution at a dispensing organization due to the potential for food-borne illness* (Section 80(a) of the Act).
- b) *Baked products infused with medical cannabis (such as brownies, bars, cookies, cakes, breads, pastries), tinctures, and other non-refrigerated items are acceptable for sale at dispensing organizations* (Section 80(a) of the Act). The products are allowable for sale only at dispensing organizations registered with the Department of Financial and Professional Regulation.
- c) All cannabis-infused products offered for sale at registered dispensing organizations shall be labeled in accordance with Section 946.400.

**Section 946.420 Preparation**

*Cannabis-infused products for sale and distribution at a dispensing organization must be prepared by an approved staff member of a registered cultivation center. A cultivation center that prepares cannabis-infused products for sale or distribution at a dispensing organization shall be under the operational supervision of a certified food service sanitation manager.* (Section 80(a) of the Act)

**Section 946.430 Health Hazards**

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- a) *The Department of Public Health may at all times enter every building, room, basement, enclosure, or premises occupied or used or suspected of being occupied or used for the production, preparation, manufacture for sale, storage, sale, distribution or transportation of medical cannabis-infused products, to inspect the premises and all utensils, fixtures, furniture, and machinery used for the preparation of those products. (Section 80(b) of the Act)*
- b) *If a local health department has a reasonable belief that a cultivation center's cannabis-infused product poses a public health hazard, it may refer the cultivation center to the Department of Public Health for inspection. (Section 80(c) of the Act)*
- c) *Upon inspection of a cultivation center based on a referral that a cannabis-infused product poses a public health hazard, the Department may, without administrative procedure to bond, bring an action for immediate injunctive relief to require that action be taken as a court may deem necessary to meet the hazard posed by the cultivation center. (Section 80(c) of the Act)*

## SUBPART E: ENFORCEMENT

**Section 946.500 Circuit Court Review**

- a) *Denial of an application or renewal is considered a final Department action, subject to judicial review. Jurisdiction and venue for judicial review are vested in the Circuit Court. (Section 65 of the Act)*
- b) *The suspension or revocation of a registration is a final Department action, subject to judicial review. Jurisdiction and venue for judicial review are vested in the Circuit Court. (Section 185 of the Act)*
- c) *The approval or denial of any petition pursuant to Section 946.30 is a final decision of the Department, subject to judicial review. Jurisdiction and venue are vested in the Circuit Court. (Section 45 of the Act)*
- d) *All final administrative decisions of the Department of Public Health are subject to direct judicial review under the provisions of the Administrative Review Law and the rules adopted under that Law. The term "administrative decision" is*

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED RULES

*defined as in Section 3-101 of the Code of Civil Procedure.* (Section 155 of the Act)

- e) If any final Department action is appealed in Circuit Court pursuant to this Section, the record on review shall include the following:
- 1) The application or petition submitted;
  - 2) Any written documentation considered by the Department in making its final decision with respect to the application or petition. With respect to petitions for the addition of a medical condition or disease as referenced in Section 946.30, the record on review shall include:
    - A) Any written report made by the Medical Cannabis Advisory Board to the Department, to the extent that the report actually materially discusses the medical condition or disease proposed in the petition;
    - B) Any public minutes of an Advisory Board meeting at which the medical condition or disease proposed in the petition is materially discussed;
    - C) Any statement of intent to present technical evidence, as referenced in Section 946.30(k), to the extent that the technical evidence relates to the medical condition or disease proposed in the petition;
  - 3) Any written correspondence between the Department and the person submitting the application or petition, provided that the correspondence either played a material role in the final decision rendered by the Department; made a material argument to the Department with respect to the application or petition; or would be helpful to the Circuit Court in reviewing the matter because the correspondence provides helpful procedural background.
- f) If the materials in the record on review contain any confidential information as defined in Section 946.80, either the information shall be redacted, as appropriate, or the entirety or portions of the record on review shall be filed under seal so as to retain the confidentiality of, without limitation, patient medical records or Departmental documents or data.

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3) Section Numbers:                      Adopted Action:  
130.350    Amendment  
130.351    Amendment
- 4) Statutory Authority: 20 ILCS 2505/2505-25
- 5) Effective Date of Rule: July 31, 2014
- 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*: 38 Ill. Reg. 8785, April 25, 2014
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No substantive changes were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
130.321	Amendment	38 Ill. Reg. 7555, April 4, 2014
130.2080	Amendment	38 Ill. Reg. 9171, May 2, 2014
130.Illustration A	Amendment	38 Ill. Reg. 9171, May 2, 2014
130.601	Repealed	38 Ill. Reg. 13161, June 27, 2014
130.605	Amendment	38 Ill. Reg. 13161, June 27, 2014
130.610	Repealed	38 Ill. Reg. 13161, June 27, 2014

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Rulemaking: This rulemaking amends Sections 130.350 and 130.351 to reflect the retroactive reinstatement of the exemptions for coal and aggregate exploration, mining, off highway hauling, processing, maintenance, and reclamation equipment. This rulemaking adds language to show new kinds of exploration equipment, adds items that are commonly used as part of the coal and aggregate processes (e.g., generally newer technologies), and is updated to reflect equipment exempted in recent letter rulings (e.g., equipment used in blasting activities). This rulemaking specifies that roof bolts qualify for these exemptions and includes the statutory provision that the Department will not approve any claims or refunds on or after August 16, 2013, for taxes due or paid during the period beginning July 1, 2003 through August 16, 2013.

Language was added to these Sections to provide that beginning July 1, 2014, a purchaser may only earn Manufacturer's Purchase Credit (MPC) on purchases of qualifying Manufacturing Machinery and Equipment; purchasers claiming the aggregate or coal exemption cannot earn MPC.

This rulemaking points out that because these exemptions were not excepted from the sunset provisions of Section 2-70 of the Retailers' Occupation Tax Act, they will sunset by operation of law August 16, 2018.

Finally, changes were made to the heading of Section 130.351 to more accurately reflect the nature of the exemption. Currently, the heading of this Section is Aggregate Manufacturing. This rulemaking changes the heading to Aggregate Exploration, Mining, Off Highway Hauling, Processing, Maintenance, and Reclamation Equipment.

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

Debra M. Boggess  
Associate Counsel  
Legal Services Office  
Illinois Department of Revenue  
101 West Jefferson  
Springfield IL 62794

217/782-2844

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

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUEPART 130  
RETAILERS' OCCUPATION TAX

## SUBPART A: NATURE OF TAX

Section	
130.101	Character and Rate of Tax
130.105	Responsibility of Trustees, Receivers, Executors or Administrators
130.110	Occasional Sales
130.111	Sale of Used Motor Vehicles, Aircraft, or Watercraft by Leasing or Rental Business
130.115	Habitual Sales
130.120	Nontaxable Transactions

## SUBPART B: SALE AT RETAIL

Section	
130.201	The Test of a Sale at Retail
130.205	Sales for Transfer Incident to Service
130.210	Sales of Tangible Personal Property to Purchasers for Resale
130.215	Further Illustrations of Sales for Use or Consumption Versus Sales for Resale
130.220	Sales to Lessors of Tangible Personal Property
130.225	Drop Shipments

## SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section	
130.305	Farm Machinery and Equipment
130.310	Food, Soft Drinks and Candy
130.311	Drugs, Medicines, Medical Appliances and Grooming and Hygiene Products
130.315	Fuel Sold for Use in Vessels on Rivers Bordering Illinois
130.320	Gasohol, Majority Blended Ethanol, Biodiesel Blends, and 100% Biodiesel
130.321	Fuel Used by Air Common Carriers in International Flights
130.325	Graphic Arts Machinery and Equipment Exemption
130.330	Manufacturing Machinery and Equipment
130.331	Manufacturer's Purchase Credit
130.332	Automatic Vending Machines

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## NOTICE OF ADOPTED AMENDMENTS

- 130.335 Pollution Control Facilities and Low Sulfur Dioxide Emission Coal-Fueled Devices
- 130.340 Rolling Stock
- 130.341 Commercial Distribution Fee Sales Tax Exemption
- 130.345 Oil Field Exploration, Drilling and Production Equipment
- 130.350 Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment
- 130.351 Aggregate [Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment](#)~~Manufacturing~~

## SUBPART D: GROSS RECEIPTS

## Section

- 130.401 Meaning of Gross Receipts
- 130.405 How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser
- 130.410 Cost of Doing Business Not Deductible
- 130.415 Transportation and Delivery Charges
- 130.420 Finance or Interest Charges – Penalties – Discounts
- 130.425 Traded-In Property
- 130.430 Deposit or Prepayment on Purchase Price
- 130.435 State and Local Taxes Other Than Retailers' Occupation Tax
- 130.440 Penalties
- 130.445 Federal Taxes
- 130.450 Installation, Alteration and Special Service Charges
- 130.455 Motor Vehicle Leasing and Trade-In Allowances

## SUBPART E: RETURNS

## Section

- 130.501 Monthly Tax Returns – When Due – Contents
- 130.502 Quarterly Tax Returns
- 130.505 Returns and How to Prepare
- 130.510 Annual Tax Returns
- 130.515 First Return
- 130.520 Final Returns When Business is Discontinued
- 130.525 Who May Sign Returns
- 130.530 Returns Covering More Than One Location Under Same Registration – Separate Returns for Separately Registered Locations
- 130.535 Payment of the Tax, Including Quarter Monthly Payments in Certain Instances

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

130.540	Returns on a Transaction by Transaction Basis
130.545	Registrants Must File a Return for Every Return Period
130.550	Filing of Returns for Retailers by Suppliers Under Certain Circumstances
130.551	Prepayment of Retailers' Occupation Tax on Motor Fuel
130.552	Alcoholic Liquor Reporting
130.555	Vending Machine Information Returns
130.560	Verification of Returns

## SUBPART F: INTERSTATE COMMERCE

Section	
130.601	Preliminary Comments
130.605	Sales of Property Originating in Illinois
130.610	Sales of Property Originating in Other States

## SUBPART G: CERTIFICATE OF REGISTRATION

Section	
130.701	General Information on Obtaining a Certificate of Registration
130.705	Procedure in Disputed Cases Involving Financial Responsibility Requirements
130.710	Procedure When Security Must be Forfeited
130.715	Sub-Certificates of Registration
130.720	Separate Registrations for Different Places of Business of Same Taxpayer Under Some Circumstances
130.725	Display
130.730	Replacement of Certificate
130.735	Certificate Not Transferable
130.740	Certificate Required For Mobile Vending Units
130.745	Revocation of Certificate

## SUBPART H: BOOKS AND RECORDS

Section	
130.801	General Requirements
130.805	What Records Constitute Minimum Requirement
130.810	Records Required to Support Deductions
130.815	Preservation and Retention of Records
130.820	Preservation of Books During Pendency of Assessment Proceedings
130.825	Department Authorization to Destroy Records Sooner Than Would Otherwise be

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

Permissible

## SUBPART I: PENALTIES AND INTEREST

Section	
130.901	Civil Penalties
130.905	Interest
130.910	Criminal Penalties

## SUBPART J: BINDING OPINIONS

Section	
130.1001	When Opinions from the Department are Binding

## SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

Section	
130.1101	Definition of Federal Area
130.1105	When Deliveries on Federal Areas Are Taxable
130.1110	No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas

## SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section	
130.1201	General Information
130.1205	Due Date that Falls on Saturday, Sunday or a Holiday

## SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section	
130.1301	When Lessee of Premises Must File Return for Leased Department
130.1305	When Lessor of Premises Should File Return for Business Operated on Leased Premises
130.1310	Meaning of "Lessor" and "Lessee" in this Regulation

## SUBPART N: SALES FOR RESALE

Section

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

- 130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale
- 130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for Certificates of Resale
- 130.1410 Requirements for Certificates of Resale (Repealed)
- 130.1415 Resale Number – When Required and How Obtained
- 130.1420 Blanket Certificate of Resale (Repealed)

## SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

## Section

- 130.1501 Claims for Credit – Limitations – Procedure
- 130.1505 Disposition of Credit Memoranda by Holders Thereof
- 130.1510 Refunds
- 130.1515 Interest

SUBPART P: PROCEDURE TO BE FOLLOWED UPON  
SELLING OUT OR DISCONTINUING BUSINESS

## Section

- 130.1601 When Returns are Required After a Business is Discontinued
- 130.1605 When Returns Are Not Required After Discontinuation of a Business
- 130.1610 Cross Reference to Bulk Sales Regulation

## SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

## Section

- 130.1701 Bulk Sales: Notices of Sales of Business Assets

## SUBPART R: POWER OF ATTORNEY

## Section

- 130.1801 When Powers of Attorney May be Given
- 130.1805 Filing of Power of Attorney With Department
- 130.1810 Filing of Papers by Agent Under Power of Attorney

## SUBPART S: SPECIFIC APPLICATIONS

## Section

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

- 130.1901 Addition Agents to Plating Baths
- 130.1905 Agricultural Producers
- 130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage Stamps and Like Articles
- 130.1915 Auctioneers and Agents
- 130.1920 Barbers and Beauty Shop Operators
- 130.1925 Blacksmiths
- 130.1930 Chiropodists, Osteopaths and Chiropractors
- 130.1934 Community Water Supply
- 130.1935 Computer Software
- 130.1940 Construction Contractors and Real Estate Developers
- 130.1945 Co-operative Associations
- 130.1950 Dentists
- 130.1951 Enterprise Zones
- 130.1952 Sales of Building Materials to a High Impact Business
- 130.1953 Sales of Building Materials to be Incorporated into a Redevelopment Project Area within an Intermodal Terminal Facility Area
- 130.1954 River Edge Redevelopment Zones
- 130.1955 Farm Chemicals
- 130.1960 Finance Companies and Other Lending Agencies – Installment Contracts – Bad Debts
- 130.1965 Florists and Nurserymen
- 130.1970 Hatcheries
- 130.1971 Sellers of Pets and the Like
- 130.1975 Operators of Games of Chance and Their Suppliers
- 130.1980 Optometrists and Opticians
- 130.1985 Pawnbrokers
- 130.1990 Peddlers, Hawkers and Itinerant Vendors
- 130.1995 Personalizing Tangible Personal Property
- 130.2000 Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers
- 130.2004 Sales to Nonprofit Arts or Cultural Organizations
- 130.2005 Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons
- 130.2006 Sales by Teacher-Sponsored Student Organizations
- 130.2007 Exemption Identification Numbers
- 130.2008 Sales by Nonprofit Service Enterprises
- 130.2009 Personal Property Purchased Through Certain Fundraising Events for the Benefit of Certain Schools

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

130.2010	Persons Who Rent or Lease the Use of Tangible Personal Property to Others
130.2011	Sales to Persons Who Lease Tangible Personal Property to Exempt Hospitals
130.2012	Sales to Persons Who Lease Tangible Personal Property to Governmental Bodies
130.2013	Persons in the Business of Both Renting and Selling Tangible Personal Property – Tax Liabilities, Credit
130.2015	Persons Who Repair or Otherwise Service Tangible Personal Property
130.2020	Physicians and Surgeons
130.2025	Picture-Framers
130.2030	Public Amusement Places
130.2035	Registered Pharmacists and Druggists
130.2040	Retailers of Clothing
130.2045	Retailers on Premises of the Illinois State Fair, County Fairs, Art Shows, Flea Markets and the Like
130.2050	Sales and Gifts By Employers to Employees
130.2055	Sales by Governmental Bodies
130.2060	Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
130.2065	Sales of Automobiles for Use In Demonstration (Repealed)
130.2070	Sales of Containers, Wrapping and Packing Materials and Related Products
130.2075	Sales To Construction Contractors, Real Estate Developers and Speculative Builders
130.2076	Sales to Purchasers Performing Contracts with Governmental Bodies
130.2080	Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel
130.2085	Sales to or by Banks, Savings and Loan Associations and Credit Unions
130.2090	Sales to Railroad Companies
130.2095	Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
130.2100	Sellers of Feeds and Breeding Livestock
130.2101	Sellers of Floor Coverings
130.2105	Sellers of Newspapers, Magazines, Books, Sheet Music and Musical Recordings, and Their Suppliers; Transfer of Data Downloaded Electronically
130.2110	Sellers of Seeds and Fertilizer
130.2115	Sellers of Machinery, Tools and Special Order Items
130.2120	Suppliers of Persons Engaged in Service Occupations and Professions
130.2125	Trading Stamps, Discount Coupons, Automobile Rebates and Dealer Incentives
130.2130	Undertakers and Funeral Directors
130.2135	Vending Machines
130.2140	Vendors of Curtains, Slip Covers and Other Similar Items Made to Order
130.2145	Vendors of Meals
130.2150	Vendors of Memorial Stones and Monuments
130.2155	Tax Liability of Sign Vendors

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130.2156	Vendors of Steam
130.2160	Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.
130.2165	Veterinarians
130.2170	Warehousemen

## SUBPART T: DIRECT PAYMENT PROGRAM

## Section

130.2500	Direct Payment Program
130.2505	Qualifying Transactions, Non-transferability of Permit
130.2510	Permit Holder's Payment of Tax
130.2515	Application for Permit
130.2520	Qualification Process and Requirements
130.2525	Application Review
130.2530	Recordkeeping Requirements
130.2535	Revocation and Withdrawal
130.ILLUSTRATION A	Examples of Tax Exemption Card
130.ILLUSTRATION B	Example of Notice of Revocation of Certificate of Registration
130.ILLUSTRATION C	Food Flow Chart

**AUTHORITY:** Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25].

**SOURCE:** Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended

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at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713, effective July 7, 2000; emergency amendment at 24 Ill. Reg. 11313, effective July 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15104, effective October 2, 2000; amended at 24 Ill. Reg. 18376, effective December 1, 2000; amended at 25 Ill. Reg. 941, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1792, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 4674, effective March 15, 2001; amended at 25 Ill. Reg. 4950, effective March 19, 2001; amended at 25 Ill. Reg. 5398, effective April 2, 2001; amended at 25 Ill. Reg. 6515, effective May 3, 2001; expedited correction at 25 Ill. Reg. 15681, effective May 3, 2001; amended at 25 Ill. Reg. 6713, effective May 9, 2001; amended at 25 Ill. Reg. 7264, effective May 25, 2001; amended at 25 Ill. Reg. 10917, effective August 13, 2001; amended at 25 Ill. Reg. 12841, effective October 1, 2001; amended at 26 Ill. Reg. 958, effective January 15,

## DEPARTMENT OF REVENUE

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2002; amended at 26 Ill. Reg. 1303, effective January 17, 2002; amended at 26 Ill. Reg. 3196, effective February 13, 2002; amended at 26 Ill. Reg. 5369, effective April 1, 2002; amended at 26 Ill. Reg. 5946, effective April 15, 2002; amended at 26 Ill. Reg. 8423, effective May 24, 2002; amended at 26 Ill. Reg. 9885, effective June 24, 2002; amended at 27 Ill. Reg. 795, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 11099, effective July 7, 2003, for a maximum of 150 days; emergency expired December 3, 2003; amended at 27 Ill. Reg. 17216, effective November 3, 2003; emergency amendment at 27 Ill. Reg. 18911, effective November 26, 2003, for a maximum of 150 days; emergency expired April 23, 2004; amended at 28 Ill. Reg. 9121, effective June 18, 2004; amended at 28 Ill. Reg. 11268, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 15193, effective November 3, 2004, for a maximum of 150 days; emergency expired April 1, 2005; amended at 29 Ill. Reg. 7004, effective April 26, 2005; amended at 31 Ill. Reg. 3574, effective February 16, 2007; amended at 31 Ill. Reg. 5621, effective March 23, 2007; amended at 31 Ill. Reg. 13004, effective August 21, 2007; amended at 31 Ill. Reg. 14091, effective September 21, 2007; amended at 32 Ill. Reg. 4226, effective March 6, 2008; emergency amendment at 32 Ill. Reg. 8785, effective May 29, 2008, for a maximum of 150 days; emergency expired October 25, 2008; amended at 32 Ill. Reg. 10207, effective June 24, 2008; amended at 32 Ill. Reg. 17228, effective October 15, 2008; amended at 32 Ill. Reg. 17519, effective October 24, 2008; amended at 32 Ill. Reg. 19128, effective December 1, 2008; amended at 33 Ill. Reg. 1762, effective January 13, 2009; amended at 33 Ill. Reg. 2345, effective January 23, 2009; amended at 33 Ill. Reg. 3999, effective February 23, 2009; amended at 33 Ill. Reg. 15781, effective October 27, 2009; amended at 33 Ill. Reg. 16711, effective November 20, 2009; amended at 34 Ill. Reg. 9405, effective June 23, 2010; amended at 34 Ill. Reg. 12935, effective August 19, 2010; amended at 35 Ill. Reg. 2169, effective January 24, 2011; amended at 36 Ill. Reg. 6662, effective April 12, 2012; amended at 38 Ill. Reg. 12909, effective June 9, 2014; amended at 38 Ill. Reg. 17060, effective July 25, 2014; amended at 38 Ill. Reg. 17421, effective July 31, 2014.

## SUBPART C: CERTAIN STATUTORY EXEMPTIONS

**Section 130.350 Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment**

- a) General. ~~The~~Notwithstanding any other provision of this Section, the exemption provided in this Section ~~terminated on-is effective through~~ June 30, 2003, pursuant to P.A. 93-24. P.A. 98-456, effective August 16, 2013, reinstated the coal exemption retroactive to July 1, 2003. The Department, however, will not approve any claims or refunds on or after August 16, 2013, for taxes due or paid during the period beginning July 1, 2003 through August 16, 2013. The exemption for coal exploration, mining, off highway hauling, processing,

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~~maintenance and reclamation equipment will terminate by operation of the sunset provisions of Section 2-70 of the Retailers' Occupation Tax Act on August 16, 2018. On and after July 1, 2003, the tax applies to sales of coal exploration, mining, off highway hauling, processing, maintenance and reclamation equipment. Prior to June 24, 1996, notwithstanding the fact that the sales may be at retail, the Retailers' Occupation Tax Act does not apply to sales of coal exploration, mining, off highway hauling, processing, maintenance and reclamation equipment costing \$250 or more. The exemption also applies to individual replacement parts for coal exploration, mining, off highway hauling, processing, maintenance and reclamation equipment when the replacement part costs \$250 or more. Equipment and parts sold by the linear foot or similar measurement qualify for the exemption if the cost of the total length sold in an individual transaction or sale exceeds \$250. The exemption also applies to equipment and replacement parts costing \$250 or more purchased for lease if those items are used primarily (more than 50%) in the activities noted above. The exemption does not apply to motor vehicles required to be registered pursuant to the Illinois Vehicle Code. The exemption does not apply to motor vehicles required to be registered pursuant to the Illinois Vehicle Code [625 ILCS 5]. On and after June 24, 1996, the exemption is not conditioned upon the \$250 purchase threshold requirement.~~ 1) This exemption applies only to equipment used primarily in coal exploration, mining, off highway hauling, processing, maintenance and reclamation. ~~Equipment used 50% or less in~~ Use of the equipment in any other exploration, mining, off highway hauling, processing, maintenance ~~and or~~ reclamation will not qualify for this exemption. Excluded from this exemption are motor vehicles required to be registered pursuant to the Illinois Vehicle Code. Special mobile equipment other than motor vehicles may qualify for the exemption if it is used primarily in coal exploration, mining, off highway hauling, processing, maintenance ~~and or~~ reclamation. This exemption does not include supplies (such as chemicals, rust inhibitors ~~and~~, adhesives ~~and explosives~~), coolants, lubricants, ~~inert limestone, magnetite and other materials added to the coal washing medium, reclamation materials (such as seed, plants and limestone)~~, items of personal apparel (such as gloves, shoes, hats, helmets, coveralls, masks, mask air filters, belts, harnesses or holsters) or fuel of any type.

b) Definitions

- 1) "Coal" means a mineral deposit or finished product comprised of combustible, carbon based plant fossil matter used as fuel.

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- 2) "Coal Exploration" means the search for coal. Exploration includes, but is not limited to, geophysical exploration, excavating and drilling to locate coal deposits.
- 3) "Kits" means commercially-packaged sets of parts that are ordered from a manufacturer, inventoried and sold by a retailer as a single item. An example would be a "tire assembly" comprised of the rim, tire, foam filling and valve stem.
- 4) "Maintenance" means keeping coal exploration, mining, off highway hauling, processing, maintenance and reclamation equipment in a state of repair and efficiency.
- ~~53)~~ "Mining" means the extraction of coal from the earth by underground and surface mining and includes the extraction of coal by the mine owner or operator ~~or his nonpurchaser successors from the waste or residue of prior mining.~~
- ~~64)~~ "Off Highway Hauling" means carrying or transporting and would include transport of overburden, waste material, including gob from the processing facility for disposal, and coal from the coal seam to the processing facility by conveyors or unlicensed vehicles, and conveying coal from the beginning of the processing cycle through the last stage of coal production, which ends at the time the coal is stored.
- ~~75)~~ "Processing" means preparation activities performed directly on the coal which are necessary for converting coal into a finished product so that it is ready for sale or the reprocessing of coal mine waste to extract and recycle coal from the waste by the mine owner, operator or a third party contractor or successor. Processing includes, but is not limited to, sizing, crushing, drying and washing.
- ~~6)~~ "Maintenance" means keeping coal exploration, mining, off highway hauling, processing, maintenance and reclamation equipment in a state of repair and efficiency.
- ~~87)~~ "Reclamation" means conditioning areas affected by mining operations. Examples of reclamation activities include, but are not limited to, backfilling, grading, seeding and planting.

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- 98) "Replacement Parts" means parts that are used to replace parts of qualifying equipment and that require periodic replacement. To be considered a replacement part, the part must be purchased for the purpose of being installed and must, in fact, become a physical component part of coal exploration, mining, off highway hauling, processing, maintenance or reclamation equipment. ~~Prior to June 24, 1996, there is a requirement that such replacement parts cost \$250 or more. On and after June 24, 1996, there is no such limitation.~~
- 10) "Used primarily" means equipment that is used more than 50% of the time in coal exploration, mining, off highway hauling, processing, maintenance and reclamation.
- 9) ~~"Kits" means commercially packaged sets of parts which are ordered from a manufacturer, inventoried, and sold by a retailer as a single item. Prior to June 24, 1996, a kit will be treated as a single item for purposes of the \$250 per item limitation. The \$250 per item limitation is also satisfied when an item to be used primarily in a qualifying activity is assembled by the retailer at the time of sale from components selected by the purchaser and which is sold as a unit if the unit, as sold, costs \$250 or more. On and after June 24, 1996, there is no such limitation. An exempt example would be a "tire assembly" comprised of the rim, tire, foam filling and valve stem.~~
- cb) Exempt Activities  
By way of illustration and not limitation, the following activities will be considered to constitute coal exploration, mining, off highway hauling, processing, ~~or~~ maintenance and reclamation:
- 1) Coal is produced in a surface mining operation that begins with locating the coal deposit to be mined,~~the~~ clearing of surface obstacles and overburden from the land above the coal deposit to be mined, continues with the removal of waste material and with the extraction of the coal, continues with the transportation from the coal seam to the processing facility, continues further with the refilling and grading of the mined area with overburden and waste material from a subsequently mined area, continues further with the processing of the coal, and ends with the stockpiling of the coal to allow moisture to drain and evaporate from the

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washed coal. By way of illustration and not limitation, the following equipment is exempt:

- A) Geophysical surveying, excavating, dredging and drilling machinery and equipment used primarily to locate surface mine coal deposits (e.g., data logger transducer; photoionization detector; optical televiewer; acoustic televiewer; petrographic survey equipment; and inclinometer survey equipment).
- BA) Equipment used primarily to drill and load holes for blasting material to dislodge the overburden, blasting agents (such as ammonium nitrate and fuel oil or ANFO); equipment used primarily to ignite blasting agents, including, but not limited to, high explosives, detonators, lead-in lines and blasting machines; and equipment used primarily ~~and~~ to transport the blasting material.
- CB) Equipment used primarily to remove overburden and other waste materials from the pit to be mined.
- DE) Equipment used primarily to modify the energy purchased for the surface mining process if the equipment is used to modify the energy for use on exempt equipment (e.g., transformers, capacitors and other equipment used to reduce, increase, stabilize or otherwise control the amperage, voltage or frequency of the electric current and transmit the electrical current to coal mining and processing equipment).
- ED) Pumps and ~~hoses~~ hose used primarily to remove water or to divert water from the active pit area.
- FE) Equipment used primarily to load the overburden, waste material or coal to be transported to the processing facility into off highway haulage trucks or onto a conveyor system.
- G) Equipment used primarily to extract coal from the earth.

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- HF) Unlicensed off highway haulage trucks or a conveyor system to transport overburden, waste material or coal to the processing facility.
- IG) Equipment used primarily to backfill, grade, seed, plant or otherwise reclaim previously mined land. Equipment used in grading, refilling and covering over a previously mined pit with the overburden removed from the next pit being mined.
- H) ~~Tangible personal property used in or for the purpose of temporarily storing raw coal before processing is exempt if the raw coal is ultimately processed for resale and is in fact resold.~~
- J) Equipment used primarily in a coal wash plant to clean the coal prior to sale to customers. Equipment used primarily in the cleaning, sizing, or grading of coal in a coal preparation plant may qualify as manufacturing machinery and equipment (see Section 130.330).
- KF) Equipment used primarily to blend different grades of coal together so that the final product meets customer specifications regarding quality and sulfur content.
- L) Electrical cable that is part of an electrical distribution system supplying electricity to exempt equipment in the field (e.g., draglines and shovels that move and load overburden and shovels that load coal in the pit).
- M) Computers and electrical control panels integral to and used primarily to operate exempt equipment used in coal exploration, mining, off highway hauling, processing, maintenance and reclamation.
- N) Remote audio visual equipment integral to and used primarily in connection with coal exploration, mining, off highway hauling, processing, maintenance and reclamation.

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- O) Electric generators used primarily to power exempt coal exploration, mining, off highway hauling, processing, maintenance and reclamation equipment.
- P) Communication equipment integral to and used primarily in production and operation activities in connection with coal exploration, mining, off highway hauling, processing, maintenance and reclamation equipment.
- 2) Coal is produced in an underground mining operation that begins with locating the coal deposit to be mined, continues with the boring of a shaft from the surface to the coal deposit to be mined, continues with the removal of waste material and the extraction of coal, continues further with the transportation from the coal seam to the processing facility, continues further with the installation of roof supports and the coating of walls with rock dust to prevent mine explosions and collapse, continues further with the processing of coal and disposal of waste material from the mine and processing facility, and ends with the stockpiling of coal to allow moisture to drain and evaporate from the washed coal. By way of illustration and not limitation, the following equipment is exempt:
- A) Geophysical surveying, excavating and drilling machinery and equipment used primarily to locate underground mine coal deposits (e.g., data logger transducer; photoionization detector; optical televiewer; acoustic televiewer; petrographic survey equipment; and inclinometer survey equipment). ~~Continuous miners used to bore the shaft, cut the coal and load it into shuttle cars.~~
- B) Equipment used primarily to create access to the coal deposit (e.g., a rotary drill or a track drill), equipment used primarily to sever coal from the deposit (e.g., continuous miners and long wall mining equipment), and equipment used primarily to load coal onto conveyor belts, into trucks or other conveyances used to transport coal from the deposit to the processing operation (e.g., shuttle cars and battery powered haulers).
- CB) Shuttle cars used primarily to transport the coal from the point of severance~~continuous miner~~ to the feeder-breaker at the end of a conveyor belt or other transportation system.

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- DE) The feeder-breaker which breaks the large lumps of coal and feeds the coal onto the conveyor belt which carries the coal outside the mine where it is temporarily stockpiled or transported to the processing facility.
- ED) Equipment used primarily to modify the energy purchased for the underground mining process if the equipment is used to modify the energy for use on exempt equipment, e.g., transformers, capacitors and other equipment used to reduce, increase, stabilize or otherwise control the amperage, voltage or frequency of the electrical current and transmit the electrical current to mining and processing equipment.
- EE) Pumps and hoses, piping and discharge apparatus ~~hose~~-used primarily in the movement or removal of ~~to remove~~ water or to divert water from the underground mine area.
- EF) Equipment used primarily to install roof bolts, roof bolt supports and side rib bolt supports and in scaling (e.g., the removal of loose rock and slabs of rock) prior to roof bolting to prevent mine collapse.
- H) Roof bolts and plates, side rib bolts and plates, and epoxy resin cartridges used primarily to secure roof bolts and side rib bolts installed to prevent mine collapse.
- IG) Equipment used primarily to coat mine walls with inert limestone as the coal is removed to prevent explosions caused by the escape of volatile materials.
- JH) Equipment installed as improvements to real estate in underground mining such as elevators, rail, ventilating and illuminating systems, including the foundations for that equipment as long as those foundations are located within the underground mine.
- KI) Equipment used primarily~~The use of equipment~~ in the construction, reconstruction, alteration, remodeling, servicing, repairing, maintenance or improvement of underground mine

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structures. Materials, such as lumber, steel, concrete, rock and other building materials, qualify for the exemption only when used in underground mine structures, including use as roof support to prevent mine collapse.

- LJ) Additions to exempt underground rail conveyors, ventilating and illumination systems due to the progression of mining ~~will be considered as exempt, as long as, prior to June 24, 1996, the addition is valued at \$250 or more. On and after June 24, 1996, there is no such limitation.~~
- MK) Longwall equipment consisting of shields, shearers, face conveyors and ~~related~~ equipment used primarily for recovery, handling and transportation of longwall equipment.
- N) Machinery and equipment used primarily to transport coal to aboveground facilities.
- O) Machinery and equipment used primarily to convey coal from the beginning of the processing cycle through the last stage of coal production.
- L) ~~Tangible personal property used in or for the purpose of temporarily storing raw coal before processing is exempt if the raw coal is ultimately processed for resale and is in fact resold.~~
- PM) Equipment used primarily in a coal wash plant to clean the coal prior to sale to customers. Equipment used primarily in the cleaning, sizing, or grading of coal in a coal preparation plant may qualify as manufacturing machinery and equipment (see Section 130.330).
- QN) Equipment used primarily to blend different grades of coal together so that the final product meets customer specifications regarding quality and sulfur content.
- RΘ) Equipment, other than motor vehicles required to be registered pursuant to the Illinois Vehicle Code, used primarily to transport miners into and out of an underground mine (e.g., mantrips, utility

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~~vehicles, mobile equipment and scoops). Roof bolt supports and side rib bolt supports to prevent mine collapse.~~

- S) Electrical cable that is part of an electrical distribution system supplying electricity to exempt equipment at the mine site (e.g., draglines and shovels that move and load overburden and shovels that load coal in the pit).
  - T) Computers and electrical control panels integral to and used primarily to operate exempt equipment used in coal exploration, mining, off highway hauling, processing, maintenance and reclamation.
  - U) Remote audio visual equipment integral to and used primarily in connection with exempt coal exploration, mining, off highway hauling, processing, maintenance and reclamation equipment.
  - V) Electrical generators used primarily to power exempt coal exploration, mining, off highway hauling, processing, maintenance and reclamation equipment.
  - W) Communication equipment integral to and used primarily in production and operation activities in connection with exempt coal exploration, mining, off highway hauling, processing, maintenance and reclamation equipment.
- 3) By way of illustration and not limitation, the following maintenance equipment is exempt:
- A) Unlicensed maintenance and welding trucks used primarily for field repair of exempt equipment.
  - B) Lathes, drill presses, air compressors and welders used primarily to build, modify or rework exempt~~work~~ repair parts or equipment.
  - C) Mobile and overhead cranes and manlifts used primarily in connection with exempt coal exploration, mining, off highway hauling, processing, maintenance and reclamation.

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- 4) By way of illustration and not limitation, the following coal exploration equipment is exempt unless registered pursuant to the Illinois Vehicle Code:
  - A) Drill rigs used primarily to drill exploration core holes.
  - B) Water trucks used primarily in the drilling process.
  - C) Winch and casing trucks used primarily in the drilling process.
  - D) Field maintenance trucks used primarily to make repairs on exempt field equipment.
  - E) Air compressors used in connection with exempt coal exploration, mining, off highway hauling, processing, maintenance and reclamation.

d)e) Nonexempt Activities

By way of illustration and not limitation, the following activities will not be considered to constitute coal exploration, mining, off highway hauling, processing, maintenance and reclamation:

- 1) The use of equipment in the construction, reconstruction, alteration, remodeling, servicing, repairing, maintenance or improvement of real estate except for underground mine structures. Material, such as lumber, steel, concrete, rock and other building materials, will not qualify for the exemption except when used in underground mine structures, such as roof support to prevent mine collapse;
- 2) the use of equipment in research and development for new uses of coal;
- 3) the use of equipment, trailers, sheds or structures in management, sales or other nonproduction, nonoperational activities including production or extraction scheduling, purchasing, receiving, accounting, fiscal management, communications equipment (e.g., radios and phones), security, marketing, product exhibition and promotion, personnel recruitment, selection or training;

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- 4) the use of equipment to prevent or fight fires or other mining hazards, protective supplies such as face masks, gas masks, helmets, gloves, coveralls, goggles, or first aid equipment and supplies, rescue chambers, self-rescuers, protective mine shelters or tracking devices (e.g., Global Positioning Systems or similar devices) even though such equipment and supplies may be required by law;
  - 5) the use of equipment for general ventilation, heating, cooling, climate control or general illumination not specifically required for the exploration, mining, off highway hauling, processing, maintenance ~~and~~ reclamation operation;
  - 6) the use of facilities for storing coal after extraction and processing;
  - 7) the use of front-end loaders, cranes, equipment used to load coal onto trucks, railcars or barges for delivery to customers;-
  - 8) the use of concrete foundations and support structures for ventilation equipment used aboveground.
- ed) Sales to Lessors of Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment
- 1) For the exemption to apply, the purchaser need not, himself, employ the equipment in coal exploration, mining, off highway hauling, processing, maintenance ~~and reclamation or production~~. If the purchaser leases the equipment to a lessee who uses it primarily in a qualified manner, the sale to the purchaser-lessor will be eligible for the exemption. A supplier may exclude ~~these such~~ sales from ~~his~~ taxable gross receipts if the purchaser-lessor provides the supplier ~~him~~ with a properly completed certificate and the information contained ~~in the certificate~~ ~~therein~~ would support an exemption ~~a reduction~~ if the sale were made directly to the lessee.
  - 2) Should a purchaser-lessor subsequently lease the equipment to a lessee who does not use it primarily in a way that would qualify for the ~~exemption~~ ~~reduction~~, the purchaser-lessor will become liable for the tax ~~which~~ ~~he~~ or she previously did not pay.
- fe) Purchaser Certification

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Certificates must be executed by the purchaser. The certificate must include the seller's name and address, the purchaser's name and address and a statement that the property purchased will be used primarily for coal exploration, mining, off highway hauling, processing, maintenance ~~and~~ reclamation. If a purchaser can claim either the exemption under this Section or the Manufacturing Machinery and Equipment exemption, the purchaser must specify on the certificate which exemption the purchaser is claiming. Manufacturer's Purchase Credit can only be earned on purchases of qualifying Manufacturing Machinery and Equipment (see Sections 130.330 and 130.331). Purchasers claiming the exemption under this Section cannot earn Manufacturer's Purchase Credit. Sellers may accept blanket certificates, but have the responsibility to obtain and keep all certificates as part of their books and records. If a retailer accepts the certificate and the purchaser does not, in fact, use the equipment in a qualifying manner, the purchaser will be liable to the Department for the tax. Equipment ~~that~~which is initially used primarily in a qualifying manner and, having been so used for less than one-half of its useful life, is converted to nonqualifying uses, will become subject to tax at the time of conversion. Replacement parts purchased initially for use in a qualifying manner and used in a nonqualifying use will become subject to tax at the time of use.

(Source: Amended at 38 Ill. Reg. 17421, effective July 31, 2014)

**Section 130.351 Aggregate Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment~~Manufacturing~~**

- a) General. The exemption provided in this Section terminated on June 30, 2003, pursuant to P.A. 93-24. P.A. 98-456, effective August 16, 2013, reinstated the aggregate exemption retroactive to July 1, 2003. The Department, however, will not approve any claims or refunds on or after August 16, 2013, for taxes due or paid during the period beginning July 1, 2003 through August 16, 2013. The exemption for aggregate exploration, mining, off highway hauling, processing, maintenance and reclamation equipment will terminate by operation of the sunset provisions of Section 2-70 of the Retailers' Occupation Tax Act on August 16, 2018. Notwithstanding ~~Through June 30, 2003, notwithstanding~~ the fact that the sales may be at retail, the Retailers' Occupation Tax Act does not apply to sales of aggregate exploration, mining, off highway hauling, processing, maintenance and reclamation equipment used primarily for the exploration and mining of mineral deposits and for the manufacture of resultant aggregate products. The exemption also applies to individual replacement parts for exempt aggregate exploration, mining, off highway hauling, processing, maintenance and reclamation

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equipment. The exemption also applies to equipment and replacement parts purchased for lease if those items are used primarily ~~(more than 50%)~~ in the activities noted ~~in this subsection above~~. The exemption does not apply to motor vehicles required to be registered pursuant to the Illinois Vehicle Code [625 ILCS 5]. ~~1) "Aggregate" shall mean any mineral deposit or finished product including but not limited to sand, gravel, stone, clay, industrial minerals, composites or other mineral solids, except coal. 2)~~ This exemption applies only to equipment used primarily in aggregate exploration, mining, off highway hauling, processing, maintenance and reclamation. Use of the equipment in any other exploration, mining, off highway hauling, processing, maintenance ~~and~~ reclamation will not qualify for this exemption. Excluded from this ~~exemption~~ are motor vehicles required to be registered pursuant to the Illinois Vehicle Code. Special mobile equipment other than motor vehicles may qualify for the exemption if it is used primarily in aggregate exploration, mining, off highway hauling, processing, maintenance ~~and~~ reclamation. This exemption does not include supplies (such as chemicals, rust inhibitors, ~~and adhesives and explosives~~), coolants, lubricants, ~~reclamation materials (such as seed, plants and limestone)~~, items of personal apparel (such as gloves, shoes, hats, helmets, coveralls, masks, mask air filters, belts, harnesses or holsters) or fuel of any type.

b) Definitions

- 1) "Aggregate" means any mineral deposit or finished product, including but not limited to sand, gravel, stone, clay, industrial minerals, composites or other mineral solids, except coal.
- ~~2)~~ "Aggregate Exploration" means the search for aggregate. Exploration includes, but is not limited to, geophysical exploration, excavating, dredging, and drilling to locate aggregate deposits.
- 3) "Kits" means commercially-packaged sets of parts that are ordered from a manufacturer, inventoried and sold by a retailer as a single item. An example would be a "tire assembly" comprised of the rim, tire, foam filling and valve stem.
- 4) "Maintenance" means keeping aggregate exploration, mining, off highway hauling, processing, maintenance and reclamation equipment in a state of repair and efficiency.

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- 54) "Mining" means the extraction of aggregate from the earth by underground and surface mining and includes the extraction of aggregate by the mine owner or operator, ~~or his nonpurchaser successors from the waste or residue of prior mining.~~
- 65) "Off Highway Hauling" means carrying or transporting and would include transport of overburden or waste material, including byproduct materials from the processing facility for disposal, ~~transporting aggregates and aggregate~~ from the aggregate deposit to the processing facility by conveyors or unlicensed vehicles, ~~and conveying aggregates from the beginning of the processing cycle through the last stage of aggregate production, which ends at the time the aggregate is ready for sale.~~
- 76) "Processing" means preparation activities performed directly on the aggregate that are necessary for converting aggregate into a finished product so that it is ready for sale ~~or the reprocessing of aggregate fines to extract and recycle construction aggregates by the mine owner, operator, or third party contractor or successor.~~ Processing includes, but is not limited to, sizing, crushing, drying and washing.
- 7) ~~"Maintenance" means keeping aggregate exploration, mining, off highway hauling, processing, maintenance and reclamation equipment in a state of repair and efficiency.~~
- 8) "Reclamation" means conditioning areas affected by mining operations. Examples of reclamation activities include, but are not limited to, backfilling, grading, seeding and planting.
- 9) "Replacement Parts" means parts that are used to replace parts of qualifying equipment that require periodic replacement. To be considered a replacement part, the part must be purchased for the purpose of being installed and must, in fact, become a physical component part of aggregate exploration, mining, off highway hauling, processing, maintenance ~~and or~~ reclamation equipment.
- 10) "Used primarily" means that the equipment and replacement parts must be used more than 50% of the time in aggregate exploration, mining, off highway hauling, processing, maintenance and reclamation.

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- 10) ~~"Kits" means commercially packaged sets of parts that are ordered from a manufacturer, inventoried, and sold by a retailer as a single item. An exempt example would be a "tire assembly" comprised of the rim, tire, foam filling and valve stem.~~
- c)b) Exempt Activities. By way of illustration and not limitation, the following activities will be considered to constitute aggregate exploration, mining, off highway hauling, processing, ~~or~~ maintenance and reclamation:
- 1) Aggregate is produced in a surface mining operation that begins with locating the aggregate deposit to be mined, ~~the~~ clearing of surface obstacles and overburden from the land above the aggregate deposit to be mined, continues with the removal of waste material and with the extraction of the aggregate, continues with the transportation from the aggregate deposit to the processing facility, continues further with the refilling and grading of the mined area with overburden and waste material, continues further with the processing of the aggregate, and ends with the stockpiling of the aggregate. By way of illustration and not limitation, the following equipment is exempt:
    - A) Geophysical surveying, excavating, dredging and drilling machinery and equipment used primarily to locate surface mine aggregate deposits (e.g., data logger transducer; photoionization detector; optical televiewer; acoustic televiewer; petrographic survey equipment; and inclinometer survey equipment). ~~Equipment used to drill and load holes for blasting material used to fracture aggregate for extraction and to transport the blasting material.~~
    - B) Equipment used primarily to remove overburden and other waste materials from the deposit to be mined.
    - C) Equipment used primarily to drill and load holes for blasting material used to fracture aggregate for extraction; blasting agents used primarily for surface aggregate mine blasting, including, but not limited to, ammonium nitrate and fuel oil or ANFO; equipment used primarily to ignite blasting agents, including, but not limited to, high explosives, detonators, lead-in lines and blasting

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~~machines; and equipment used primarily to transport the blasting material. Equipment used to modify the energy purchased for the surface mining process if the equipment is used to modify the energy for use on exempt equipment.~~

- D) Equipment used primarily to modify the energy purchased for the surface mining process if the equipment is used to modify the energy for use on exempt equipment (e.g., transformers, capacitors and other equipment used to reduce, increase, stabilize or otherwise control the amperage, voltage or frequency of the electric current and transmit the electrical current to aggregate surface mining and processing equipment).
- ED) Pumps, hoses, piping and discharge apparatus, used primarily in the movement or removal of water or to divert water from the active mine area.
- FE) Equipment used primarily to load the overburden, waste material or aggregate to be transported to the processing facility into off highway haulage trucks or onto a conveyor system.
- GF) Equipment used primarily to extract aggregate from the earth.
- HG) Unlicensed off highway haulage trucks or a conveyor system used primarily to transport overburden, waste material or aggregate to the processing facility.
- IH) Equipment used primarily to backfill, grade, seed, plant or otherwise reclaim previously mined land.
- J) Crushing, screening and other equipment used primarily to beneficiate and size aggregate products.
- J) ~~Tangible personal property used in or for the purpose of temporarily storing aggregate before processing is exempt if the aggregate is ultimately processed for resale and is in fact resold.~~
- K) Equipment used primarily in an aggregate wash plant to clean the aggregate prior to sale to customers.

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- L) Equipment used primarily to blend different grades of aggregate together so that the final product meets customer specifications.
  - M) Electrical cable that is part of an electrical distribution system supplying electricity to exempt equipment in the field (e.g., draglines and shovels that move and load overburden and shovels that load aggregate in the pit).
  - N) Computers and electrical control panels integral to and used primarily to operate exempt equipment used primarily in aggregate exploration, mining, off highway hauling, processing, maintenance and reclamation.
  - O) Remote audio visual equipment integral to and used primarily in connection with exempt aggregate exploration, mining, off highway hauling, processing, maintenance and reclamation.
  - P) Electrical generators used primarily to power exempt aggregate exploration, mining, off highway hauling, processing, maintenance and reclamation equipment.
  - Q) Communication equipment integral to and used primarily in production and operation activities in connection with exempt aggregate exploration, mining, off highway hauling, processing, maintenance and reclamation equipment.
- 2) Aggregate is produced in an underground mining operation that begins with locating the aggregate deposit to be mined, creating access from the surface to the aggregate deposit to be mined, continues further with the installation of roof supports, continues with the removal of waste material and the extraction of aggregate, continues further with the transportation from the aggregate deposit to the processing facility, continues further with the processing of aggregate and disposal of waste material from the mine and processing facility, and ends with the stockpiling of aggregate. By way of illustration and not limitation, the following equipment is exempt:
- A) Geophysical surveying, excavating, and drilling machinery and

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equipment used primarily to locate underground mine aggregate deposits (e.g., data logger transducer; photoionization detector; optical televiewer; acoustic televiewer; petrographic survey equipment; and inclinometer survey equipment).

- ~~BA)~~ Equipment used primarily to create access to the aggregate deposit (e.g., drills, equipment to deliver blasting agents, excavators, loaders and tunnel boring equipment) and equipment used primarily to load aggregate on to conveyor belts, trucks or other conveyances used primarily to transport aggregate from the deposit to the processing operation (e.g., loaders). Equipment used to create access to the aggregate deposit and load aggregate into conveyor belts, trucks or other conveyances used to transport aggregate from the deposit to the processing operation.
- ~~CB)~~ Equipment used primarily to drill and load holes for blasting material used to fracture aggregate for extraction; blasting agents (such as ammonium nitrate and fuel oil or ANFO) used for underground aggregate mine blasting; equipment used primarily to ignite blasting agents, including, but not limited to, high explosives, detonators, lead-in lines and blasting machines; and equipment used primarily to transport the blasting material. Conveyor belts, trucks or other conveyances used to transport aggregate from the deposit to the processing operation.
- D) Equipment, other than motor vehicles required to be registered pursuant to the Illinois Vehicle Code, used primarily to transport miners into and out of an underground mine (e.g., mantrips, utility vehicles, mobile equipment and scoops).
- ~~EB)~~ Conveyor belts, trucks or other conveyances primarily used to transport aggregate from the deposit to the processing operation.
- F) The feeder and crusher used primarily to break large pieces of aggregate.
- ~~GD)~~ Equipment used primarily to modify the energy purchased for the underground mining process if the equipment is used to modify the energy for use on exempt equipment (e.g., transformers, capacitors

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and other equipment used to reduce, increase, stabilize or otherwise control the amperage, voltage or frequency of the electric current and transmit the electrical current to aggregate underground mining and processing equipment).

- HE) Pumps, hoses, piping and discharge apparatus, used primarily in the movement or removal of water or to divert water from the underground mine area.
- IF) Equipment used primarily to install roof bolts, roof bolt supports and side rib bolt supports, and scaling prior to roof bolting, to prevent mine collapse.
- J) Roof bolts and plates, side rib bolts and plates, and epoxy resin cartridges used primarily to secure roof bolts and side rib bolts installed to prevent mine collapse.
- KG) Equipment used primarily to coat mine walls with inert material for loose rock safety.
- LH) Equipment installed as improvements to real estate for mining, such as elevators and rail, ventilating and illuminating systems, including the foundations for that equipment as long as those foundations are located within the underground mine.
- MH) Additions to exempt underground rail conveyors and ventilating and illumination systems due to the progression of mining.
- J) ~~Equipment used to drill and load holes for blasting material used to fracture aggregate for extraction and to transport the blasting material.~~
- K) ~~Equipment used for transporting aggregate to above ground facilities.~~
- N) Crushing, screening and other equipment used primarily to beneficiate and size aggregate products.

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- O) Machinery and equipment used primarily to convey aggregates from the beginning of the processing cycle through the last stage of aggregate production, which ends at the time the aggregate is ready for sale.
- ~~L)~~ ~~Tangible personal property used in or for the purpose of temporarily storing aggregate before processing if the aggregate is ultimately processed for resale and is in fact resold.~~
- PM) Equipment used primarily in an aggregate wash plant to clean the aggregate prior to sale to customers.
- ~~QN)~~ Equipment used primarily to blend different grades of aggregate together so that the final product meets customer specifications.
- RΘ) Electrical cable that is part of an electrical distribution system supplying electricity to exempt equipment in the field (e.g., draglines and shovels that move and load overburden and shovels that move and load aggregate in the pit).
- ~~P)~~ ~~Roof bolt supports and side rib bolt supports to prevent mine collapse.~~
- S) Computers and electrical control panels integral to and used primarily to operate exempt equipment used in aggregate exploration, mining, off highway hauling, processing, maintenance and reclamation.
- T) Remote audiovisual equipment integral to and used primarily in connection with exempt aggregate exploration, mining, off highway hauling, processing, maintenance and reclamation.
- U) Electrical generators used primarily to power exempt aggregate exploration, mining, off highway hauling, processing, maintenance and reclamation equipment.
- V) Communication equipment integral to and used primarily in production and operation activities in connection with exempt

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aggregate exploration, mining, off highway hauling, processing, maintenance and reclamation equipment.

- 3) By way of illustration and not limitation, the following maintenance equipment is exempt:
- A) Unlicensed maintenance and welding trucks used primarily for field repair of exempt equipment.
  - B) Lathes, drill presses, air compressors and welders used primarily to build, modify or rework exempt~~attach~~ repair parts or equipment.
  - C) Mobile and overhead cranes and manlifts used primarily in connection with exempt aggregate exploration, mining, off highway hauling, processing, maintenance and reclamation.
  - D) Equipment used primarily for dust suppression.
  - E) Equipment and machinery used primarily to clean areas around off-highway conveying and processing machinery and equipment.
- 4) By way of illustration and not limitation, the following aggregate exploration equipment is exempt unless registered pursuant to the Illinois Vehicle Code:
- A) Drill rigs used primarily to drill exploration core holes.
  - B) Water trucks used primarily in the drilling process.
  - C) Winch and casing trucks used primarily in the drilling process.
  - D) Field maintenance trucks used primarily to make repairs on exempt field equipment.
  - E) Air compressors used primarily in connection with exempt aggregate exploration, mining, off highway hauling, processing, maintenance and reclamation.

d)e) Nonexempt Activities

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By way of illustration and not limitation, the following activities will not be considered to constitute aggregate exploration, mining, off highway hauling, processing, ~~or~~ maintenance and reclamation:

- 1) The use of equipment in the construction, reconstruction, alteration, remodeling, servicing, repairing, maintenance or improvement of real estate except for underground mine structures. Material, such as lumber, steel, concrete, rock and other building materials, will not qualify for the exemption except when used in underground mine structures, such as roof supports to prevent mine collapse;
- 2) the use of equipment in research and development for new uses of aggregate;
- 3) the use of equipment, trailers, sheds or structures in management, sales or other nonproduction, nonoperational activities including production of extraction scheduling, purchasing, receiving, accounting, fiscal management, communications equipment (e.g., radios and phones), security, marketing, product exhibition and promotion, and personnel recruitment, selection or training;
- 4) the use of equipment to prevent or fight fires or other mining hazards and protective supplies such as face masks, gas masks, helmets, gloves, coveralls, goggles, or first aid equipment and supplies, rescue chambers, self-rescuers, protective mine shelters or tracking devices (e.g., Global Positioning Systems or similar devices) even though such equipment and supplies may be required by law;
- 5) the use of equipment for general ventilation, heating, cooling, climate control or general illumination not specifically required for the exploration, mining, off highway hauling, processing, maintenance and ~~or~~ reclamation operation;
- 6) the use of facilities for storing aggregate after extraction and processing;
- 7) the use of front-end loaders, cranes, conveyors and equipment used primarily to load aggregate onto trucks, railcars or barges for delivery to customers;

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- 8) the use of concrete foundations and support structures for ventilation equipment used aboveground.
- e)d) Sales to Lessors of Aggregate Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment
- 1) For the exemption to apply, the purchaser need not, himself or herself, employ the equipment in aggregate exploration, mining, off highway hauling, processing, maintenance and reclamation or production. If the purchaser leases the equipment to a lessee who uses it primarily in a qualified manner, the sale to the purchaser-lessor will be eligible for the exemption. A supplier may exclude thosesuch sales from his-taxable gross receipts if the purchaser-lessor provides the supplierhim with a properly completed certificate and the information contained in the certificatetherein would support an exemptiona reduction if the sale were made directly to the lessee.
  - 2) Should a purchaser-lessor subsequently lease the equipment to a lessee who does not use it primarily in a way that would qualify for the exemptionreduction, the purchaser-lessor will become liable for the tax that he or she previously did not pay. The tax will be assessed upon the fair market value of the equipment at the time of conversion.
- f)e) Purchaser Certification
- Certificates must be executed by the purchaser. The certificate must include the seller's name and address, the purchaser's name and address and a statement that the property purchased will be used primarily for aggregate exploration, mining, off highway hauling, processing, maintenance and-or reclamation. If a purchaser can claim either the exemption under this Section or the Manufacturing Machinery and Equipment exemption, the purchaser must specify on the certificate which exemption the purchaser is claiming. Manufacturer's Purchase Credit can only be earned on purchases of qualifying Manufacturing Machinery and Equipment (see 86 Ill. Adm. Code 130.330 and 130.331). Purchasers claiming the exemption under this Section cannot earn Manufacturer's Purchase Credit. Sellers may accept blanket certificates, but have the responsibility to obtain and keep all certificates as part of their books and records. If a retailer accepts the certificate and the purchaser does not, in fact, use the equipment in a qualifying manner, the purchaser will be liable to the Department for the tax. Equipment that is initially used primarily in a qualifying manner and, having been

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

so used for less than one-half of its useful life, is converted to nonqualified uses, will become subject to tax at the time of conversion. Replacement parts purchased initially for use in a qualifying manner and used in a nonqualifying use will become subject to tax at the time of use.

(Source: Amended at 38 Ill. Reg. 17421, effective July 31, 2014)

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Universities Retirement
- 2) Code Citation: 80 Ill. Adm. Code 1600
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1600.130	Amendment
1600.720	Amendment
1600.725	Amendment
1600.730	Amendment
- 4) Statutory Authority: 40 ILCS 5/15-177
- 5) Effective Date of Rule: July 30, 2014
- 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 Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: April 11, 2014; 38 Ill. Reg. 7863
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference between Proposal and Final Version: In the First Notice, SURS proposed to add a new section, 1600.405. Prior to Second Notice, SURS elected to remove adding the new section. The new section, which would have defined the term "annualized rate of earnings" found in Section 15-111 (c) of the Pension Code, as amended by PA 98-599, was withdrawn in view of the injunction entered on May 15, 2014 in the lawsuits challenging the constitutionality of PA 98-599.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Rulemaking: Section 1600.130 is intended to update the Procurement Rule, and Sections 1600.720, 1600.725 and 1600.730 to update the Board Trustee Election Rule.
- 16) Information and questions regarding this adopted rule shall be directed to:

For Sections 1600.720, 1600.725 and 1600.730

Michael B. Weinstein, General Counsel  
State Universities Retirement System  
1901 Fox Drive  
Champaign IL 61820

217/378-8825

For Section 1600.130

Albert J. Lee, Associate General Counsel  
State Universities Retirement System  
1901 Fox Drive  
Champaign IL 61820

217/378-8861

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

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE D: RETIREMENT SYSTEMS  
CHAPTER II: STATE UNIVERSITIES RETIREMENT SYSTEMPART 1600  
UNIVERSITIES RETIREMENT

## SUBPART A: GENERAL

## Section

- 1600.100 Definitions
- 1600.110 Freedom of Information Act
- 1600.120 Open Meetings Act
- 1600.130 Procurement

## SUBPART B: CONTRIBUTIONS AND SERVICE CREDIT

## Section

- 1600.202 Return to Employment
- 1600.203 Independent Contractors
- 1600.205 Earnings Subject to Withholding and Crediting
- 1600.210 Crediting Interest on Participant Contributions and Other Reserves
- 1600.220 Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay
- 1600.230 Election to Pay Contributions Based upon Employment that Preceded Certification as a Participant
- 1600.240 Election to Make Contributions Covering Periods of Military Leave Protected under USERRA
- 1600.241 Survivor Benefits for Members Who Die While on Military Leave Protected under USERRA
- 1600.250 Sick Leave Accrual Schedule
- 1600.260 Part-time/Concurrent Service Adjustment
- 1600.270 Employer Contributions for Benefit Increases Resulting from Earnings Increases Exceeding 6%

## SUBPART C: SURVIVORS AND BENEFICIARIES

## Section

- 1600.300 Effective Beneficiary Designations
- 1600.305 Full-Time Student Survivors Insurance Beneficiaries

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- 1600.310 Dependency of Beneficiaries
- 1600.320 Disability Claims Procedures (Renumbered)

## SUBPART D: BENEFIT CALCULATION AND PAYMENT

## Section

- 1600.400 Determination of Final Rate of Earnings Period
- 1600.410 Twenty Percent Limitation on Final Rate of Earnings Increases
- 1600.420 Making Preliminary Estimated Payments
- 1600.430 Excess Benefit Arrangement
- 1600.431 Indirect Payments to Minors and Legally Disabled Persons
- 1600.432 Indirect Payments to Child Survivors Through the Surviving Spouse
- 1600.440 Voluntary Deductions from Annuity Payments
- 1600.450 Overpayment Recovery

## SUBPART E: DISABILITY CLAIMS AND ADMINISTRATIVE REVIEW

## Section

- 1600.500 Administrative Staff Determinations and Rules for Appeal – Nature and Requirements of Formal Hearings
- 1600.550 Disability Claims Procedure

## SUBPART F: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

## Section

- 1600.600 Definitions
- 1600.605 Requirements for a Valid Qualified Illinois Domestic Relations Order
- 1600.610 Invalid Orders
- 1600.615 Filing a QILDRO with the System
- 1600.620 Modified QILDROs
- 1600.625 Benefits Affected by a QILDRO
- 1600.630 Effect of a Valid QILDRO
- 1600.635 QILDROs Against Persons Who Became Members Prior to July 1, 1999
- 1600.640 Alternate Payee's Address
- 1600.645 Electing Form of Payment
- 1600.650 Automatic Annual Increases
- 1600.655 Expiration of a QILDRO
- 1600.660 Reciprocal Systems QILDRO Policy Statement
- 1600.665 Providing Benefit Information for Divorce Purposes

## STATE UNIVERSITIES RETIREMENT SYSTEM

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## SUBPART G: BOARD TRUSTEE ELECTION

## Section

1600.700	Nomination of Candidates
1600.705	Election Date/Election Day – Defined
1600.710	Petitions
1600.715	Eligible Voters
1600.720	Election Materials
1600.725	<del>Casting Votes</del> <del>Marking of Ballots</del>
1600.730	Return of Ballots and Ballot Counting Process
1600.735	Certification of Ballot Counting
1600.740	Challenges to Election Results
1600.745	Candidate Informational Communication
1600.750	Filling a Vacancy in the Term of an Elected Trustee

AUTHORITY: Implementing and authorized by Section 15-177 of the Illinois Pension Code [40 ILCS 5/15-177].

SOURCE: Amended September 2, 1977; amended at 2 Ill. Reg. 31, p.53, effective July 30, 1978; amended at 7 Ill. Reg. 8139, effective June 29, 1983; codified at 8 Ill. Reg. 19683; amended at 11 Ill. Reg. 15656, effective September 9, 1987; amended at 13 Ill. Reg. 18939, effective November 21, 1989; amended at 14 Ill. Reg. 6789, effective April 20, 1990; emergency amendment at 21 Ill. Reg. 4864, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6095, effective May 2, 1997; amended at 21 Ill. Reg. 11962, effective August 13, 1997; amended at 21 Ill. Reg. 12653, effective August 28, 1997; amended at 22 Ill. Reg. 4116, effective February 9, 1998; amended at 23 Ill. Reg. 13667, effective November 1, 1999; amended at 25 Ill. Reg. 10206, effective July 30, 2001; amended at 28 Ill. Reg. 2292, effective January 23, 2004; expedited correction at 28 Ill. Reg. 7575, effective January 23, 2004; amended at 29 Ill. Reg. 2729, effective March 1, 2005; amended at 29 Ill. Reg. 11819, effective July 12, 2005; amended at 29 Ill. Reg. 14060, effective September 1, 2005; amended at 29 Ill. Reg. 14351, effective September 6, 2005; amended at 30 Ill. Reg. 6170, effective March 21, 2006; amended at 30 Ill. Reg. 7778, effective April 5, 2006; amended at 30 Ill. Reg. 9911, effective May 9, 2006; amended at 30 Ill. Reg. 17509, effective October 19, 2006; amended at 31 Ill. Reg. 4267, effective February 22, 2007; amended at 31 Ill. Reg. 4927, effective March 12, 2007; recodified at 31 Ill. Reg. 10194; amended at 32 Ill. Reg. 16515, effective September 25, 2008; emergency amendment at 33 Ill. Reg. 6525, effective April 27, 2009, for a maximum of 150 days; emergency expired September 23, 2009; amended at 33 Ill. Reg. 10757, effective July 1, 2009; amended at 33 Ill. Reg. 16755, effective November 23, 2009; amended at 34 Ill. Reg.

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF ADOPTED AMENDMENTS

9523, effective June 25, 2010; amended at 35 Ill. Reg. 10952, effective June 22, 2011; amended at 36 Ill. Reg. 3938, effective February 22, 2012; amended at 37 Ill. Reg. 1309, effective January 15, 2013; amended at 37 Ill. Reg. 3866, effective March 15, 2013; amended at 37 Ill. Reg. 10698, effective June 26, 2013; amended at 37 Ill. Reg. 15517, effective September 12, 2013; amended at 38 Ill. Reg. 5659, effective February 11, 2014; emergency amendment at 38 Ill. Reg. 11376, effective May 9, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 16375, effective July 17, 2014; amended at 38 Ill. Reg. 17457, effective July 30, 2014.

## SUBPART A: GENERAL

**Section 1600.130 Procurement**

- a) Introduction. It is the policy of SURS to obtain goods and services in the most economical manner in order to guarantee the efficient utilization of SURS resources. Resources of SURS shall be committed only with proper approval, as detailed in this Section.
- b) Purchase Orders. Employees requesting goods or services that cost more than \$500 and that are not part of a formal written contract shall complete a SURS purchase order form and receive written approval from the person designated by the Executive Director as the Procurement Officer prior to placing the order. Purchases of less than \$500 do not require a purchase order, but must be within the authority of the employee to purchase.
- c) Contract Policy. It is the policy of SURS to standardize the form and content of its contracts with public and private bodies in order to ensure compliance with applicable State law, to ensure fairness to all parties, and to maximize uniformity of language.
  - 1) Standard Addendum. In order to simplify the contracting process, SURS has developed a standard contract addendum that includes certifications considered advisable or required by State law. The standard addendum shall be completed and attached to (or incorporated within) all contracts and purchase orders entered into by SURS, but shall not be required for purchase orders of ~~\$25,000~~\$10,000 or less. Any variation from the terms of the standard addendum shall be approved by SURS' General Counsel. The standard addendum may be revised by the General Counsel from time to time.

## STATE UNIVERSITIES RETIREMENT SYSTEM

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- 2) Written Contracts
  - A) Execution Requirements. All expenditures in excess of ~~\$25,000~~~~\$10,000~~ that are not otherwise covered by any exemption stated in this Section shall require a written contract reviewed and approved by legal counsel to SURS. Contracts in any amount shall be executed by the Executive Director or his or her designee, unless executed by the President of the Board. No goods or services may be acquired, nor work commenced (unless the vendor specifically assumes the risk of non-payment in the event no contract is entered into), prior to the execution of a contract as provided in this Section. A copy of each contract shall be retained by the Chief Financial Officer.
  - B) Signature Requirements
    - i) Except as provided in subsection (c)(2)(B)(ii), contracts in excess of \$250,000 require the signatures of the Executive Director, the Chief Financial Officer and the General Counsel.
    - ii) In addition to the requirements of subsection (c)(2)(B)(i), all contracts with persons who are fiduciaries with respect to any investments of SURS shall also be signed by the President of the Board, or his or her designee, except that the Executive Director's signature is sufficient with respect to investment management agreements or other contracts with Board-approved investment service providers and contract amendments with existing Board-approved investment service providers. The Executive Director shall provide a report of such execution, with a description of any contract or amendment executed, to the Investment Committee of the Board at the next regularly scheduled meeting.
- d) Documentation and Bidding – Expenditures in Excess of ~~\$50,000~~~~\$25,000~~
  - 1) Employees shall seek to obtain the best value for SURS. Efforts to obtain the best value for SURS shall be documented where possible and retained

## STATE UNIVERSITIES RETIREMENT SYSTEM

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by SURS. Expenditures in excess of ~~\$50,000~~ ~~\$25,000~~ require bids from at least three different sources, unless otherwise provided in this Section. Sole source procurements, or other procurements with fewer than three bids, for expenditures in excess of ~~\$50,000~~ ~~\$25,000~~ shall be justified and documented. If two or more identical bids are received, if an attempt to bribe an employee is made, or other irregularities are discovered by a SURS employee, the General Counsel and the Internal Auditor shall be notified.

- 2) All procurements in excess of ~~\$50,000~~ ~~\$25,000~~, unless otherwise provided in this Section, shall be advertised in the official State newspaper, in the Illinois Procurement Bulletin, in SURS procurement bulletins, in appropriate media, or through electronic means such as the Internet. Notice shall be published on at least 3 separate dates with a minimum of 14 days between the first and the last publication date.
- 3) All procurements for goods and services in excess of ~~\$50,000~~ ~~\$25,000~~, unless otherwise provided in this Section, shall be awarded by competitive proposals. Each request for proposal shall set forth a description of the items or services being procured, the material contractual terms and conditions, and the criteria for evaluating proposals. Awards made pursuant to competitive selection procedures shall be awarded to the responsible offeror whose proposal is determined to be most advantageous to SURS. SURS may directly negotiate with any offeror as to the terms of a proposal. Competitive proposals may be used to procure, but are not limited to, professional and artistic services, including legal, medical and related services, investment management and consulting, electronic data processing equipment, software and services, and telecommunications equipment, software and services.
- 4) The following procurements do not require advertising or the use of competitive proposals:
  - A) Individual contracts for goods, services or construction not exceeding ~~\$50,000~~ ~~\$25,000~~;
  - B) Emergency procurements, such as when there exists a threat to public health or safety, or when immediate expenditure is necessary in order to protect against loss of or damage to SURS

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF ADOPTED AMENDMENTS

property or interests, or to prevent or minimize disruption in SURS services, or when necessary to prepare for anticipated litigation, enforcement actions, or investigations, or to protect the integrity or confidentiality of SURS records. A written determination must be made that an emergency exists; and

- C) Utilities and other sole-source items.
- e) Purchasing
- 1) Employees are allowed to make purchases provided that the goods or services are budgeted for, and a purchase order (for purchases in excess of \$500) is completed and has written approval in advance of placing the order, or a formal contract (for purchases in excess of ~~\$25,000~~~~\$10,000~~) is executed, and the provisions of this Section are complied with. Employees other than those designated by the Executive Director are not allowed to make purchases of office supplies, computer equipment, or software.
  - 2) SURS shall not pay Illinois sales tax. Employees must direct the vendor to exclude Illinois sales tax from invoices. Employees should also ask if discounted State rates are available for purchases.
  - 3) Invoices should be approved for payment within 30 days after the receipt of the invoice. Approval should not be given for goods and services that do not conform to SURS' requirements. The vendor shall be promptly notified in writing if SURS does not approve an invoice for payment and shall be advised of the reason for the denial. If approval is made after 30 days, a full explanation should be attached to the invoice.
  - 4) Advance payment for goods and services is discouraged. If advance payment is required, the employee shall complete a certification as specified in Section 9.05 of the State Finance Act [30 ILCS 105/9.05]. In the event that a voucher is submitted for advance payment, the voucher shall state on its face that the goods or services are being procured pursuant to a formal written contract the terms of which require advance payment. If it is not possible to execute a written contract, the voucher shall so state. The certification is not required for payment of conference fees, purchase of travel tickets, purchase of periodicals, and required

## STATE UNIVERSITIES RETIREMENT SYSTEM

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deposits of less than \$500. The certification shall be in the following format:

"I certify that the goods or services specified on this contract or purchase order were for the use of this agency and that the expenditure for those goods or services was authorized and lawfully incurred; that the goods or services meet all the required standards set forth in the purchase order or contract to which this certification relates; and that the amount shown on this voucher is correct and is approved for payment."

Insert following sentence in certification if applicable:

"It is not possible to execute a formal written contract."

---

Date

---

Signature

(Source: Amended at 38 Ill. Reg. 17457, effective July 30, 2014)

## SUBPART G: BOARD TRUSTEE ELECTION

**Section 1600.720 Election Materials**

- a) The Board Secretary may procure a qualified election services vendor and determine the voting methods, specific voting instructions and security measures to be used in the election, subject to the approval of the Board.
- ba) At least 30 business days prior to the Election Day, the System shall mail to the eligible voter's latest address known to the System the following election materials:
- 1) A preprinted paper ballot listing, in order determined by random, blind lottery conducted by the Board Secretary, either the contributing membership candidates or the annuitant candidates, depending on the basis for the individual's eligible voter status as provided in Section 1600.715, using the entire name of each candidate in the System records on the first day nomination petitions can be accepted;

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF ADOPTED AMENDMENTS

- 2) Candidate provided biographies in the format and length specified by the Board Secretary;
  - 3) Instructions for voting methods as specified by the Board Secretary, including the voting deadline;
  - 4) A preprinted, return envelope.
- cb) If an eligible voter has not received any or all of the election materials specified in subsection ~~(ba)~~ 5 business days prior to the Election Date, the eligible voter may request that the System send election materials to him or her. Election materials will not be mailed out within 5 business days prior to the Election Date; however, election materials will be electronically transmitted if available and authorized by the eligible voter. If an eligible voter incorrectly marks or spoils his or her paper ballot prior to returning it, the eligible voter may request a new set of election materials from the System at least 5 business days prior to the Election Date. Paper ballots already mailed to the System or electronic ballots that have already been cast by the eligible voter shall not be replaced. The member's identity as an eligible voter shall be authenticated prior to sending out replacement election materials.
- de) If previously mailed election materials are returned to the System undelivered at least 5 business days prior to the Election Date and a forwarding address has been provided, the System shall mail election materials to the forwarding address via first class U.S. mail.

(Source: Amended at 38 Ill. Reg. 17457, effective July 30, 2014)

**Section 1600.725 Casting Votes~~Marking of Ballots~~**

A valid ~~paper~~ ballot, whether paper or electronic, must conform to the following requirements:

- a) All choices of candidates must be clearly indicated~~marked~~ as directed on the voting instructions. ~~If paper ballots are~~ ballot. ~~If the ballot is~~ not marked as directed, the marks are~~the mark is~~ invalid and the associated votes will not be counted. An invalid mark for one candidate will not negate other valid marks on the ballot.
- b) Each eligible voter is entitled to only one vote for any particular candidate.

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF ADOPTED AMENDMENTS

- c) With respect to a ballot on which more than one trustee is to be elected, each eligible voter may vote for only one candidate for each position to be elected. If more candidates are selected than the number of positions to be elected, the ballot is invalid and will not be counted. If the number of candidates selected is fewer than the number of positions to be elected, the selection or selections will each count as only one vote.
- d) Only official SURS paper ballots or votes received via other authorized voting methods will be counted. ~~Write-in~~Handwritten entries of candidates are invalid and will not be counted.

(Source: Amended at 38 Ill. Reg. 17457, effective July 30, 2014)

**Section 1600.730 Return of Ballots and Ballot Counting Process**

- a) ~~Upon~~For paper ballots, upon receipt of the election materials specified in Section 1600.720, the eligible voter shall:
- 1) Mark his or her ballot in accordance with Section 1600.725;
  - 2) Place the completed ballot into the return envelope provided; ~~and~~
  - 3) Seal and mail, via U.S. mail only, the return envelope; ~~and-~~
  - 4) Mail paper ballots in the return envelope provided. The ballot shall be mailed only to the address on the envelope. Paper ballots delivered to the System in bulk, via hand delivery, by campus mail, or delivery other than as specified in this subsection (a)(4) are invalid and will not be counted.
- b) Ballots must be received by the close of business on Election Day. Ballots received after Election Day are invalid and will not be counted. A record of the receipt date of each ballot will be maintained.
- c) When multiple voting methods are authorized, the first ballot cast will be counted as the official ballot and any subsequent votes will not be counted. The Board Secretary will develop procedures to ensure that only one ballot may be received from each eligible voter. Ballots must be mailed in the return envelope provided and only mailed to the address on the envelope. Paper ballots delivered to the

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF ADOPTED AMENDMENTS

~~System in bulk, via hand delivery, by campus mail, or delivery other than as specified in subsection (a) are invalid and will not be counted.~~

- d) The Board Secretary will develop minimum standards to ensure ballots are property recorded, secured, tabulated and retained.
- ed) When all eligible ballots have been counted and tabulated, the necessary number of contributing members and annuitants who have received the greatest number of votes will be elected trustees; provided, however, the Board Secretary will ensure that, for the final composition of the Board, no more than 2 of the 4 contributing members are current employees of the University of Illinois at any of the campuses (Urbana-Champaign, Chicago, or Springfield) and no more than one of the 2 annuitants was last employed prior to retirement by the University of Illinois at any of the campuses. If the maximum number of University of Illinois positions has been filled, then any remaining positions shall be filled as follows:
- 1) The remaining contributing member trustee positions will be filled by the contributing member nominees who are not current employees of the University of Illinois at any of the campuses and who received the greatest number of votes.
  - 2) The remaining annuitant trustee positions will be filled by annuitant nominees who were not last employed prior to retirement by the University of Illinois at any of the campuses and who received the greatest number of votes.
  - 3) In case of a tie, the contributing member nominee or annuitant nominee who will be elected will be determined by blind, random drawing.
  - 4) The results of the election process then will be declared by the Board Secretary.
- fe) The Board Secretary will certify to the Board the elected trustees by category and term of office. The Board Secretary will further certify the place of employment for each contributing member and the last place of employment prior to retirement for each annuitant.

(Source: Amended at 38 Ill. Reg. 17457, effective July 30, 2014)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Section Number: 113.264                      Emergency Action:  
Amendment
- 4) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13] and PA 98-674
- 5) Effective Date of Rule: July 30, 2014
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency amendment will expire at the end of the 150-day period, or upon adoption of permanent rules, whichever comes first.
- 7) Date Filed with the Index Department: July 30, 2014
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Pursuant to 8 USC 1612(a)(2), this emergency amendment implements the changes made by PA 98-674 regarding persons who have been found ineligible for Supplemental Security Income (SSI) due to expiration of the period of eligibility for refugees and asylees. The adoption of the emergency amendment is deemed to be necessary for the public interest, safety and welfare.
- 10) A Complete Description of the Subject and Issues Involved: PA 98-674 went into effect on June 30, 2014. Upon becoming law on July 1, 2014, the law adjusts the allowance for refugees ineligible for SSI to 90% of the current maximum SSI payment amount per month. As a result, beginning July 1, 2014, the cash assistance standard for noncitizens ineligible for SSI due to the 7-year federal limit is increased to \$648.90.
- 11) Are there any other proposed rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 13) Information and questions regarding this emergency amendment shall be directed to:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

Tracie Drew, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
Harris Bldg., 3rd Floor  
Springfield IL 62762

217/785-9772

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113  
AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section

- 113.1 Description of the Assistance Program
- 113.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 113.9 Client Cooperation
- 113.10 Citizenship
- 113.20 Residence
- 113.30 Age
- 113.40 Blind
- 113.50 Disabled
- 113.60 Living Arrangement
- 113.70 Institutional Status
- 113.80 Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

- 113.100 Unearned Income
- 113.101 Budgeting Unearned Income
- 113.102 Budgeting Unearned Income of Applicants Receiving Income on Date of Application And/Or Date of Decision
- 113.103 Initial Receipt of Unearned Income
- 113.104 Termination of Unearned Income
- 113.105 Unearned Income In-Kind
- 113.106 Earmarked Income
- 113.107 Lump Sum Payments and Income Tax Refunds
- 113.108 Protected Income (Repealed)

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- 113.109 Earned Income (Repealed)
- 113.110 Budgeting Earned Income (Repealed)
- 113.111 Protected Income
- 113.112 Earned Income
- 113.113 Exempt Unearned Income
- 113.114 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
- 113.115 Initial Employment
- 113.116 Budgeting Earned Income For Contractual Employees
- 113.117 Budgeting Earned Income For Non-contractual School Employees
- 113.118 Termination of Employment
- 113.120 Exempt Earned Income
- 113.125 Recognized Employment Expenses
- 113.130 Income From Work/Study/Training Programs
- 113.131 Earned Income From Self-Employment
- 113.132 Earned Income From Roomer and Boarder
- 113.133 Earned Income From Rental Property
- 113.134 Earned Income In-Kind
- 113.139 Payments from the Illinois Department of Children and Family Services
- 113.140 Assets
- 113.141 Exempt Assets
- 113.142 Asset Disregard
- 113.143 Deferral of Consideration of Assets
- 113.154 Property Transfers For Applications Filed Prior To October 1, 1989 (Repealed)
- 113.155 Property Transfers For Applications Filed On Or After October 1, 1989 (Repealed)
- 113.156 Court Ordered Child Support Payments of Parent/Step-Parent
- 113.157 Responsibility of Sponsors of Non-citizens Entering the Country Prior to 8/22/96
- 113.158 Responsibility of Sponsors of Non-citizens Entering the Country On or After 08/22/96
- 113.160 Assignment of Medical Support Rights

## SUBPART D: PAYMENT AMOUNTS

- Section
- 113.245 Payment Levels for AABD
- 113.246 Personal Allowance
- 113.247 Personal Allowance Amounts
- 113.248 Shelter

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113.249	Utilities and Heating Fuel
113.250	Laundry
113.251	Telephone
113.252	Transportation, Lunches, Special Fees
113.253	Allowances for Increase in SSI Benefits
113.254	Nursing Care or Personal Care in Home Not Subject to Licensing
113.255	Sheltered Care/Personal or Nursing Care in a Licensed Group Care Facility
113.256	Shopping Allowance
113.257	Special Allowances for Blind and Partially Sighted (Blind Only)
113.258	Home Delivered Meals
113.259	AABD Fuel and Utility Allowances By Area
113.260	Sheltered Care, Personal Care or Nursing Care Rates
113.261	Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities
113.262	Meeting the Needs of an Ineligible Dependent with Client's Income
113.263	Service Animals
113.264	Refugees Ineligible for SSI

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## SUBPART E: OTHER PROVISIONS

Section	
113.300	Persons Who May Be Included In the Assistance Unit
113.301	Grandfathered Cases
113.302	Interim Assistance (Repealed)
113.303	Special Needs Authorizations
113.304	Retrospective Budgeting
113.305	Budgeting Schedule
113.306	Purchase and Repair of Household Furniture (Repealed)
113.307	Property Repairs and Maintenance
113.308	Excess Shelter Allowance
113.309	Limitation on Amount of AABD Assistance to Recipients from Other States (Repealed)
113.320	Redetermination of Eligibility
113.330	Attorney's Fees for VA Appellants (Repealed)

## SUBPART F: INTERIM ASSISTANCE

Section	
113.400	Description of the Interim Assistance Program

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- 113.405 Pending SSI Application (Repealed)
- 113.410 More Likely Than Not Eligible for SSI (Repealed)
- 113.415 Non-Financial Factors of Eligibility (Repealed)
- 113.420 Financial Factors of Eligibility (Repealed)
- 113.425 Payment Levels for Chicago Interim Assistance Cases (Repealed)
- 113.430 Payment Levels for all Interim Assistance Cases Outside Chicago (Repealed)
- 113.435 Medical Eligibility (Repealed)
- 113.440 Attorney's Fees for SSI Applicants (Repealed)
- 113.445 Advocacy Program for Persons Receiving Interim Assistance (Repealed)
- 113.450 Limitation on Amount of Interim Assistance to Recipients from Other States (Repealed)
- 113.500 Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; emergency expired January 28, 1979; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective

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October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by Sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867,

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effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. 1052, effective January 26, 1995; amended at 19 Ill. Reg. 2875, effective February 24, 1995; amended at 19 Ill. Reg. 6639, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 8409, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15034, effective October 17, 1995; amended at 20 Ill. Reg. 858, effective December 29, 1995;

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emergency amendment at 21 Ill. Reg. 673, effective January 1, 1997, for a maximum of a 150 days; amended at 21 Ill. Reg. 7404, effective May 31, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 22 Ill. Reg. 13642, effective July 15, 1998; emergency amendment at 22 Ill. Reg. 16348, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 18931, effective October 1, 1998; emergency amendment at 22 Ill. Reg. 21750, effective November 24, 1998, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 579, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1607, effective January 20, 1999; amended at 23 Ill. Reg. 5548, effective April 23, 1999; amended at 23 Ill. Reg. 6052, effective May 4, 1999; amended at 23 Ill. Reg. 6425, effective May 15, 1999; amended at 23 Ill. Reg. 6935, effective May 30, 1999; amended at 23 Ill. Reg. 7887, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8650, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10161, effective August 3, 1999; amended at 23 Ill. Reg. 13852, effective November 19, 1999; amended at 24 Ill. Reg. 2328, effective February 1, 2000; amended at 24 Ill. Reg. 11622, effective July 18, 2000; amended at 24 Ill. Reg. 13394, effective August 18, 2000; amended at 25 Ill. Reg. 5326, effective March 30, 2001; amended at 26 Ill. Reg. 179, effective January 1, 2002; amended at 26 Ill. Reg. 8532, effective May 31, 2002; amended at 26 Ill. Reg. 13521, effective September 3, 2002; amended at 27 Ill. Reg. 7252, effective April 7, 2003; amended at 28 Ill. Reg. 11139, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 11366, effective July 21, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12469, effective August 20, 2004, for a maximum of 150 days; emergency expired January 16, 2005; amended at 29 Ill. Reg. 648, effective December 16, 2004; amended at 29 Ill. Reg. 5703, effective April 11, 2005; amended at 29 Ill. Reg. 10176, effective July 5, 2005; amended at 30 Ill. Reg. 16065, effective September 21, 2006; amended at 31 Ill. Reg. 6981, effective April 30, 2007; amended at 31 Ill. Reg. 11306, effective July 19, 2007; amended at 32 Ill. Reg. 17187, effective October 16, 2008; peremptory amendment at 32 Ill. Reg. 18065, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4993, effective March 19, 2009, for a maximum of 150 days; emergency expired August 15, 2009; emergency amendment at 33 Ill. Reg. 7337, effective May 21, 2009, for a maximum of 150 days; emergency expired October 17, 2009; amended at 33 Ill. Reg. 12775, effective September 8, 2009; emergency amendment at 33 Ill. Reg. 12850, effective September 4, 2009, for a maximum of 150 days; emergency expired January 31, 2010; amended at 33 Ill. Reg. 13846, effective September 17, 2009; amended at 33 Ill. Reg. 15033, effective October 22, 2009; amended at 33 Ill. Reg. 16845, effective November 30, 2009; emergency amendment at 34 Ill. Reg. 6944, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 7255, effective May 10, 2010; amended at 35 Ill. Reg. 1012, effective December 28, 2010; emergency amendment at 35 Ill. Reg. 6951, effective April 6, 2011, for a maximum of 150 days; emergency expired September 2, 2011; amended at 35 Ill. Reg. 17096, effective October 5, 2011; amended at 35 Ill. Reg. 18756, effective October 28, 2011; amended at 36 Ill. Reg. 15195, effective October 5, 2012; emergency

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amendment at 36 Ill. Reg. 17567, effective December 1, 2012 through June 30, 2013; amended at 37 Ill. Reg. 8728, effective June 11, 2013; amended at 37 Ill. Reg. 14876, effective August 27, 2013; amended at 38 Ill. Reg. 16229, effective July 18, 2014; emergency amendment at 38 Ill. Reg. 17470, effective July 30, 2014, for a maximum of 150 days.

## SUBPART D: PAYMENT AMOUNTS

**Section 113.264 Refugees Ineligible for SSI****EMERGENCY**

- a) An allowance ~~of 90% of the current maximum SSI payment amount per month~~~~not to exceed \$500~~ is authorized to be provided to persons who are ineligible for SSI due to the expiration of the period of eligibility for certain noncitizens pursuant to 8 USC 1612(a)(2)(A).
- b) This group includes noncitizens who entered the U.S. under one of the following immigrant classifications:
  - 1) Refugee admitted under section 207 of the Immigration and Nationality Act (8 USC 1157);
  - 2) Asylee admitted under section 208 of the Immigration and Nationality Act (8 USC 1158);
  - 3) Cuban/Haitian immigrant admitted under section 501(e) of the Refugee Education Assistance Act of 1980 (PL 96-422);
  - 4) Amerasian immigrant admitted under section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (Act) (as contained in section 101(e) of PL 100-202, as amended by PL 100-461);
  - 5) Deportation withheld under section 243(h) or section 241(b)(3) of the Immigration and Nationality Act (8 USC 1253); and
  - 6) Victims of trafficking, or the minor child, spouse, parent or sibling of the trafficking victim, who have been certified by or whose status has been verified by the federal Office of Refugee Resettlement (ORR).

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- c) No other allowances will be authorized.

(Source: Amended by emergency rulemaking at 38 Ill. Reg. 17470, effective July 30, 2014, for a maximum of 150 days)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) 

<u>Section Number:</u>	<u>Peremptory Action:</u>
310.210	Amendment
310.APPENDIX A TABLE D	Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department of Central Management Services (CMS) is amending the Sections 310.210 and 310.Appendix A Table D to reflect the Memorandum of Understanding (MOU) between CMS and the International Brotherhood of Teamsters, Local 700 (Cook County) for the Sign Hanger and Sign Hanger Foreman titles signed June 30, 2014. The MOU assigns HR-001 bargaining unit rates to the Sign Hanger and Sign Hanger Foreman titles effective December 9, 2013. The Sign Hanger and Sign Hanger Foreman titles are subject to the Agreement between the Departments of Central Management Services, Transportation, Human Services and Employment Security and Teamsters Local 700 Affiliated with the International Brotherhood of Teamsters Cook County effective July 1, 2012 through June 30, 2015 signed July 24, 2013. That includes the 2% increase to rates effective July 1, 2014 and the 5% increase each year on the employee's anniversary date until the full scale rate is received by the employee. Employees employed on December 9, 2013 receive 95% of the full scale rate effective that date. On that date, the Illinois Labor Relations Board issued a Certification of Unit Clarification (Case No. S-UC-(S)-14-024) revising the HR-001 bargaining unit to include the bargaining unit's representation of the Sign Hanger and Sing Hanger Foreman titles.

The employees appointed to the titles' positions while receiving the prevailing rate were partially exempt from the Personnel Code [20 ILCS 415 Section 4(d)(4)], specifically exempt from Jurisdiction B that is persons must hold appointments on a basis of merit and fitness. Extension of Jurisdiction B is to be proposed shortly in an amendment to Extensions of Jurisdiction (80 Ill. Adm. Code 305).

- 5) Statutory Authority: Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 415/8, 20 ILCS 415/8a and 20 ILCS 415/9(7)], Section 1-5(d) of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)] and by Sections 4, 6, 15 and 21 of the Illinois Public Labor Relations Act [5 ILCS 315/4, 5 ILCS 315/6, 5 ILCS 315/15 and 5 ILCS 315/21]

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

- 6) Effective Date: July 29, 2014
- 7) A Complete Description of the Subjects and Issues Involved: In Section 310.210 Section 310.210(a), the Sign Hanger and Sign Hanger Foreman are removed from the list of prevailing rate classes. In Section 310.210(d), a sentence is added to clarify the change in representation of the Sign Hanger and Sign Hanger Foreman titles. The historical information exclusively regarding the Sign Hanger and Sign Hanger Foreman titles is removed from Section 310.210(e). The In-Hire Rates information in Section 310.210(f) is moved under subsection (e) and the subsection (f) label is removed.
- In Section 310.Appendix A Table D, a rate table effective July 1, 2013 is added for the Sign Hanger title with its title code 40900 and rates and the Sign Hanger Foreman title with its title code 40910 and rates. The titles, title codes and rates are added to the existing rate table effective July 1, 2014.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: July 29, 2014
- 10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.
- 11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?  
Yes
- 12) Are there any other proposed amendments pending on this Part? Yes.

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Ill. Reg. Citation:</u>
310.APPENDIX A TABLE X	Amendment	38 Ill. Reg. 8507; April 25, 2014
310.210	Amendment	38 Ill. Reg. 9719; May 9, 2014
310.APPENDIX A TABLE A	Amendment	38 Ill. Reg. 9719; May 9, 2014
310.APPENDIX A TABLE D	Amendment	38 Ill. Reg. 9719; May 9, 2014
310.APPENDIX A TABLE E	Amendment	38 Ill. Reg. 9719; May 9, 2014
310.APPENDIX A TABLE F	Amendment	38 Ill. Reg. 9719; May 9, 2014
310.APPENDIX A TABLE X	Amendment	38 Ill. Reg. 9719; May 9, 2014
310.410	Amendment	38 Ill. Reg. 13489; July 7, 2014
310.APPENDIX A TABLE A	Amendment	38 Ill. Reg. 13489; July 7, 2014
310.APPENDIX A TABLE W	Amendment	38 Ill. Reg. 13489; July 7, 2014
310.APPENDIX A TABLE AE	Amendment	38 Ill. Reg. 13489; July 7, 2014

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## NOTICE OF PEREMPTORY AMENDMENTS

- 13) Statement of Statewide Policy Objectives: The amendments to the Pay Plan affects only the employees subject to the Personnel Code and does not set out any guidelines that affect local or other jurisdictions in the State.
- 14) Information and questions regarding these peremptory amendments shall be directed to:

Mr. Jason Doggett  
Manager  
Compensation Section  
Division of Technical Services and Agency Training and Development  
Bureau of Personnel  
Department of Central Management Services  
504 William G. Stratton Building  
Springfield IL 62706

217/782-7964  
Fax: 217/524-4570  
CMS.PayPlan@Illinois.gov

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS

## CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310  
PAY PLAN

## SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.45	Comparison of Pay Grades or Salary Ranges Assigned to Classifications
310.47	In-Hire Rate
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes (Repealed)
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

## SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate (Repealed)
310.240	Daily or Hourly Rate Conversion
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated Rate
310.280	Designated Rate

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## NOTICE OF PEREMPTORY AMENDMENTS

- 310.290 Out-of-State Rate (Repealed)
- 310.295 Foreign Service Rate (Repealed)
- 310.300 Educator Schedule for RC-063 and HR-010
- 310.310 Physician Specialist Rate
- 310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections (Repealed)
- 310.330 Excluded Classes Rate (Repealed)

## SUBPART C: MERIT COMPENSATION SYSTEM

- Section
- 310.410 Jurisdiction
- 310.415 Merit Compensation Salary Range Assignments
- 310.420 Objectives
- 310.430 Responsibilities
- 310.440 Merit Compensation Salary Schedule
- 310.450 Procedures for Determining Annual Merit Increases and Bonuses
- 310.455 Intermittent Merit Increase (Repealed)
- 310.456 Merit Zone (Repealed)
- 310.460 Other Pay Increases
- 310.470 Adjustment
- 310.480 Decreases in Pay
- 310.490 Other Pay Provisions
- 310.495 Broad-Band Pay Range Classes
- 310.500 Definitions
- 310.510 Conversion of Base Salary to Pay Period Units (Repealed)
- 310.520 Conversion of Base Salary to Daily or Hourly Equivalents
- 310.530 Implementation
- 310.540 Annual Merit Increase and Bonus Guidechart
- 310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

SUBPART D: FROZEN NEGOTIATED-RATES-OF-PAY DUE TO  
FISCAL YEAR APPROPRIATIONS AND EXPIRED SALARY SCHEDULES IN  
COLLECTIVE BARGAINING UNIT AGREEMENTS

- Section
- 310.600 Jurisdiction (Repealed)
- 310.610 Pay Schedules (Repealed)
- 310.620 In-Hiring Rate (Repealed)
- 310.630 Definitions (Repealed)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

- 310.640 Increases in Pay (Repealed)  
310.650 Other Pay Provisions (Repealed)  
310.660 Effective Date (Repealed)  
310.670 Negotiated Rate (Repealed)  
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310.TABLE Q RC-033 (Meat Inspectors, IFPE)  
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310.TABLE J	Frozen RC-014-Rates-of-Pay (Clerical Employees, AFSCME) (Repealed)
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310.TABLE X	Frozen RC-063-Rates-of-Pay (Professional Employees, AFSCME) (Repealed)
310.TABLE Y	Frozen RC-063-Rates-of-Pay (Educators and Educator Trainees, AFSCME) (Repealed)
310.TABLE Z	Frozen RC-063-Rates-of-Pay (Physicians, AFSCME) (Repealed)
310.TABLE AB	Frozen RC-150-Rates-of-Pay (Public Service Administrators Option 6, AFSCME) (Repealed)
310.TABLE AD	Frozen RC-184-Rates-of-Pay (Public Service Administrators Option 8X Department of Natural Resources, SEIU Local 73) (Repealed)
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AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984;

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emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 3230, effective January 24, 1986; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July

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18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg.

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12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory

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amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill.

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Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at

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29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; preemptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; preemptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; preemptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December

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13, 2007; preemptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; preemptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; preemptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; preemptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; preemptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; preemptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; preemptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; preemptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; preemptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008; preemptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; preemptory amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009; preemptory amendment at 33 Ill. Reg. 3530, effective February 6, 2009; preemptory amendment at 33 Ill. Reg. 4202, effective February 26, 2009; preemptory amendment at 33 Ill. Reg. 5501, effective March 25, 2009; preemptory amendment at 33 Ill. Reg. 6354, effective April 15, 2009; preemptory amendment at 33 Ill. Reg. 6724, effective May 1, 2009; preemptory amendment at 33 Ill. Reg. 9138, effective June 12, 2009; emergency amendment at 33 Ill. Reg. 9432, effective July 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 10211, effective July 1, 2009; preemptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; preemptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; preemptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009; preemptory amendment at 33 Ill. Reg. 11895, effective July 31, 2009; preemptory amendment at 33 Ill. Reg. 12872, effective September 3, 2009; amended at 33 Ill. Reg. 14944, effective October 26, 2009; preemptory amendment at 33 Ill. Reg. 16598, effective November 13, 2009; preemptory amendment at 34 Ill. Reg. 305, effective December 18, 2009; emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 1425, effective January 5, 2010; preemptory amendment at 34 Ill. Reg. 3684, effective March 5, 2010; preemptory amendment at 34 Ill. Reg. 5776, effective April 2, 2010; preemptory amendment at 34 Ill. Reg. 6214, effective April 16, 2010; amended at 34 Ill. Reg. 6583, effective April 30, 2010; preemptory amendment at 34 Ill. Reg. 7528, effective May 14, 2010; amended at 34 Ill. Reg. 7645, effective May 24, 2010; preemptory amendment at 34 Ill. Reg. 7947, effective May 26, 2010; preemptory amendment at 34 Ill. Reg. 8633, effective June 18, 2010; amended at 34 Ill. Reg. 9759, effective July 1, 2010; preemptory amendment at 34 Ill. Reg. 10536, effective July 9, 2010; preemptory amendment at 34 Ill. Reg. 11864, effective July 30, 2010; emergency amendment at 34 Ill. Reg. 12240, effective August 9, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 13204, effective August 26, 2010; preemptory amendment at 34 Ill. Reg. 13657, effective September 8, 2010; preemptory amendment at 34 Ill. Reg. 15897, effective September 30, 2010; preemptory amendment at 34 Ill. Reg. 18912, effective November 15, 2010; preemptory amendment at 34 Ill. Reg. 19582, effective December 3, 2010; amended at 35 Ill. Reg. 765, effective December 30, 2010; emergency amendment at 35 Ill. Reg. 1092,

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

effective January 1, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 2465, effective January 19, 2011; preemptory amendment at 35 Ill. Reg. 3577, effective February 10, 2011; emergency amendment at 35 Ill. Reg. 4412, effective February 23, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 4803, effective March 11, 2011; emergency amendment at 35 Ill. Reg. 5633, effective March 15, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 5677, effective March 18, 2011; amended at 35 Ill. Reg. 8419, effective May 23, 2011; amended at 35 Ill. Reg. 11245, effective June 28, 2011; emergency amendment at 35 Ill. Reg. 11657, effective July 1, 2011, for a maximum of 150 days; emergency expired November 27, 2011; preemptory amendment at 35 Ill. Reg. 12119, effective June 29, 2011; preemptory amendment at 35 Ill. Reg. 13966, effective July 29, 2011; preemptory amendment at 35 Ill. Reg. 15178, effective August 29, 2011; emergency amendment at 35 Ill. Reg. 15605, effective September 16, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 15640, effective September 15, 2011; preemptory amendment at 35 Ill. Reg. 19707, effective November 23, 2011; amended at 35 Ill. Reg. 20144, effective December 6, 2011; amended at 36 Ill. Reg. 153, effective December 22, 2011; preemptory amendment at 36 Ill. Reg. 564, effective December 29, 2011; preemptory amendment at 36 Ill. Reg. 3957, effective February 24, 2012; preemptory amendment at 36 Ill. Reg. 4158, effective March 5, 2012; preemptory amendment at 36 Ill. Reg. 4437, effective March 9, 2012; amended at 36 Ill. Reg. 4707, effective March 19, 2012; amended at 36 Ill. Reg. 8460, effective May 24, 2012; preemptory amendment at 36 Ill. Reg. 10518, effective June 27, 2012; emergency amendment at 36 Ill. Reg. 11222, effective July 1, 2012, for a maximum of 150 days; preemptory amendment at 36 Ill. Reg. 13680, effective August 15, 2012; preemptory amendment at 36 Ill. Reg. 13973, effective August 22, 2012; preemptory amendment at 36 Ill. Reg. 15498, effective October 16, 2012; amended at 36 Ill. Reg. 16213, effective November 1, 2012; preemptory amendment at 36 Ill. Reg. 17138, effective November 20, 2012; preemptory amendment at 37 Ill. Reg. 3408, effective March 7, 2013; amended at 37 Ill. Reg. 4750, effective April 1, 2013; preemptory amendment at 37 Ill. Reg. 5925, effective April 18, 2013; preemptory amendment at 37 Ill. Reg. 9563, effective June 19, 2013; amended at 37 Ill. Reg. 9939, effective July 1, 2013; emergency amendment at 37 Ill. Reg. 11395, effective July 1, 2013, for a maximum of 150 days; preemptory amendment at 37 Ill. Reg. 11524, effective July 3, 2013; preemptory amendment at 37 Ill. Reg. 12588, effective July 19, 2013; preemptory amendment at 37 Ill. Reg. 13762, effective August 8, 2013; preemptory amendment at 37 Ill. Reg. 14219, effective August 23, 2013; amended at 37 Ill. Reg. 16925, effective October 8, 2013; preemptory amendment at 37 Ill. Reg. 17164, effective October 18, 2013; preemptory amendment at 37 Ill. Reg. 20410, effective December 6, 2013; preemptory amendment at 38 Ill. Reg. 2974, effective January 9, 2014; amended at 38 Ill. Reg. 5250, effective February 4, 2014; preemptory amendment at 38 Ill. Reg. 6725, effective March 6, 2014; emergency amendment at 38 Ill. Reg. 9080, effective April 11, 2014, for a maximum of 150 days; preemptory amendment at 38 Ill. Reg. 9136, effective April 11, 2014; amended at 38 Ill. Reg. 9207, effective April 21, 2014; preemptory amendment at 38

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Ill. Reg. 13416, effective June 11, 2014; amended at 38 Ill. Reg. 14818, effective July 1, 2014; peremptory amendment at 38 Ill. Reg. 15739, effective July 2, 2014; peremptory amendment at 38 Ill. Reg. 17481, effective July 29, 2014.

## SUBPART B: SCHEDULE OF RATES

**Section 310.210 Prevailing Rate**

- a) Prevailing rate means the rate of pay for each class and locality certified as being correct by the Director of the Illinois Department of Labor and approved by the Director of Central Management Services or as established under the Prevailing Wage Act [820 ILCS 130]. The following are prevailing rate classes:
- |   |                                       |
|---|---------------------------------------|
| Baker                                   | Roofer                                |
| Barber                                  | Sewage Plant Operator                 |
| Beautician                              | <del>Sign Hanger</del>                |
| Brickmason                              | <del>Sign Hanger Foreman</del>        |
| Carpenter                               | Sign Painter                          |
| Carpenter Foreman                       | Sign Painter Helper                   |
| Cement Finisher                         | Stationary Engineer                   |
| Electrician                             | Stationary Engineer – Assistant Chief |
| Highway Construction Equipment Operator | Stationary Engineer – Chief           |
| Laborer                                 | Stationary Fireman                    |
| Laborer (Building)                      | Steamfitter                           |
| Laborer Foreman                         | Teacher of Barbering                  |
| Machinist                               | Teacher of Beauty Culture             |
| Maintenance Worker (Power Plant)        | Tinsmith                              |
| Painter                                 | Trades Tender                         |
| Plasterer                               | Water Plant Operator                  |
| Plumber                                 |                                       |
- b) Maximum Security Rates – Positions in maximum security institutions shall receive a \$50 a month adjustment to the employee's monthly wages for all employees with seven or more years of continuous service with the Department of Corrections. Employees shall receive the adjustment as long as they remain employees at a maximum security facility.
- c) Effective January 1, 2006, employees shall be paid an additional 4.00% above the prevailing rate of wages for employees on the standard pension formula and 5.5%

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

above the prevailing rate of wages for employees on the alternative pension formula, minus the per hour costs of fringe benefits.

- d) Effective January 1, 2011, newly hired employees into positions at the Department of Human Services allocated to the Barber, Beautician, Brickmason, Carpenter, Carpenter Foreman, Cement Finisher, Electrician, Machinist, Maintenance Worker (Power Plant), Painter, Plasterer, Plumber, Sewage Plant Operator, Sign Hanger, Sign Hanger Foreman, Sign Painter, Sign Painter Helper, Stationary Engineer, Stationary Engineer – Assistant Chief, Stationary Engineer – Chief, Stationary Fireman, Steamfitter, Teacher of Barbering, Teacher of Beauty Culture, Tinsmith and Water Plant Operator titles shall be paid an additional 4.00% above the prevailing rate of wages, minus the per hour costs of fringe benefits. Newly hired employees are employees hired on or after January 1, 2011 who have never been a member of the State Employees' Retirement System (SERS) or any other reciprocal retirement system. Other reciprocal retirement systems are the Chicago Teachers' Pension Fund, County Employees' Annuity and Benefit Fund of Cook County, Forest Preserve District Employees' Annuity and Benefit Fund of Cook County, General Assembly Retirement System (GARS), Illinois Municipal Retirement Fund (IMRF), Judges Retirement System (JRS), Laborers' Annuity and Benefit Fund of Chicago, Metropolitan Water Reclamation District Retirement Fund, Municipal Employees Annuity and Benefit Fund of Chicago, State Universities Retirement System (SURS) and Teachers' Retirement System of the State of Illinois (TRS). Effective December 9, 2013, Sign Hanger and Sign Hanger Foreman positions are represented by the HR-001 bargaining unit (Section 310.Appendix A Table D).
- e) ~~Effective August 23, 2012, the Sign Hanger and Sign Hanger Foreman titles are not represented by the Sheet Metal Workers International Association or covered by the Agreement between the Department of Central Management Services of the State of Illinois and Sheet Metal Workers International Association signed June 12, 2009. The employees shall not be paid the additional 4.00% above the prevailing rate of wages for employees on the standard pension formula and 5.5% above the prevailing rate of wages for employees on the alternative pension formula, minus the per hour costs of fringe benefits. All overtime and/or holiday pay shall be set by the Cook County Prevailing Wage Rates. f) — In-Hire Rates – The State shall provide to the union a listing of all vacancies in the bargaining unit for each agency by March 1, 2014 with a recommended prioritization in filling of the vacancies by June 1, 2014. If requested by the union, representatives of the State shall be available to meet with the union and to discuss and receive~~



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Building Services														
Worker	05616	B	2951	16.96	3148	18.09	3344	19.22	3540	20.34	3737	21.48	3934	22.61
Elevator Operator	13500	B	3011	17.30	3212	18.46	3413	19.61	3613	20.76	3814	21.92	4015	23.07
Elevator Operator – Assistant														
Starter	13500	B	3050	17.53	3254	18.70	3457	19.87	3660	21.03	3864	22.21	4067	23.37
Elevator Operator – Starter														
	13500	B	3069	17.64	3274	18.82	3478	19.99	3683	21.17	3887	22.34	4092	23.52
Grounds														
Supervisor	17549	B	4471	25.70	4769	27.41	5066	29.11	5365	30.83	5663	32.55	5961	34.26
Grounds Supervisor (DHS – Chicago Read)														
	17549	B	4633	26.63	4942	28.40	5251	30.18	5559	31.95	5868	33.72	6177	35.50
Grounds Supervisor (DHS – Supervisor Tractor Trailer)														
	17549	B	4854	27.90	5178	29.76	5501	31.61	5825	33.48	6149	35.34	6472	37.20
Heavy Construction Equipment Operator (Regular – RG)														
	18465	Q	4739	27.24	5054	29.05	5370	30.86	5687	32.68	6002	34.49	6318	36.31
Heavy Construction Equipment Operator (Bridge Crew – BC)														
	18465	Q	4806	27.62	5127	29.47	5448	31.31	5768	33.15	6088	34.99	6409	36.83
Highway Maintainer (Regular – RG)														
	18639	Q	4641	26.67	4950	28.45	5259	30.22	5568	32.00	5878	33.78	6187	35.56
Highway Maintainer (Bridge Crew – BC)														
	18639	Q	4711	27.07	5026	28.89	5340	30.69	5654	32.49	5968	34.30	6282	36.10
Highway Maintainer (Drill Rig – DR)														
	18639	Q	4739	27.24	5054	29.05	5370	30.86	5687	32.68	6002	34.49	6318	36.31
Highway Maintainer (Emergency Patrol – EP)														
	18639	Q	4741	27.25	5057	29.06	5378	30.87	5689	32.70	6005	34.51	6321	36.33
Highway Maintenance														
	18659	Q	4770	27.41	5087	29.24	5405	31.06	5723	32.89	6040	34.71	6359	36.55

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Lead Worker (Regular – RG) Highway Maintenance Lead Worker (Bridge Crew – BC)	18659	Q	4837	27.80	5159	29.65	5483	31.51	5805	33.36	6127	35.21	6449	37.06
Highway Maintenance Lead Worker (Emergency Patrol – EP)	18659	Q	4867	27.97	5192	29.84	5516	31.70	5841	33.57	6165	35.43	6489	37.29
Highway Maintenance Lead Worker (Lead Lead Worker) (Regular – RG)	18659	Q	4817	27.68	5139	29.53	5459	31.37	5780	33.22	6102	35.07	6423	36.91
Highway Maintenance Lead Worker (Lead Lead Worker) (Bridge Crew – BC)	18659	Q	4886	28.08	5211	29.95	5537	31.82	5862	33.69	6188	35.56	6514	37.44
Highway Maintenance Lead Worker (Lead Lead Worker) (Emergency Patrol – EP)	18659	Q	4916	28.25	5244	30.14	5571	32.02	5899	33.90	6227	35.79	6555	37.67
Laborer (Maintenance) (Regular – RG)	23080	B	4492	25.82	4792	27.54	5091	29.26	5391	30.98	5690	32.70	5989	34.42
Maintenance Equipment Operator	25020	B	4583	26.34	4888	28.09	5194	29.85	5499	31.60	5805	33.36	6110	35.11
Maintenance Equipment Operator (DHS – Tractor Trailer)	25020	B	4605	26.47	4912	28.23	5219	30.95	5526	31.76	5833	33.52	6140	35.29
Maintenance Equipment Operator (Dispatcher)	25020	B	4751	27.30	5067	29.12	5385	29.99	5701	32.76	6018	34.59	6334	36.40

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## NOTICE OF PEREMPTORY AMENDMENTS

Maintenance Worker (not DOT, DHS – Chicago Read or DHS – Forensic)	25500	B	4440	25.52	4736	27.22	5032	28.92	5328	30.62	5624	32.32	5920	34.02
Maintenance Worker (DHS – Chicago Read)	25500	B	4583	26.34	4888	28.09	5194	29.85	5499	31.60	5805	33.36	6110	35.11
Maintenance Worker (DHS – Forensic)	25500	Q	4641	26.67	4950	28.45	5259	30.22	5568	32.00	5878	33.78	6187	35.56
Maintenance Worker (DOT – Regular – RG)	25500	B	4529	26.03	4831	27.76	5133	29.50	5435	31.24	5736	32.97	6038	34.70
Maintenance Worker (DOT – Emergency Patrol – EP)	25500	B	4626	26.59	4934	28.36	5242	30.13	5550	31.90	5859	33.67	6167	35.44
Power Shovel Operator (Maintenance) (Regular – RG)	33360	B	4806	27.62	5127	29.47	5448	31.31	5768	33.15	6088	34.99	6409	36.83
<u>Sign Hanger</u>	<u>40900</u>	<u>B</u>	<u>4640</u>		<u>4950</u>		<u>5259</u>		<u>5568</u>		<u>5878</u>		<u>6187</u>	
<u>Sign Hanger Foreman</u>	<u>40910</u>	<u>B</u>	<u>4769</u>		<u>5087</u>		<u>5405</u>		<u>5723</u>		<u>6041</u>		<u>6359</u>	

NOTES: Shift Differential Pay – Employees (except Snowbirds) required to work a shift different than their normal day shift will be paid a \$0.50 per hour shift premium provided that ½ or more of their work shift falls before 6:30 a.m. or after 3:00 p.m. This shift premium does not include those employees normally working shifts other than the normal day shift or employees hired into positions where the regular shift hours are not considered day shift hours, or snow or ice season.

Clothing Allowance – Effective July 1, 2011, the clothing allowance for Lead Workers, Lead Lead Workers, Heavy Construction Equipment Operator, Highway Maintainers, and Maintenance Workers (Illinois Department of Transportation) employees increases to \$200.

Stipend – Employees shall receive a one-time 2.25% stipend that will not be added into the base salary effective June 1, 2013. Permanent part-time employees will be paid a pro-rated stipend based upon their regular work schedule, which will not be added into

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

the base salary. To be eligible for the stipend, the employee must be on payroll June 1, 2013. Employees on leave of absence who would otherwise be eligible will receive the lump sum stipend to which they are entitled upon return to the active payroll during fiscal year 2013. An employee, who worked during fiscal year 2013, which dates are July 1, 2012 through June 30, 2013, and were on an authorized Worker's Compensation Leave of Absence, shall be paid the fiscal year 2013 stipend upon their official return to work sometime during fiscal year 2014, unless otherwise compensated for the stipend. Return to work is defined as the employee's first day back to active payroll status with an authorized licensed physician's release.

**In-Hire Rate** – In-hire rates are located in Section 310.47(a). Employees who are promoted and are in the in-hire progression will promote to the next step of the in-hire rate of the higher classification. In addition, temporary assignments shall also be calculated at the in-hire rates. Employees in the in-hire will receive a 5% increase each year for five years on their anniversary date in order to obtain the full rate. All full scale employees will be promoted to the full-scale rate of the next higher classifications, upon promotion.

(Source: Amended by peremptory rulemaking at 38 Ill. Reg. 17481, effective July 29, 2014)

## DEPARTMENT OF INSURANCE

## NOTICE OF RECODIFICATION

- 1) Heading of the Part: Viatical Settlement Provider Reporting Requirements
- 2) Code Citation: 50 Ill. Adm. Code 5701
- 3) Date of Administrative Code Division Review: August 4, 2014
- 4) Purpose of Recodification: DOI is recodifying the Part to reflect the July 1, 2009 transfer of the powers, duties, rights and responsibilities of the Department of Financial and Professional Regulation-Division of Insurance to the Department of Insurance pursuant to Public Act 96-811. The Part number and all Section numbers remain the same.
- 5) Headings and Section Numbers of the Part Being Recodified:

<u>Section Numbers:</u>	<u>Headings:</u>
5701.10	Purpose
5701.20	Definitions
5701.100	Reporting Requirements
5701.EXHIBIT A	Viatical Settlement Provider Report and Instructions – All States and Territories
5701.EXHIBIT B	Viatical Settlement Provider Report and Instructions – Illinois Transactions Only
5701.EXHIBIT C	Individual Mortality Report and Instructions – Illinois Transactions Only
5701.EXHIBIT D	Viatical Settlement Provider Certification

- 6) Outline of the Section Numbers and Headings of the Part as Recodified:

<u>Section Numbers:</u>	<u>Headings:</u>
5701.10	Purpose
5701.20	Definitions
5701.100	Reporting Requirements
5701.EXHIBIT A	Viatical Settlement Provider Report and Instructions – All States and Territories
5701.EXHIBIT B	Viatical Settlement Provider Report and Instructions – Illinois Transactions Only
5701.EXHIBIT C	Individual Mortality Report and Instructions – Illinois Transactions Only
5701.EXHIBIT D	Viatical Settlement Provider Certification

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

7) Conversion Table of Present and Recodified Sections:

<u>Present Sections:</u>	<u>Recodified Sections:</u>
5701.10	5701.10
5701.20	5701.20
5710.100	5710.100
5701.EXHIBIT A	5701.EXHIBIT A
5701.EXHIBIT B	5701.EXHIBIT B
5701.EXHIBIT C	5701.EXHIBIT C
5701.EXHIBIT D	5701.EXHIBIT D

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received during the period of July 29, 2014 through August 4, 2014. The DOR rulemaking is scheduled for review at the Committee's August 12, 2014 meeting. The DCFS rulemaking is scheduled for review at the Committee's September 16, 2014 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
9/12/14	<u>Department of Revenue, Income Tax (86 Ill. Adm. Code 100)</u>	6/6/14 38 Ill. Reg. 11716	8/12/14
9/17/14	<u>Department of Children and Family Services, Use of Department Facilities and Grounds (89 Ill. Adm. Code 433)</u>	1/10/14 38 Ill. Reg. 610	9/16/14

## PROCLAMATIONS

**2014-302****Blood Drive Coordinator Month**

WHEREAS, patients in Illinois hospitals require a year-round supply of donated blood; and,

WHEREAS, blood centers rely 100% on donations from volunteer donors in order to maintain a safe and viable blood supply; and,

WHEREAS, a single trauma patient can use over 100 units of blood; and,

WHEREAS, a single donation can save the lives of up to three people; and,

WHEREAS, blood only has a shelf life of 42 days; and,

WHEREAS, blood centers rely heavily not only on blood donated on their premises but on blood drives organized throughout their communities by volunteers; and,

WHEREAS, though there are many honors for donors, volunteer blood drive coordinators are often the "unsung heroes." They are responsible for hundreds of donations and are invaluable to the blood centers; and,

WHEREAS, blood drive coordinators play a vital role in educating the public on the importance of blood donation; and,

WHEREAS, many blood drive coordinators are responsible for the recruitment of many first time blood donors, many of whom become regular donors over the course of their lifetimes; and,

WHEREAS, the State of Illinois recognizes the importance of blood donation through the Blood Donation Act, the Employee Blood Donation Leave Act and the Organ Donor Act; and,

WHEREAS, the Illinois Coalition of Community Blood Centers presents annual awards throughout the state to individuals who have made a major impact in their communities through their blood drive collection efforts; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim July 2014 as **BLOOD DRIVE COORDINATOR MONTH** in Illinois, and encourage Illinoisans to consider volunteering to coordinate a blood drive in their community, and encourage blood centers, units of local government, civic organizations and businesses, and others to honor volunteers in their community who coordinate local blood drives.

## PROCLAMATIONS

Issued by the Governor July 11, 2014  
Filed by the Secretary of State August 1, 2014

**2014-303**  
**Chamber of Commerce Week**

WHEREAS, chambers of commerce work with businesses, merchants, and industry to advance the civic, economic, industrial, professional and cultural life of the State of Illinois; and,

WHEREAS, chambers of commerce have contributed to the civic and economic life of Illinois for 176 years since the founding of the Galena Chamber of Commerce in 1838; and,

WHEREAS, this year marks the 95th anniversary of the founding of the Illinois Chamber of Commerce, the state's leading broad-based business organization; and,

WHEREAS, the chamber of commerce and its members provide citizens with a strong business environment that increases employment, retail trade and commerce, and industrial growth in order to make the State of Illinois a better place to live; and,

WHEREAS, the chamber of commerce encourages the growth of existing industries, services, and commercial firms and also encourages new firms and individuals to locate in the State of Illinois; and,

WHEREAS, the State of Illinois is home to international chambers of commerce, the Great Lakes Region Office of the U.S. Chamber of Commerce, the Illinois Chamber of Commerce and more than 400 local chambers of commerce; and,

WHEREAS, this year marks the 99th anniversary of the Illinois Association of Chamber of Commerce Executives, a career development organization for the chamber of commerce professionals; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, proclaim September 8-12, 2014, as **CHAMBER OF COMMERCE WEEK** in Illinois, and encourage all citizens to recognize the important role that chambers of commerce play in the economic well being of their communities.

Issued by the Governor July 11, 2014  
Filed by the Secretary of State August 1, 2014

**2014-304**  
**Frank Schwab Day**

## PROCLAMATIONS

WHEREAS, Frank J. Schwab will be retiring from Community Action after 42 years of service; and,

WHEREAS, Frank Schwab dedicated his life to fighting for social and economic justice on behalf of children and families who find themselves in the predicament of poverty; and,

WHEREAS, Frank Schwab has taken the mission of service to heart and often has been involved in a multitude of spheres resolving the paradox of poverty in the midst of plenty in this great nation; and,

WHEREAS, Frank Schwab started with the Illinois Association of Community Action Agencies as its first Executive Director/Secretary from 1972-1973; and,

WHEREAS, Frank Schwab became a planner for Illinois Valley Economic Development Corporation, a local Community Action Agencies serving Greene, Calhoun, Macoupin and Jersey Counties from 1973-1974; and,

WHEREAS, Frank Schwab served as Illinois Valley Economic Development Corporation's Assistant Director from 1974-1979; and,

WHEREAS, Frank Schwab became the Executive Director of Illinois Valley Economic Development Corporation from 1979 to July 18, 2014, where under his leadership the agency fought poverty and uplifted those who live on the margins of our economic system with the following programs and services: Child Development Center, Community Care for the Elderly, Community Services Block Grant, Early Years Learning Center; Family and Community Development, Family Planning, Head Start Program, Illinois Weatherization Assistance Program, Low Income Home Energy Assistance Program, Rehabilitation Centers for the Developmentally Disabled, Senior Citizen Meals and Transportation Programs, Transitional Housing; and,

WHEREAS, Frank Schwab has been a member of the Illinois Association of Community Action Agencies' (IACAA) Board of Directors for over 20 years, and has served as its Secretary of the Board, chair of the legislative committee, member of the building committee and a state appointed representative to the Department of Commerce and Economic Opportunity's Policy Advisory Council on energy assistance programs; and,

THEREFORE, I Pat Quinn, Governor of the State of Illinois, proclaim July 18, 2014, as **FRANK SCHWAB DAY** in Illinois and commend him for his dedicated service to those less fortunate in our state.

Issued by the Governor July 11, 2014

Filed by the Secretary of State August 1, 2014

## PROCLAMATIONS

**2014-305****Illinois Flag Display Act- Senator Alan Dixon**

WHEREAS, Senator Alan Dixon devoted his life to public service and was a fervent advocate for Illinois; and,

WHEREAS, Senator Alan Dixon was a pioneer for all people and believed that honesty and integrity were pivotal in a credible democratic government; and,

WHEREAS, Senator Alan Dixon was born in Belleville, Illinois on July 7, 1927; and,

WHEREAS, Senator Alan Dixon served in the Navy Air Corps in World War II and graduated from the University of Illinois at Urbana-Champaign and Washington University School of Law in St. Louis, Missouri; and,

WHEREAS, Senator Alan Dixon was an Illinois Democrat, and his career in national and state politics spanned more than 40 consecutive years in public office; and,

WHEREAS, Senator Alan Dixon had a patriot's determination to do what was best for his state and nation; and,

WHEREAS, Senator Alan Dixon served with distinction in both houses of the Illinois General Assembly and held two statewide offices as he was elected Illinois Treasurer in 1970 and Secretary of State in 1976; and,

WHEREAS, Senator Alan Dixon took office as a United States Senator where he served from 1981 to 1993; and,

WHEREAS, Senator Alan Dixon passed away on July 6, 2014 at age 86 at his home in Fairview Heights; and,

WHEREAS, Senator Alan Dixon, throughout his life, taught us all about the right way to move forward in our democracy and are all better off because of his purposeful life; and,

WHEREAS, Senator Alan Dixon leaves behind his legacy and loving memories to his wife, Joan Louise; his daughters, Stephanie and Elizabeth; his son, Jeffrey; eight grandchildren; and six great-grandchildren; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff from sunrise until

## PROCLAMATIONS

sunset on July 14, 2014 in honor and remembrance of Senator Alan Dixon, whose selfless service is an inspiration.

Issued by the Governor July 11, 2014

Filed by the Secretary of State August 1, 2014

**2014-306****Keith Brown Day**

WHEREAS, the State of Illinois is pleased to congratulate Keith O. Brown on his retirement from Community Action after 42 years of service; and,

WHEREAS, Keith Brown dedicated his life to fighting for social and economic justice on behalf of children and families who find themselves in the predicament of poverty; and,

WHEREAS, Keith Brown has taken the mission of service to heart and often has been involved in a multitude of spheres resolving the paradox of poverty in the midst of plenty in this great nation; and,

WHEREAS, Keith Brown began his employment with B.C.M.W. Community Services (formerly Kaskaskia Community Action Agency) in the spring of 1972 as a coordinator for the Neighborhood Youth Corp Program; and,

WHEREAS, Keith Brown became a planner for B.C.M.W. Community Services and gathered data and developed grant applications for funding at the State and Federal level; and,

WHEREAS, Keith Brown served as B.C.M.W. Community Services' Deputy Director from 1977-1997; and,

WHEREAS, Keith Brown became the Executive Director of B.C.M.W. Community Services from 1997 – September 5, 2014, where under his leadership the agency fought poverty and uplifted those who live on the margins of our economic system with the following programs and services: Community Services Block Grant, Head Start, LIHEAP, Weatherization, HOME (Single Family Rehab), HTF (Energy Conservation & Home Repair Program, Homebuyer Assistance Program, Transitional Housing, Senior Nutrition, DHS Homeless Prevention, and Emergency Food & Shelter National Board Program; and,

WHEREAS, under Keith Brown's leadership as the Executive Director of B.C.M.W. Community Services he was instrumental in negotiating the purchase of a building for the Golden Age Senior Center in Centralia, Illinois which houses the kitchen facilities for the Senior Nutrition Program and the B.C.M.W. Head Start Program along with the senior congregate meal site; and,

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WHEREAS, Keith Brown has been a member of the Illinois Association of Community Action Agencies' (IACAA) Board of Directors for over 20 years; and,

THEREFORE, I Pat Quinn, Governor of the State of Illinois, proclaim September 5, 2014, as **KEITH BROWN DAY** in Illinois and commend him for his dedicated service to those less fortunate in our state.

Issued by the Governor July 11, 2014

Filed by the Secretary of State August 1, 2014

**2014-307****Career and Technical Organizations Week**

WHEREAS, the proper education of today's youth is a concern of all Americans; and,

WHEREAS, career and technical student organizations are dedicated to the advancement of proper education, training and development of America's youth; and,

WHEREAS, for more than 35 years, organizations such as the Illinois Coordinating Council for Career and Technical Student Organizations (ICCCTSO) have advanced awareness of the importance of career and technical student organizations as an integral part of the educational curriculum; and,

WHEREAS, career and technical student organizations in Illinois include the Business Professionals of America, Future Business Leaders of America (FBLA), Illinois Association of Family, Career and Community Leaders of America (FCCLA), Health Occupations Students of America (HOSA), Illinois Association of FFA (FFA), Illinois Association of DECA (DECA), Illinois Postsecondary Agricultural Student Organization (PAS), Phi Beta Lambda (PBL), Illinois Association of SkillsUSA (SkillsUSA), and Technology Student Association (TSA); and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 5 – 11, 2014 as **CAREER AND TECHNICAL ORGANIZATIONS WEEK** in Illinois, in recognition of the contributions made by these organizations to the education of our youth.

Issued by the Governor July 14, 2014

Filed by the Secretary of State August 1, 2014

**2014-308****Chicago Defender Charities Inc. Bud Billiken® Day**

## PROCLAMATIONS

WHEREAS, Chicago Defender Charities Inc. has a long tradition of helping Illinoisans in need through charitable aid such as financial assistance and scholarships to students, and gift baskets to public housing residents during the holiday seasons; and,

WHEREAS, Chicago Defender Charities Inc. also sponsors the historic 85th Annual Bud Billiken® Parade and Picnic to be held this year on August 9th, 2014; and,

WHEREAS, for the past 85 years, the Bud Billiken® Parade and Picnic has provided wholesome fun and safe entertainment without charge to thousands of children; and,

WHEREAS, the Chicago Defender Charities Inc. Bud Billiken® Parade and Picnic has become one of Chicago's most celebrated rites of summer for thousands of children returning to school, and a greatly anticipated event for families throughout the state; and,

WHEREAS, the Chicago Defender Charities Inc. has always been committed to the support, encouragement and education of our youth; and,

WHEREAS, this year's parade theme is "Education: The One Tool You Can Never Lose," which highlights the importance of educating our children; and,

WHEREAS, the Chicago Defender Charities is also recognizing Historically Black Colleges and Universities and their commitment to provide education for African American youth; and,

WHEREAS, the Chicago Defender Charities will continue the green initiative Green Team Conservation & Recycling Program to train, employ and prepare our youth for the emerging green economy; and,

WHEREAS, organizations and events such as Chicago Defender Charities Inc. and the Bud Billiken® Parade promote community service and unity, which are vital to the strength and success of communities throughout the Land of Lincoln; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 9th, 2014 as **CHICAGO DEFENDER CHARITIES INC. BUD BILLIKEN® DAY** in Illinois, and urge all citizens to join in the festivities.

Issued by the Governor July 14, 2014

Filed by the Secretary of State August 1, 2014

**2014-309**  
**German American Day**

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WHEREAS, the United States of America is a land of opportunity where people are recognized for their diverse heritage; and,

WHEREAS, Germans first immigrated to our shores during early American colonial history. Among the first group to immigrate were 13 Mennonite families from Krefeld who founded Germantown, Pennsylvania; and,

WHEREAS, in 1987, President Ronald Reagan issued a proclamation recognizing the many achievements and successes of German Americans. Since then, German American Day has been celebrated every year; and,

WHEREAS, in Illinois, German Americans have been influential in every field from the sciences and manufacturing to the arts and government. Germans began arriving in Illinois in the 1830s, and by 1900, German Americans comprised one-quarter of Chicago's population. Elected in 1892, John Altgeld served as the first German-born Governor of Illinois; and,

WHEREAS, German Americans contribute significantly to this country working in a variety of different professions. It is important that we recognize their valuable contributions to making the United States a world leader in business and politics, and the bravery they have displayed in serving our country during times of war, dating as far back as the American revolution; and,

WHEREAS, this year, German Americans in our state and throughout the country will celebrate their heritage on October 6th; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 6, 2014 as **GERMAN AMERICAN DAY** in Illinois to recognize the heritage of German Americans, who have made significant and valuable contributions to American culture and life since first arriving more than 300 years ago.

Issued by the Governor July 14, 2014

Filed by the Secretary of State August 1, 2014

**2014-310****Infant Safe Sleep Awareness Month**

WHEREAS, Sudden Unexpected Infant Deaths (SUID) is the sudden and unexpected death of an infant, birth to age 1 year, in which the manner and cause of death are not immediately obvious prior to investigation; and,

WHEREAS, Sudden Infant Death Syndrome (SIDS) is a subset of SUID and remains the number one cause of infant death between the age of 28 days of life to 1 year; and,

## PROCLAMATIONS

WHEREAS, the tragedy of SUID can happen to any family, regardless of race, ethnicity, or economic group; and,

WHEREAS, evidence based research has proven that when babies are placed in a crib alone; in the parents' room; on their backs; on a firm crib mattress with a fitted crib sheet; using no crib bumper pads, pillows, blankets, quilts, or stuffed animals and toys, in a smoke-free environment, they will sleep safest and reduce the risk of SIDS and prevent many other infant deaths; and,

WHEREAS, Sudden Infant Death Services (SIDS) of Illinois, Inc.; is a Statewide not for profit organization; dedicated to providing infant safe sleep education, bereavement support services, and creating community awareness around preventing sleep related infant deaths; and,

WHEREAS, during the month of October, SIDS of Illinois, Inc. will hold special events including Community Baby Showers and distribution of Pack n Play portable cribs to families in need, therefore providing the best opportunity for all babies in Illinois to survive and thrive; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2014 as **INFANT SAFE SLEEP AWARENESS MONTH** in Illinois, in order to raise awareness about preventing sleep related infant deaths and to encourage infant safe sleep practices so that no parent will have to endure the tragedy of infant death.

Issued by the Governor July 14, 2014

Filed by the Secretary of State August 1, 2014

**2014-311****Manufacturing Month**

WHEREAS, manufacturing in the United States makes significant contributions to our local, state, and national economies; and,

WHEREAS, manufacturing in Illinois has been the historical bedrock of the state's economy for nearly two centuries; and,

WHEREAS, the State of Illinois is fortunate to have over 14,000 manufacturing establishments in a wide range of areas including machinery, food and beverages, fabricated metal products, chemical manufacturing, petroleum and coal products, and computer and electronic products; and,

WHEREAS, manufacturing is key to driving economic growth in Illinois and creating solid, middle-class jobs; and,

## PROCLAMATIONS

WHEREAS, manufacturers in Illinois account for over 13 percent of the total output in the state, employing 10 percent of the workforce; and,

WHEREAS, manufacturing is the primary source of Illinois exports, accounting for 95 percent of all exports; and,

WHEREAS, manufacturing in Illinois provides skilled, well-paying jobs; according to the National Association of Manufacturers, manufacturing compensation is on average 18% higher than other non-farm employers; and,

WHEREAS, one of the most important tools for any business to remain competitive in a 21st century economy is a well-trained workforce, and Illinois continues to make strategic investments in training and support services to improve the competitiveness of Illinois workers, who are among the most productive in the nation; and,

WHEREAS, through programs such as the Employer Training Investment Program (ETIP), the Job Training and Economic Development Program (JTED), the State Energy Sector Partnership (SESR), the Illinois Entrepreneurship Network (IEN), and resources led by the Manufacturing STEM Learning Exchange, the Illinois Manufacturers' Association, the Illinois Manufacturing Excellence Center (IMEC and many others), Illinois is providing its manufacturers with key business tools to improve their bottom line and further enhance the state's business climate; and,

WHEREAS, with the opening of the Illinois' Digital Laboratory for Manufacturing set for later this year, and implementation of the Manufacturers Education Initiative at over 25 community colleges and another 20 high schools around the state, Illinois' manufacturing remains an integral part of our economy and preserves Illinois' position as a top competitor in today's global marketplace; and,

WHEREAS, careers in today's modern advanced manufacturing rely on clean, well-lit and climate controlled environments and provide complete benefits to all employees including healthcare and retirement plans; and,

WHEREAS, October 3, 2014 is National Manufacturing Day; and,

WHEREAS, during the entire month of October, manufacturers, educational institutions, and other organizations throughout Illinois will host events to highlight the importance of manufacturing to our state's economy, draw attention to the many rewarding jobs in the manufacturing field, and improve general public perception of manufacturing careers by holding open houses, public tours, career workshops, and business-school partnerships, while also introducing manufacturers to business improvement resources and services; and,

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THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2014 as **MANUFACTURING MONTH** in Illinois, and encourage all residents; students, parents, educators, media, customers, suppliers and the community at large to recognize the importance of ensuring a thriving manufacturing sector throughout the Land of Lincoln by investing time and resources to assure success of manufacturing month activities.

Issued by the Governor July 14, 2014

Filed by the Secretary of State August 1, 2014

**2014-312****Sing Tao Newspaper Day**

WHEREAS, since opening its first overseas office in the United States in 1965, Sing Tao Newspaper has served readers of all ages, education, and income levels, including old-time Chinese settlers as well as new immigrants, students, and visitors from mainland China, Taiwan, Hong Kong, and Southeast Asia; and,

WHEREAS, through publishing a Chicago edition since 1980 and maintaining an office in the city, Sing Tao Newspaper has had a strong presence in the Land of Lincoln for many years; and,

WHEREAS, Sing Tao Newspaper's leadership in the community and its dedication to supporting charitable activities such as the arts, cultural activities, and disaster relief are well recognized and have positively impacted the Asian community; and,

WHEREAS, to celebrate an anniversary such as this is a significant milestone for any newspaper, and provides an excellent opportunity to reflect on everything that has been accomplished over the past seventy-six years, while making plans for the future that will build on past successes; and,

WHEREAS, Sing Tao Newspaper's longevity is a testament to the quality of services it provide its readers and the community at large, as well as the relationships it has developed over the years; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 1, 2014 as **SING TAO NEWSPAPER DAY** in Illinois, in commemoration of its 76th Anniversary, and do hereby offer my best wishes for an enjoyable and memorable celebration, and many years of continued success.

Issued by the Governor July 14, 2014

Filed by the Secretary of State August 1, 2014

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**Jim Brosnan Day**

WHEREAS, born in Cincinnati on October 24, 1929, to parents John and Rose, Jim Brosnan developed a passion at a young age for music, reading, and baseball; and,

WHEREAS, Jim Brosnan started his professional baseball career as a Cubs' minor-leaguer at 17 and was brought up to the Major Leagues in 1954; and,

WHEREAS, Jim Brosnan served his country with honor as a member of the United States Army from 1951-1953; and,

WHEREAS, Jim Brosnan played nine seasons in the majors, accumulating a record of 55-47 and 67 saves for the Reds, Cubs, Cardinals, and White Sox. He had a lifetime 3.54 earned-run average in 831 appearances and once struck out Willie Mays three times in a single game; and,

WHEREAS, in 1961, Jim Brosnan had a 10-4 record with 16 saves, then pitched three times in the Reds' five-game loss to the New York Yankees in the World Series; and,

WHEREAS, in addition to his accomplishments on the baseball field, Jim Brosnan was a talented author who wrote "The Long Season," "Pennant Race," and many children's books; and,

WHEREAS, "The Long Season," which was taken from Jim Brosnan's diary of his 1959 season with the Cardinals and Reds, revolutionized sports journalism and was listed by Sports Illustrated magazine in 2002 as one of the top 20 sports books ever written; and,

WHEREAS, after leaving baseball in 1963 at the age of 34, Jim Brosnan became a longtime TV and radio broadcaster, magazine writer, and author of children's sports books. He wrote occasional book reviews for the old Chicago Daily News and The New York Times and, for 25 years, was the baseball writer for Boy's Life magazine; and,

WHEREAS, despite the tremendous successes he achieved, Jim Brosnan always remained loyal to the people of the Land of Lincoln; and,

WHEREAS, Jim Brosnan was married to his wife, Anne Stewart Brosnan, for more than 50 years until her death in 2013; and,

WHEREAS, Jim Brosnan passed away on June 29, 2014, in Park Ridge, Illinois, at the age of 84; and,

WHEREAS, a visitation will be held at 1 p.m. on July 20, 2014, at Simkins Funeral Home in Morton Grove, Illinois, for Jim Brosnan, who is survived by many loving family members and

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friends, including his three children, Jamie Kruidenier, Tim Brosnan and Kimberlee Brosnan-Myers; a brother, Michael; a sister, Carol; and four grandchildren; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim July 20, 2014, as **JIM BROSINAN DAY** in Illinois, in recognition of his achievements as an athlete and writer, and in recognition of the powerful legacy he leaves behind.

Issued by the Governor July 16, 2014

Filed by the Secretary of State August 1, 2014

**2014-314****Lao Veterans Day**

WHEREAS, Lao veterans fought the so-called "Secret War" for 15 years, helping the United States' forces in Laos during Vietnam; and,

WHEREAS, the United States was involved in combat operations during the Vietnam War from November 1, 1955, to November 30, 1975; and,

WHEREAS, in 1961, North Vietnam advanced into South Vietnam using the Ho Chi Minh Trail, which crossed into Laos; and,

WHEREAS, Lao soldiers and airmen were recruited and trained to engage in guerilla warfare against the North Vietnamese. They heroically fought alongside American soldiers, rescued pilots whose planes went down, and defended American outposts; and,

WHEREAS, during their time of military service, Lao soldiers were injured, tortured, and killed; and,

WHEREAS, after the evacuation of allied forces at the end of Vietnam, many Lao soldiers as well as their family members were forced to seek refuge in Thailand and eventually immigrated to the United States and Illinois; and,

WHEREAS, Lao veterans and their families have made vast economic and cultural contributions to the State of Illinois; and,

WHEREAS, it is always important to recognize the service and sacrifices of Lao veterans who served with honor and distinction during the Vietnam War; and,

WHEREAS, July 19, 1949, is the day that the Lao government received its independence from France as well as the day that the Lao Army was formed; and,

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WHEREAS, a dedication ceremony for a Lao veterans memorial monument will take place on July 19, 2014, at Elgin Veterans Memorial Park. This event provides an opportune time for the people of the Land of Lincoln to commend Lao veterans; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim July 19, 2014, as **LAO VETERANS DAY** in Illinois, in remembrance of the brave Laotian soldiers who served during Vietnam.

Issued by the Governor July 16, 2014

Filed by the Secretary of State August 1, 2014

**2014-315****Congressman Kenneth "Ken" James Gray Day**

WHEREAS, born on November 14, 1924, in West Frankfort, Illinois, Congressman Kenneth "Ken" James Gray would go on to be one of our state's most accomplished public officials, serving in Congress from 1955 to 1974 and again from 1985 to 1989; and,

WHEREAS, Congressman Ken Gray attended the West Frankfort and Pope County Elementary Schools and graduated from West Frankfort Community High School; and,

WHEREAS, a patriotic American, Congressman Ken Gray served our nation with distinction as a member of the U.S. Army Air Force during World War II; and,

WHEREAS, Congressman Ken Gray, a dedicated public servant and fervent promoter of the interests of southern Illinois, brought \$7 billion in federal projects to his district, including bringing a federal prison to Marion and acquiring funding to build Interstate 57; and,

WHEREAS, in 2008, a section of Interstate 57 was named in honor of Congressman Ken Gray and is now known as the "Ken Gray Expressway"; and,

WHEREAS, outside of his elected duties, Congressman Ken Gray was a used-car dealer, magician, licensed auctioneer, and one of the founders of the Walking Dog Foundation for the Blind; and,

WHEREAS, Congressman Ken Gray was a gentleman and statesman who always advocated passionately for the region he loved and the people of Illinois. The kindness that he displayed towards others is admirable and serves as an inspiration to other public servants; and,

WHEREAS, Congressman Ken Gray passed away on July 12, 2014; and,

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WHEREAS, a visitation and funeral will be held at the Benton Civic Center on July 19, 2014, for Congressman Ken Gray, who is survived by many loving family members, friends, and constituents who are grateful for the numerous ways he positively impacted their lives; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby declare July 19, 2014, as **CONGRESSMAN KENNETH "KEN" JAMES GRAY DAY** in Illinois, in recognition of his commitment to public service and the powerful legacy he leaves behind.

Issued by the Governor July 17, 2014

Filed by the Secretary of State August 1, 2014

**2014-316****Nelson Mandela Day**

WHEREAS, Nelson Mandela devoted his life to the advancement of civil rights, ending apartheid in South Africa, and public service. He believed in the ideal of a democratic and free society, and challenged all citizens to help build a more perfect union and live up to the purpose and potential of South Africa; and,

WHEREAS, born into the Madiba clan in Mvezo, Transkei, Nelson Mandela became actively involved in the anti-apartheid movement in his 20s and joined the African National Congress in 1942; and,

WHEREAS, for 20 years, Nelson Mandela coordinated a campaign of non-violent resistance against the South African government and its discriminatory policies; and,

WHEREAS, those who were drawn to the anti-apartheid cause were inspired by Nelson Mandela's extraordinary example of making sacrifices for the greater good; and,

WHEREAS, after being released from prison, Nelson Mandela continued his activism and was elected as South Africa's first black president on May 10, 1994, at the age of 77; and,

WHEREAS, International Nelson Mandela Day of Service, which is taking place on July 18th, President Mandela's birthday, is an opportune time for the people of Illinois to recognize the life and work of Nelson Mandela and a day for everyone to serve others; and,

WHEREAS, thousands of volunteers in cities and towns across the world will be participating in community service projects during this year's International Nelson Mandela Day of Service; and,

WHEREAS, this day focuses on bringing people together and breaking down the barriers that have divided the people of South Africa; and,

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WHEREAS, here in Illinois, we seek to share and celebrate the legacy of Nelson Mandela, a heroic figure whose tenacity and commitment to making the world a better place must never be forgotten; and,

WHEREAS, on July 18, 2014, a birthday and street sign name dedication event for the late South African President, Nelson Mandela, will take place on 4800 W. Chicago Avenue in Chicago, Illinois; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim July 18, 2014 as **NELSON MANDELA DAY** in Illinois, in recognition of today's street dedication ceremony, and in support of putting President Nelson Mandela's teachings into action by finding ways to give back to our communities on this day and throughout the year.

Issued by the Governor July 18, 2014

Filed by the Secretary of State August 1, 2014

**2014-317****Canavan Disease Awareness Month**

WHEREAS, Canavan Research Illinois is an Illinois nonprofit corporation established in April 2000 to meet a critical need to support medical research to treat, cure, and improve the quality of lives of all children battling Canavan disease, a rare and fatal genetic neurological disorder; and,

WHEREAS, the majority of those afflicted with Canavan disease do not reach their 21st birthday. These innocent children face the loss of all motor functions, blindness, paralysis, feeding tubes, and eventual disintegration of the brain, at which point they fall into a vegetative state from which they cannot recover; and,

WHEREAS, Canavan Research Illinois is an all volunteer charity dedicated to raise funds to support cutting-edge research, increase public awareness, and provide a network for Canavan families; and,

WHEREAS, October 25, 2014, Canavan Research Illinois will hold the 16th Annual Canavan Charity Ball, which will be held on 'Make a Difference Day'. This year's Ball is being held in honor of Max Randell's 17th birthday, a momentous milestone for this young man living with Canavan disease; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2014 as **CANAVAN DISEASE AWARENESS MONTH** in Illinois, to raise awareness of Canavan

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disease and in support of Canavan Research Illinois' important efforts to improve the quality of life of those who are battling this disease.

Issued by the Governor July 21, 2014

Filed by the Secretary of State August 1, 2014

**2014-318****Charlie Trotter Day**

WHEREAS, in 1987, Charlie Trotter, a self-taught culinary master chef opened his first restaurant, the "Charlie Trotter's Restaurant" in Illinois, which was regarded as one of the finest in the world. He was instrumental in establishing new standards for fine dining as his restaurants were innovative and progressive in the world of food and wine; and,

WHEREAS, Charlie Trotter's persistence and dedication to excellence in the culinary arts garnered him international recognition and awards; and,

WHEREAS, "Charlie Trotter's Restaurant" was a multi-award winning and Multi-Michelin starred restaurant, a Forbes Five Star award winning restaurant, and won eleven James Beard Foundation awards and many more; and,

WHEREAS, in addition, Charlie Trotter received awards at the White House from both President George W. Bush and Colin Powell for his charity work and was named one of only five 'heroes' to be honored by America's Promise; and,

WHEREAS, in 2005 Charlie Trotter was awarded the Humanitarian of the Year award by the International Association of Culinary Professionals for his overall service to the community. He was the recipient of several awards and was inducted into the Culinary Hall of Fame in 2013; and,

WHEREAS, Charlie Trotter was the author of 14 cookbooks, three management books, and the host of the nationally aired award winning PBS cooking series "The Kitchen Sessions with Charlie Trotter"; and,

WHEREAS, Charlie Trotter opened two restaurants, in Las Vegas, and a third one in Cabo San Lucas, Mexico. He also owned and operated a high-end delicatessen and catering business in Chicago's Lincoln Park neighborhood named "Trotter's to Go"; and,

WHEREAS, Charlie Trotter had philanthropic ties to many charities and was actively involved in supporting numerous charitable organizations through the restaurant's Guest Chef for a Day Program, which hosted guest chefs most days that the restaurant was open. Through his Charlie Trotter Culinary Education Foundation, founded in 1999, he worked with Chicago-area youth to

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promote an enthusiastic quest for education and raised over one million dollars to award individuals seeking careers in culinary arts; and,

WHEREAS, Charlie Trotter participated in countless charity events around the country, including Meals-on-Wheels, SOS, Parkinson's Institute, Make-A-Wish, Infant Welfare Society, and many others. He hosted charity benefits at his restaurant for several charities and was the chairman of the American Cancer Society's Vin Affair – raising over three million dollars in a period of three years; and,

WHEREAS, Charlie Trotter's powerful legacy lives on through programs such as his Culinary Education Foundation and The Trotter Project, which was established in his honor in 2014. The Trotter Project is a Trotter alumni-driven initiative and non-profit, which seeks to pay tribute to the lasting legacy of Charlie Trotter through culinary and educational programs, and services and events that foster professional and personal excellence to help create a sense of community among individuals dedicated to these principles; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 17th, 2014 as **CHARLIE TROTTER DAY**, in honor of his contributions to the State of Illinois, the culinary arts, and all of the lives he has touched.

Issued by the Governor July 21, 2014

Filed by the Secretary of State August 1, 2014

**2014-319****Frank Thomas Day**

WHEREAS, baseball is America's pastime, treasured by young and old alike. It is a beloved sport in which the success of a player is measured by those who have gone before him; and,

WHEREAS, one of baseball's greatest sluggers of all time is Frank Thomas, "AKA, The Big Hurt;" and,

WHEREAS, Frank Thomas is a true baseball legend, not only in Illinois but across the Nation, finishing his career with an astonishing 521 homeruns and a .301 batting average; and,

WHEREAS, Frank Thomas was the first player in Major League history to win two Silver Slugger Awards, each at different positions, first base and designated hitter; and,

WHEREAS, Frank Thomas was the first Chicago White Sox player to win an MVP unanimously (1993), and the only Chicago White Sox player to win MVP twice (1993 & 1994); and,

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WHEREAS, in 1995, Frank Thomas hit a home run in the All-Star Game in his second at bat, just one day following his victory in the 1995 Home Run Derby; and,

WHEREAS, Frank Thomas had his number 35 jersey retired by the Chicago White Sox (for whom he played 16 seasons) on August 29, 2010; and,

WHEREAS, On July 31, 2011, the Chicago White Sox honored Frank Thomas with a life-size bronze statue on the outfield concourse of U.S. Cellular Field; and,

WHEREAS, Frank Thomas remains close to the game and is now a commentator for Comcast SportsNet Chicago and Fox Sports as a studio analyst; and,

WHEREAS, Frank Thomas is an advocate for the Boys & Girls Club of America and BLB's Reviving Baseball in Inner Cities Program, and recognizes the role these organizations played in his early involvement in sports; and,

WHEREAS, Frank Thomas's 2,322 game, 19 season, larger than life career will be honored when he is inducted to the Baseball Hall of Fame as a Chicago White Sox player on July 27, 2014; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim July 27, 2014 as **FRANK THOMAS DAY** in Illinois, to recognize and congratulate Chicago White Sox legend Frank Thomas on his tremendous baseball career and being inducted into the 2014 Baseball Hall of Fame.

Issued by the Governor July 21, 2014

Filed by the Secretary of State August 1, 2014

**2014-320****One Church One School Week**

WHEREAS, all children are extremely impressionable, which is why our encouragement and support is critically important for their growth and development; and,

WHEREAS, without our encouragement and support, children are unlikely to succeed in school and become productive and valuable members of the community. That is why we are all responsible for their care; and,

WHEREAS, One Church One School is a community partnership program based in Chicago that believes we must work together for our children's welfare. Since 1992, they have taken a comprehensive approach to child development; and,

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WHEREAS, members and participants of One Church One School have formed child-centered community partnerships that support issues such as education and non-violence in schools; and,

WHEREAS, this year, One Church One School will host a two day conference in Oak Lawn, Illinois from October 16-17, the 18th Annual OCOS Partnership Conference will include student seminars, plenary sessions, and dynamic workshops; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 12 - 18, 2014 as **ONE CHURCH ONE SCHOOL WEEK** in Illinois and call upon all citizens to work together to shape and nurture our children's growth and development.

Issued by the Governor July 21, 2014

Filed by the Secretary of State August 1, 2014

**2014-321****Illinois Soybean Association Day**

WHEREAS, 100 years ago, just 2,000 acres of Illinois soybeans were harvested. Today, Illinois soybeans cover 9 million acres, or one-fourth of Illinois and generate more than \$5 billion per year in economic output; and,

WHEREAS, this year, Illinois has regained the title of top soybean-producing state. USDA's November crop production report estimates Illinois farmers raised 460.6 million bushels of soybeans on 9.4 million acres, with an average yield of 49 bushels per acre in 2013; and,

WHEREAS, the Land of Lincoln Soybean Association was formed in 1964, eventually becoming the Illinois Soybean Association (ISA); and,

WHEREAS, ISA, the umbrella organization for both checkoff and legislative advocacy, assists Illinois soybean farmers in maximizing profitability and producing the highest quality, most dependable, sustainable, and competitive soybeans for the world market; and,

WHEREAS, ISA is committed to educating local, state, and national decision-makers about the value and needs of the soybean industry; and,

WHEREAS, to ensure profitability for Illinois farmers, ISA has set a goal of increasing soybean demand and production by 150 million bushels in the upcoming years; and,

WHEREAS, ISA encourages innovation and technology use with checkoff investments in practical research, like agronomics, that boost yield and Illinois yield data; and,

## PROCLAMATIONS

WHEREAS, ISA is creating strong international markets by building relationships with countries like China, Dubai, and Panama. Additionally, ISA is a leading partner in coalitions and councils such as the U.S. Soybean Export Council (USSEC) and the U.S. Meat Export Federation (USMEF). These partnerships further expand the soybean industry- setting an example for other states; and,

WHEREAS, Illinois has a long, rich history of soybean production that has been propelled by the hard work and dedication of ISA; and,

WHEREAS, ISA is "Embracing the Past and Envisioning the Future" during its year-long commemoration of its 50th anniversary and the past 100 years of soybean production in Illinois; and,

WHEREAS, ISA will host a 50th anniversary celebration on July 31, 2014, at the 77 Club at the University of Illinois Stadium; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim July 31, 2014, as **ILLINOIS SOYBEAN ASSOCIATION DAY**, in recognition of this critically important organization's 50th anniversary and commitment to enhancing the soybean industry in our state.

Issued by the Governor July 22, 2014

Filed by the Secretary of State August 1, 2014

**2014-322****National Week of Non Violence**

WHEREAS, America's problems with violence within our society has escalated during the last decade, affecting families in every walk of life and threatening our national security as well as the safety of our children, youth, adults, seniors and families; and,

WHEREAS, it is in our nation's best interest to increase knowledge and training regarding conflict resolution, mental health, parenting skills and non violence; and,

WHEREAS, Dr. Martin Luther King, Mahatma Ghandi and President Nelson Mandela demonstrated leadership in non-violence and called for peaceful resolution to conflicts and disagreements in order to create more fair and just societies; and,

WHEREAS, 'Black Women for Positive Change', a national civic, volunteer organization is urging leaders to organize workshops on non-violence in collaboration with elected officials, faith-based leaders, business leaders, national organizations, educators, musicians, rappers, athletes and community leaders during the week of August 16-23, 2014; and,

## PROCLAMATIONS

WHEREAS, all Americans are encouraged to organize community-based events that teach non-violence, conflict resolution and parenting skills; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 16-23, 2014 as a **NATIONAL WEEK OF NON VIOLENCE** in Illinois, and encourage all citizens to recognize the importance of non violence education and participation.

Issued by the Governor July 22, 2014

Filed by the Secretary of State August 1, 2014

**2014-323****Rail Safety Week**

WHEREAS, 126 crashes occurred at public highway-rail grade crossings, resulting in 40 personal injuries and 21 fatalities in the State of Illinois during 2013; and,

WHEREAS, 52 trespassing incidents occurred in the State of Illinois during 2013, resulting in 25 pedestrians being killed and another 27 injured while trespassing on railroad property right of ways; and,

WHEREAS, Illinois ranks third in the nation in grade crossing fatalities and third in trespass fatalities for 2013; and,

WHEREAS, over 67 percent of crashes at public grade crossings occur where active warning devices exist; and,

WHEREAS, educating and informing the public about rail safety, reminding the public that railroad right of ways are private property, enhancing public awareness of the dangers associated with highway-rail grade crossing, ensuring pedestrians and motorists are looking and listening while near railways, and obeying established traffic laws will reduce the number of fatalities and injuries to Illinoisans; and,

WHEREAS, the Illinois Association of Chiefs of Police, the Illinois Commerce Commission, Illinois Operation Lifesaver, Illinois Department of Transportation, Illinois State Police, Illinois Truck Enforcement Association, Chicago Police, all local and railroad law enforcement, first responders and area railroad companies commit to partnering together in an effort to educate Illinois residents on all aspects of railroad safety, to enforce applicable state laws and to support Illinois Rail Safety Week; and,

## PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 14-20, 2014 as **RAIL SAFETY WEEK** in Illinois, and encourage all citizens to recognize the importance of rail safety education.

Issued by the Governor July 22, 2014

Filed by the Secretary of State August 1, 2014

**2014-324****National Elevator Escalator Safety Awareness Week**

WHEREAS, an elevator is defined as a permanent hoisting and lowering mechanism with a car, and an escalator is defined as a continuous moving stairway; and,

WHEREAS, every year in the United States, approximately 30 casualties and 17,000 serious injuries are caused by escalator and elevator accidents; and,

WHEREAS, of these incidents, 90% are fatalities that result from individuals being caught between elevators, within elevator equipment, elevator collapses or tripping while entering or exiting an elevator; and,

WHEREAS, an estimated 800,000 elevators and 30,000 escalators are currently in operation in the United States; and,

WHEREAS, the purpose of National Elevator Escalator Safety Awareness Week is to increase public awareness of the safe and proper use of elevators, escalators and moving walkways in hopes of reducing through education avoidable accidents and fatal injuries; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 9-15, 2014 as **NATIONAL ELEVATOR ESCALATOR SAFETY AWARENESS WEEK** in Illinois, and encourage all citizens to fully participate in this observance and improve the quality of life throughout the State.

Issued by the Governor July 23, 2014

Filed by the Secretary of State August 1, 2014

**2014-325****Devi Sri Prasad Day**

WHEREAS, Devi Sri Prasad is a highly acclaimed music composer, director and playback singer in Telugu, Tamil, Hindi, Kannada, and Malayalam film; and,

## PROCLAMATIONS

WHEREAS, Devi Sri Prasad's amazing soundtracks have also been remade in several languages; and,

WHEREAS, Devi Sri Prasad has written stunning lyrics for several notable songs; and,

WHEREAS, with upbeat choreography and heartening theatrics complete with pyrotechnic display, Devi Sri Prasad's performances provide unforgettable entertainment for everyone in attendance; and,

WHEREAS, Devi Sri Prasad's many accomplishments have made him a legend in the Indian film industry; and,

WHEREAS, on July 26, 2014, Devi Sri Prasad will perform in an exclusive concert at the Sears Center Arena in Hoffman Estates, Illinois; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim July 26, 2014, as **DEVI SRI PRASAD DAY** in Illinois, in support of tonight's concert and in recognition of his vast musical talents.

Issued by the Governor July 24, 2014

Filed by the Secretary of State August 1, 2014

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

Rules acted upon in Volume 38, Issue 33 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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