

# 2008

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# ILLINOIS

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# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



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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.].

### 2008 REGISTER SCHEDULE VOLUME #32

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 21, 2007*	January 4, 2008
2	December 31, 2007	January 11, 2008
3	January 7, 2008	January 18, 2008
4	January 14, 2008	January 25, 2008
5	January 22, 2008	February 1, 2008
6	January 28, 2008	February 8, 2008
7	February 4, 2008	February 15, 2008
8	February 11, 2008	February 22, 2008
9	February 19, 2008	February 29, 2008
10	February 25, 2008	March 7, 2008
11	March 3, 2008	March 14, 2008
12	March 10, 2008	March 21, 2008
13	March 17, 2008	March 28, 2008
14	March 24, 2008	April 4, 2008
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17	April 14, 2008	April 25, 2008
18	April 21, 2008	May 2, 2008
19	April 28, 2008	May 9, 2008
20	May 5, 2008	May 16, 2008
21	May 12, 2008	May 23, 2008
22	May 19, 2008	May 30, 2008
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27	June 23, 2008	July 7, 2008
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30	July 14, 2008	July 25, 2008
31	July 21, 2008	August 1, 2008
32	July 28, 2008	August 8, 2008
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47	November 10, 2008	November 21, 2008
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49	November 24, 2008	December 5, 2008
50	December 1, 2008	December 12, 2008
51	December 8, 2008	December 19, 2008
52	December 15, 2008	December 26, 2008
53	December 22, 2008	January 2, 2009

Editor's Note: This is a reminder that July 2, 2008 is the final day to submit your Agency's Regulatory Agenda for the July 2008 filing period.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Fire Equipment Distributor and Employee Standards
- 2) Code Citation: 41 Ill. Adm. Code 251
- 3) Section Number: 251.120                      Proposed Action: New
- 4) Statutory Authority: Authorized by and implementing the Fire Equipment Distributor and Employee Regulation Act of 2000 [225 ILCS 216]
- 5) A Complete Description of the Subjects and Issues Involved: Establishes a compliance period for which existing chemical fire extinguishments systems that protect commercial cooking operations must comply with the current editions of NFPA 17, 17A, and 96, adopted in the previous rule.
- 6) Published Studies or Reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This amendment provides the minimum requirements for fire equipment distributors and employees for servicing, recharging, hydro-testing, installing, repairing, replacing, maintaining or inspecting of all types of fire extinguishers and fire suppression devices or systems.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons wishing to comment on this proposed rulemaking may submit comments no later than 45 days after the publication of this Notice to:

Misty Matykiewicz, Division Manager  
Division of Fire Prevention  
Office of the State Fire Marshal  
1035 Stevenson Dr.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENT

Springfield, IL 62703-4259

Facsimile: 217/558-4992

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This administrative rule is applicable to all commercial operations that provide food preparation service.
  - B) Reporting, bookkeeping or other procedures required for compliance: Must retrofit their system to comply with the compliance requirements of NFPA 17, 17A, and 96.
  - C) Types of Professional skills necessary for compliance: Employ a licensed Fire Equipment Distributor.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the need for the new amendment was not anticipated at the time that the agendas were published.

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

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENT

TITLE 41: FIRE PROTECTION  
CHAPTER I: OFFICE OF THE STATE FIRE MARSHALPART 251  
FIRE EQUIPMENT DISTRIBUTOR AND EMPLOYEE STANDARDS

Section	
251.10	Scope
251.20	Definitions
251.25	Incorporations by Reference
251.30	Trainee
251.40	Tagging
251.50	Certification Tags
251.60	Tamper Seals
251.70	Labeling
251.80	Subcontracting
251.90	Portable Fire Extinguishers
251.100	Pre-Engineered Fire Suppression Systems
251.110	Engineered Fire Suppression Systems
<a href="#">251.120</a>	<a href="#">Existing Dry Chemical and Wet Chemical Fire Extinguishing Systems</a>

AUTHORITY: Implementing and authorized by the Fire Equipment Distributor and Employee Regulation Act of 2000 [225 ILCS 216].

SOURCE: Adopted at 32 Ill. Reg. 4179, effective March 5, 2008; amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 251.120 Existing Dry Chemical and Wet Chemical Fire Extinguishing Systems**

- a) All existing dry chemical and wet chemical fire extinguishing systems installed for the protection of commercial cooking operations that produce grease-laden vapors shall comply with the UL 300 "Standard for Fire Testing of Fire Extinguishing Systems for Protection of Commercial Cooking Equipment", identified in NFPA 17, 17A, and 96.
- b) All existing extinguishing systems shall comply by January 1, 2010, except as otherwise permitted in subsection (c).

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

- c) All existing extinguishing systems installed in occupancies that are owned or operated by a governmental entity shall comply by January 1, 2011.

(Source: Added at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

CHIEF PROCUREMENT OFFICER FOR  
PUBLIC INSTITUTIONS OF HIGHER EDUCATION

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part : Procurement Rules of the Chief Procurement Officer for Public Institutions of Higher Education
- 2) Code Citation: 44 Ill. Adm. Code 526
- 3) Section Number: 526.2020                      Proposed Action: Amend
- 4) Statutory Authority: 30 ILCS 500/20-20
- 5) A Complete Description of the Subjects and Issues Involved: The Chief Procurement Officer is amending the Section to implement the change in the small purchase maximums proposed by the Procurement Policy Board on May 6, 2008.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

Mr. Robert C. Baker  
Director, Higher Education Chief Procurement Officer Support  
208 Henry Administration Building  
506 South Wright Street  
Urbana, IL 61801

CHIEF PROCUREMENT OFFICER FOR  
PUBLIC INSTITUTIONS OF HIGHER EDUCATION

## NOTICE OF PROPOSED AMENDMENT

Telephone: 217/333-1352  
E-Mail: rbaker@uillinois.edu  
Facsimile: 217/239-6760

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: The Chief Procurement Officer has determined that the proposed amendment will not have an economic impact on small businesses, small municipalities, or not for profit corporations.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was included on the agenda of the Procurement Policy Board (PPB) at its May 6, 2008 meeting and was approved by the PPB at that meeting as provided under 30 ILCS 500/20-30. The rulemaking is being proposed before the July 2008 regulatory agenda is published.

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

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PUBLIC INSTITUTIONS OF HIGHER EDUCATION

NOTICE OF PROPOSED AMENDMENT

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENTS  
AND PROPERTY MANAGEMENT

SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES

CHAPTER II: CHIEF PROCUREMENT OFFICER FOR  
PUBLIC INSTITUTIONS OF HIGHER EDUCATION

PART 526

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PUBLIC INSTITUTIONS OF HIGHER EDUCATION

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Section	
526.01	Title
526.03	Authority
526.05	Policy
526.08	Implementation of This Part
526.10	Application
526.15	Definition of Terms Used in This Part
526.25	Property Rights

SUBPART B: PROCUREMENT RULES

Section	
526.525	Rules

SUBPART C: PROCUREMENT AUTHORITY

Section	
526.1005	Procurement Authority of State Purchasing Officers
526.1010	Appointment of State Purchasing Officers
526.1011	Procurement Authority of the CPO
526.1030	Other Procurement Authority of the Universities
526.1080	Illinois Mathematics and Science Academy

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

Section	
526.1501	Higher Education Volume of Illinois Procurement Bulletin

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- 526.1510 Publication of Higher Education Bulletin
- 526.1525 Bulletin Content
- 526.1545 Supplemental Notice
- 526.1550 Error in Notice
- 526.1580 Direct Solicitation

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

- Section
- 526.2005 General Provisions
- 526.2010 Competitive Sealed Bidding
- 526.2012 Multi-Step Sealed Bidding
- 526.2015 Competitive Sealed Proposals
- 526.2020 Small Purchases
- 526.2025 Sole Economically Feasible Source Procurement
- 526.2030 Emergency Procurements
- 526.2035 Competitive Selection Procedures for Professional and Artistic Services
- 526.2036 Other Methods of Source Selection
- 526.2037 Tie Bids and Proposals
- 526.2038 Modification or Withdrawal of Bids or Proposals; Mistakes
- 526.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

SUBPART F: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

- Section
- 526.2043 Suppliers
- 526.2044 Vendor List/Required Use
- 526.2045 Prequalification
- 526.2046 Responsibility

SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

- Section
- 526.2047 Security Requirements

SUBPART H: SPECIFICATIONS AND SAMPLES

Section

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526.2050 Specifications and Samples

SUBPART I: CONTRACT TYPE

Section  
526.2055 Types of Contracts

SUBPART J: DURATION OF CONTRACTS

Section  
526.2060 Duration of Contracts – General

SUBPART K: PROCUREMENT FILES

Section  
526.2080 Written Determinations; Other Procurement Records

SUBPART L: CONTRACT WORKING CONDITIONS

Section  
526.2560 Prevailing Wage  
526.2570 Equal Employment Opportunity; Affirmative Action

SUBPART M: CONSTRUCTION AND CONSTRUCTION RELATED SERVICES

Section  
526.3005 Construction and Construction Related Services

SUBPART N: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

Section  
526.4005 Applicability  
526.4010 Authority  
526.4015 Method of Source Selection  
526.4020 Request for Information  
526.4025 Lease Requirements  
526.4030 Purchase Option  
526.4035 Rent Without Occupancy

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526.4040 Local Site Preferences

SUBPART O: PREFERENCES

Section

526.4505 Procurement Preferences  
526.4510 Resident Vendor Preference  
526.4530 Correctional Industries  
526.4535 Sheltered Workshops for the Disabled  
526.4540 Gas Mileage  
526.4545 Small Business  
526.4570 Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities

SUBPART P: ETHICS

Section

526.5013 Conflicts of Interest Prohibited by the Code  
526.5020 Exemptions  
526.5023 Other Conflicts of Interest  
526.5030 Revolving Door Prohibition  
526.5035 Disclosure of Financial Interests and Potential Conflicts of Interest

SUBPART Q: CONCESSIONS

Section

526.5325 Granting of Concessions/Reporting

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SUBPART S: GOVERNMENTAL JOINT PURCHASING

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## Section

- 526.6500 General  
526.6510 No Agency Relationship

## SUBPART T: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

## Section

- 526.7000 Severability  
526.7005 Supply Inventory  
526.7010 University Furnished Property  
526.7015 Inspections  
526.7020 Record Retention  
526.7030 No Waiver of Sovereign Immunity

AUTHORITY: Implementing, and authorized by Section 5-25 of, the Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 13905, effective July 1, 1998, for a maximum of 150 days; amended by emergency rulemaking at 22 Ill. Reg. 19096, effective October 1, 1998, for a period to expire November 27, 1998; adopted at 22 Ill. Reg. 20964, effective November 20, 1998; amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

**Section 526.2020 Small Purchases**

## a) Application

- 1) Individual procurements of ~~\$50,000~~~~25,000~~ or less for supplies or services (including printing), other than professional and artistic, and ~~\$70,000~~~~30,000~~ or less for construction, may be made using the method of source selection determined by the SPO to be most appropriate to the circumstances. These small purchase maximums shall be subject to the annual cost of living increases set forth in subsection (a)(3) of this Section.
- 2) Procurements of less than \$20,000 for professional and artistic services and that have a non-renewable term of one year or less may be made using the method of source selection determined by the SPO to be most

CHIEF PROCUREMENT OFFICER FOR  
PUBLIC INSTITUTIONS OF HIGHER EDUCATION

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appropriate to the circumstances.

- 3) The CPO shall announce any change identified by the United States Department of Labor in the Consumer Price Index for All Urban Consumers for the period ending December 31, 1998, and for each year thereafter. That percentage change shall be used to calculate the small purchase maximums that shall be applicable for the fiscal year beginning July 1, 1999. The small purchase maximums shall be likewise recalculated for each July 1 thereafter.
- b) In determining whether a contract is under the limit, the stated value of the supplies or services, plus any optional supplies and services, determined in good faith, shall be utilized. Where the value is calculated month-to-month or in a similar fashion, the amount shall be calculated for a twelve month period.
- c) If only a unit price or hourly rate is known, the contract shall be considered small if it has a not-to-exceed limit applicable to the type of procurement (see subsection (a) ~~above~~).
- d) Procurement requirements shall not be artificially divided to avoid using the other source selection methods set forth in Section 20-5 of the Illinois Procurement Code.
- e) If there is a repetitive need for small procurements of the same type, the University should consider issuing a competitive sealed bid or proposal for procurement of those needs.

(Source: Amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Richard S. Wolters  
Associate Counsel  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794

217/782-2844

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Retailers who transfer cigarettes will be affected by the amendments.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2008

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

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUEPART 440  
CIGARETTE TAX ACT

Section	
440.10	Nature and Rate of Tax
440.20	Tax – How Paid
440.30	Tax – Who Liable For
440.40	Design
440.50	Tax Stamps – When and By Whom Affixed: License or Permit Required
440.60	Tax Stamps – How Affixed
440.70	Tax Stamps – Affixed Out of State
440.80	Transporter Permits
440.90	Tax Stamps – Purchase of: Cost: Discount
440.100	Returns Required: When Filed
440.110	Books and Records: Examination: Preservation
440.120	Unused Stamps and Meter Units: Sale of: Notice to Department
440.130	Mutilated Stamps
440.140	Tax Meters (Repealed)
440.150	Tax Meter Machine Settings (Repealed)
440.160	Vending Machines
440.170	Sales Out of Illinois
440.180	Sales to Governmental Bodies
440.190	Sample Packages of Cigarettes: Stamps or Other Evidence of Tax Payment Affixed
440.200	Credit for Stamps that Are Damaged, Unused, Destroyed or on Packages Returned to the Manufacturer
440.210	Sale of Forfeited Cigarettes and Vending Machines
440.220	Tax-Free Sales of Cigarettes for Use Aboard Ships Operating in Foreign Commerce Outside The Continental Limits of the United States
440.230	Claims for Credit or Refund
440.240	Protest Procedures

AUTHORITY: Implementing and authorized by the Cigarette Tax Act [35 ILCS 130].

SOURCE: Filed and effective June 17, 1958; amended at 6 Ill. Reg. 2831 and 2834, effective March 3, 1982; codified at 8 Ill. Reg. 17912; amended at 13 Ill. Reg. 10678, effective June 16,

## DEPARTMENT OF REVENUE

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1989; amended at 14 Ill. Reg. 6794, effective April 19, 1990; amended at 15 Ill. Reg. 117, effective December 24, 1990; emergency amendment at 23 Ill. Reg. 9541, effective July 29, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 14748, effective December 8, 1999; amended at 24 Ill. Reg. 9903, effective June 23, 2000; emergency amendment at 24 Ill. Reg. 10752, effective July 6, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 17793, effective November 28, 2000; amended at 25 Ill. Reg. 933, effective January 8, 2001; emergency amendment at 26 Ill. Reg. 9021, effective June 10, 2002, for a maximum of 150 days; emergency expired November 5, 2002; amended at 27 Ill. Reg. 1618, effective January 15, 2003; emergency amendment at 27 Ill. Reg. 10524, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; amended at 28 Ill. Reg. 3906, effective February 13, 2004; amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 440.30 Tax – Who Liable For**

- a) All retailers of cigarettes as defined in Section 1 of the Act are liable for the tax therein imposed. Distributors of cigarettes are required to prepay the tax and to collect it as a separate item from retailers.
- b) The Act defines "retailer" as follows:
  - 1) *"Retailer" means any person who engages in the making of transfers of the ownership of, or title to, cigarettes to a purchaser for use or consumption and not for resale in any form, for a valuable consideration.*
  - 2) *"Retailer" shall be construed to include any person who engages in the making of transfers of the ownership of, or title to, cigarettes to a purchaser, for use or consumption by any other person to whom such purchaser may transfer the cigarettes without a valuable consideration.*
  - 3) *"Retailer" does not include a person:*
    - A) *Who transfers to residents incarcerated in penal institutions or resident patients of a State-operated mental health facility ownership of cigarettes made, manufactured, or fabricated as part of a correctional industries program; or*
    - B) *beginning August 27, 2007, who transfers cigarettes to a not-for-profit research institution that conducts tests concerning the health*

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

*effects of tobacco products and who does not offer the cigarettes for resale.*

- c) *The Act defines "distributor" as meaning any and each of the following:*
- 1) *Any person engaged in the business of selling cigarettes in this State who brings or causes to be brought into this State from without this State any original packages of cigarettes, on which original packages there is no authorized evidence underneath a sealed transparent wrapper showing that the tax liability imposed by this Act has been paid or assumed by the out-of-State seller of such cigarettes, for sale or other disposition in the course of such business.*
  - 2) *Any person who makes, manufactures or fabricates cigarettes in this State for sale in this State, except a person who makes, manufactures or fabricates cigarettes as a part of a correctional industries program for sale to residents incarcerated in penal institutions or resident patients of a State-operated mental health facility.*
  - 3) *Any person who makes, manufacturers or fabricates cigarettes outside this State, which cigarettes are placed in original packages contained in sealed transparent wrappers, for delivery or shipment into this State, and who elects to qualify and is accepted by the Department as a distributor under Section 4b of the Act.*

(Source: Amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Cigarette Use Tax Act
- 2) Code Citation: 86 Ill. Adm. Code 450
- 3) Section Number: 450.10                      Proposed Action:  
Amendment
- 4) Statutory Authority: PA 95-462; 35 ILCS 135/1
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendment to 86 Ill. Adm. Code 450.10 adds language to the rules implementing the Cigarette Use Tax Act to incorporate a statutory exclusion to the definition of "distributor" contained in the Cigarette Use Tax Act. This exclusion was added by PA 95-462 and excludes from the definition of "distributor" any person who transfers cigarettes to a not-for-profit research institution that conducts tests concerning the health effects of tobacco products and who does not offer the cigarettes for resale.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Richard S. Wolters  
Associate Counsel  
Illinois Department of Revenue  
Legal Services Office

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

101 West Jefferson  
Springfield, Illinois 62794

217/782-2844

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Distributors of cigarettes to not-for-profit research institutions that conduct tests concerning the health effects of tobacco products.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2008

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

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

## TITLE 86: REVENUE

## CHAPTER I: DEPARTMENT OF REVENUE

## PART 450

## CIGARETTE USE TAX ACT

Section	
450.10	Nature and Rate of Tax
450.20	Tax Stamps – Affixed Out of State
450.30	Licenses and Permits – Bonds
450.40	Reports and Returns
450.50	Books and Records
450.60	Unused Stamps and Meter Units – Sale of – Notice to Department – Mutilated Stamps – Tax Meter Machine Settings
450.70	Cigarettes Used Outside Illinois
450.80	Purchase of Cigarettes by Governmental Bodies for Use
450.90	Credit for Stamps that Are Damaged, Unused, Destroyed or on Packages Returned to the Manufacturer
450.100	Sample Packages of Cigarettes – Stamps or Other Evidence of Tax Collection Affixed
450.110	Sale of Forfeited Cigarettes and Vending Machines
450.120	Claims for Credit or Refund
450.130	Protest Procedures

AUTHORITY: Implementing and authorized by the Cigarette Use Tax Act [35 ILCS 135].

SOURCE: Filed and effective June 17, 1958; codified at 8 Ill. Reg. 13838; amended at 13 Ill. Reg. 10687, effective June 16, 1989; amended at 14 Ill. Reg. 6804, effective April 19, 1990; amended at 15 Ill. Reg. 122, effective December 24, 1990; amended by emergency rulemaking at 23 Ill. Reg. 9546, effective July 29, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 14753, effective December 8, 1999; amended at 24 Ill. Reg. 9909, effective June 23, 2000; emergency amendment at 24 Ill. Reg. 10759, effective July 6, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 17800, effective November 28, 2000; amended at 25 Ill. Reg. 937, effective January 8, 2001; emergency amendment at 26 Ill. Reg. 9027, effective June 10, 2002, for a maximum of 150 days; emergency expired November 5, 2002; amended at 27 Ill. Reg. 1647, effective January 15, 2003; emergency amendment at 27 Ill. Reg. 10529, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; amended at 28 Ill. Reg. 3911, effective February 13, 2004; amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

**Section 450.10 Nature and Rate of Tax**

- a) The Cigarette Use Tax is imposed upon the privilege of using cigarettes in this State, and the tax rate is 29 mills per cigarette so used or 58 cents on a package of 20 cigarettes; except that, beginning July 1, 2002, the tax rate is 49 mills per cigarette or 98 cents on a package of 20 cigarettes.
- b) The tax must be collected by a distributor maintaining a place of business in this State or a distributor authorized by Section 7 of the Act to hold a permit to collect the tax, and the amount of the tax shall be added to the price of the cigarettes sold by the distributor and must be stated on the invoice as a separate item from the selling price of the cigarettes except when the purchaser is a Federal or foreign government agency or instrumentality (see Section 450.50 of this Part).
- c) Distributors who are not subject to the Cigarette Tax Act [35 ILCS 130] (the Act), but who are subject to the Cigarette Use Tax Act [35 ILCS 135], must remit, to the Department of Revenue (the Department), the amount of Cigarette Use Tax to be collected by them through the purchase and affixation of tax stamps or meter impression units (where the use of meters is authorized by the Department) to any original package of cigarettes before delivering the cigarettes (or causing them to be delivered) in this State to any purchaser, or (in the case of manufacturers of cigarettes in original packages that are contained inside a sealed transparent wrapper) by imprinting the language to be prescribed by the Department on the original package of cigarettes beneath the outside wrapper.
  - 1) *On and after July 22, 1999, no stamp or imprint may be affixed to, or made upon, any package of cigarettes unless that package complies with all requirements of the federal Cigarette Labeling and Advertising Act, 15 USC 1331 and following, for the placement of labels, warnings, or any other information upon a package of cigarettes that is sold within the United States. Under the authority of Section 6 of the Cigarette Use Tax Act [35 ILCS 135], the Department shall revoke the license of any distributor that is determined to have violated this subsection (c)(1). A person may not affix a stamp on a package of cigarettes, cigarette papers, wrappers, or tubes if that individual package has been marked for export outside the United States with a label or notice in compliance with Section 290.185 of Title 27 of the Code of Federal Regulations. It is not a defense to a proceeding for violation of this subsection that the label or notice has*

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*been removed, mutilated, obliterated, or altered in any manner.* (Section 3 of the Cigarette Use Tax Act)

- 2) On and after August 15, 1999, packages of cigarettes, cigarette papers, wrappers, or tubes stamped or imprinted in a manner not in accordance with subsection (c)(1) and found in the possession of a distributor create a rebuttable presumption that the packages of cigarettes, cigarette papers, wrappers, or tubes were stamped or imprinted in violation of the Cigarette Use Tax Act.
- 3) On and after September 1, 1999, packages of cigarettes, cigarette papers, wrappers, or tubes stamped or imprinted in a manner not in accordance with subsection (c)(1) and found in the possession of a retailer create a rebuttable presumption that the packages of cigarettes, cigarette papers, wrappers, or tubes were stamped or imprinted by the distributor from whom they were obtained in violation of the Cigarette Use Tax Act.
- 4) *On and after June 13, 2000, no stamp or imprint may be affixed to, or made upon, any package of cigarettes that:*
  - A) *bears any statement, label, stamp, sticker, or notice indicating that the manufacturer did not intend the cigarettes to be sold, distributed, or used in the United States, including but not limited to labels stating "For Export Only", "U.S. Tax Exempt", "For Use Outside U.S.", or similar wording; or*
  - B) *does not comply with:*
    - i) *all requirements imposed by or pursuant to federal law regarding warnings and other information on packages of cigarettes manufactured, packaged, or imported for sale, distribution, or use in the United States, including but not limited to the precise warning labels specified in the federal Cigarette Labeling and Advertising Act, 15 USC 1333; and*
    - ii) *all federal trademark and copyright laws;*
  - C) *is imported into the United States in violation of 26 USC 5754 or*

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*any other federal law or implementing federal regulations;*

- D) *the person affixing the stamp or imprint otherwise knows or has reason to know the manufacturer did not intend to be sold, distributed, or used in the United States;*
- E) *for which there has not been submitted to the Secretary of the U.S. Department of Health and Human Services the list or lists of the ingredients added to tobacco in the manufacture of the cigarettes required by the federal Cigarette Labeling and Advertising Act, 15 USC 1335a; or*
- F) *has been altered, prior to sale or distribution to the ultimate consumer, so as to remove, conceal, or obscure:*
- i) *any statement, label, stamp, sticker, or notice described in 86 Ill. Adm. Code 440.50(k)(1); or*
  - ii) *any health warning that is not specified in, or does not conform with the requirements of, the federal Cigarette Labeling and Advertising Act, 15 USC 1333 (Section 3-10 of the Act).*
- 5) On and after July 15, 2000, packages of cigarettes, cigarette papers, wrappers, or tubes stamped or imprinted in a manner not in accordance with subsection (c)(4) of this Section and found in the possession of a distributor create a rebuttable presumption that the packages of cigarettes, cigarette papers, wrappers or tubes were stamped or imprinted in violation of the Cigarette Use Tax Act.
- 6) On and after July 31, 2000, packages of cigarettes, cigarette papers, wrappers or tubes stamped or imprinted in a manner not in accordance with subsection (c)(4) of this Section and found in the possession of a retailer create a rebuttable presumption that the packages of cigarettes, cigarette papers, wrappers or tubes were stamped or imprinted by the distributor from whom they were obtained in violation of the Cigarette Use Tax Act.
- 7) *On and after June 13, 2000, on the first business day of each month, each*

## DEPARTMENT OF REVENUE

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*person licensed to affix the State tax stamp to cigarettes shall file with the Department, for all cigarettes imported into the United States to which the person has affixed the tax stamp in the preceding month.*

- 8) *A copy of:*

  - A) *the permit issued pursuant to the Internal Revenue Code, 26 USC 5713, to the person importing the cigarettes into the United States allowing the person to import the cigarettes; and*
  - B) *the customs form containing, with respect to the cigarettes, the internal revenue tax information required by the U.S. Bureau of Alcohol, Tobacco and Firearms.*

- 9) *A statement, signed by the person under penalty of perjury, which shall be treated as confidential by the Department and exempt from disclosure under the Freedom of Information Act, identifying the brand and brand styles of all such cigarettes, the quantity of each brand style of such cigarettes, the supplier of such cigarettes, and the person or persons, if any, to whom such cigarettes have been conveyed for resale.*
- 10) *In addition to the statement required in subsection (c)(9) of this Section, a separate statement, signed by the individual under penalty of perjury, which shall not be treated as confidential or exempt from disclosure, separately identifying the brands and brand styles of such cigarettes.*
- 11) *In addition to the statement required in subsection (c)(9) and (c)(10) of this Section, a separate statement, signed by an officer of the manufacturer or importer under penalty of perjury, certifying that the manufacturer or importer has complied with:*

  - A) *the package health warning and ingredient reporting requirements of the federal Cigarette Labeling and Advertising Act, 15 USC 1333 and 1335a, with respect to such cigarettes; and*
  - B) *the provisions of Exhibit T of the Master Settlement Agreement entered in the case of People of the State of Illinois v. Philip Morris, et al. (Circuit Court of Cook County, No. 96-L13146), including a statement indicating whether the manufacturer is, or is*

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*not, a participating tobacco manufacturer within the meaning of Exhibit T.*

- 12) *The Department may revoke or suspend the license or licenses of any distributor, in the manner provided in Section 6 of the Cigarette Use Tax Act, if the Department determines that the distributor knew or had reason to know that the distributor was committing any of the acts prohibited in subsection (c)(4) of this Section or had failed to comply with any of the requirements of subsection (b) of Section 3-10 of the Cigarette Use Tax Act. In addition, the Department may impose on the distributor a civil penalty in an amount not to exceed the greater of 500% of the retail value of the cigarettes involved or \$5,000. Cigarettes acquired, held, owned, possessed, transported in, imported into, or sold or distributed in this State in violation of subsection (c)(4) of this Section shall be subject to seizure and forfeiture whether the violation is knowing or otherwise. (Section 3-10 of the Act)*
- d) At the time of purchasing stamps from the Department or any person authorized by the Department, when purchase of the stamps is required by the Cigarette Use Tax Act or at the time when the tax that he has collected is remitted by a distributor to the Department without the purchase of stamps from the Department or any person authorized by the Department when that method of remitting the tax that has been collected is required or authorized by the Act, the distributor will be allowed a discount during any year commencing July 1 and ending the following June 30. The discount shall be equal to 1.75% of the amount of the tax payable under the Act up to and including the first \$3,000,000.00 paid by the distributor to the Department during any year and 1.5% of the amount of any additional tax paid by the distributor to the Department during any such year.
- e) This discount is to cover the distributor's cost of collecting the tax.
- f) Two or more distributors that use a common means of affixing revenue tax stamps or that are owned or controlled by the same interests shall be treated as a single distributor for the purpose of computing the discount.
- g) *On and after December 1, 1985 and until July 1, 2003, the Department shall allow a distributor 30 days in which to make final payment of the amount to be paid for such stamps, by allowing the distributor to make payment for the stamps at the time of purchasing them with a draft which shall be in such form as the*

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*Department prescribes (i.e. a standard bank draft which the distributor may post-date), and which shall be payable within 30 days thereafter: Beginning January 1, 2003, such draft shall be payable by means of electronic funds transfer, as provided in 86 Ill. Adm. Code 750. A distributor's failure to pay any such draft, when due, shall also make such distributor automatically liable for a penalty equal to 25% of the amount of such draft. (Section 3 of the Act)*

- h) *On and after December 1, 1985 and until July 1, 2003, distributors making payment for stamps at the time of purchase by draft as explained in subsection (g) shall first file with the Department, and receive the Department's approval of, a bond (in a form provided for in this subsection), which is in addition to the bond required under Section 4 of the Act, payable to the Department in an amount equal to 100% of such distributor's average monthly tax liability under the Act during the preceding calendar year or \$750,000, whichever is less. The bond shall be joint and several and shall be in the form of a surety company bond or it may be in the form of a bank certificate of deposit or bank letter of credit. The bond shall be conditioned upon the distributor's payment of the amount of any 30-day draft which the Department accepts from that distributor for the delivery of stamps to that distributor under the Act. Prior continuous compliance taxpayers, as defined in Section 1 of the Act, are exempt from the bond requirements noted in this subsection. (Section 3 of the Act) For additional information concerning the exemption for prior continuous compliance taxpayers, see Section 3 of the Act.*
- i) *Beginning January 1, 2003 and through June 30, 2003, any taxpayer choosing not to make payment of tax by means of a draft payable within 30 days as provided for in subsection (g) and who has an annual tax liability of \$200,000 or more shall make all payments of that tax by means of electronic funds transfer, as provided in 86 Ill. Adm. Code 750. On and after July 1, 2003, all payment for revenue tax stamps must be made by means of electronic funds transfer. (Section 3 of the Act)*
- j) *The Cigarette Use Tax collected by a distributor who is liable to collect and remit a like amount of tax with respect to the same cigarettes under the Cigarette Tax Act need not be remitted to the Department under the Cigarette Use Tax Act. In other words, the amount which the distributor is liable to collect and remit under the Cigarette Tax Act with respect to particular cigarettes is offset against the amount collected from the purchaser by the distributor under the Cigarette Use Tax Act with respect to the same cigarettes. Sections 3 and 10 of the Cigarette*

## DEPARTMENT OF REVENUE

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Use Tax Act permit this offset in order to avoid the double remittance of tax to the State on the same transactions in the case of sales of cigarettes in Illinois.

- k) In those instances in which a distributor is required to affix tax stamps or meter impressions to original packages of cigarettes under the Cigarette Use Tax Act, rather than under the Cigarette Tax Act, the provisions of the Part relating to the Cigarette Tax Act (86 Ill. Adm. Code 440) shall apply and are incorporated herein by reference.
- l) Where cigarettes are acquired for use in this State without Illinois tax stamps being affixed to the original packages thereof and without authorized tax imprints placed underneath the sealed transparent wrapper of the original packages, the user is required to remit the amount of the Cigarette Use Tax directly to the Department. Before January 1, 2002, the tax shall be remitted to the Department by the user within 3 days after he acquires the cigarettes. On and after January 1, 2002, the tax shall be remitted to the Department by the user within 30 days after he acquires the cigarettes.
- m) *The Department may refuse to sell cigarette stamps to any person who does not comply with the provisions of the Cigarette Use Tax Act. (Section 3 of the Act)*
- n) Beginning August 27, 2007, the Cigarette Use Tax Act provides that the term "distributor" does not include any person who transfers cigarettes to a not-for-profit research institution that conducts tests concerning the health effects of tobacco products and who does not offer the cigarettes for resale.

(Source: Amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENT

- 12) 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
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: it was not anticipated.

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

## STATE BOARD OF ELECTIONS

## NOTICE OF PROPOSED AMENDMENT

TITLE 26: ELECTIONS  
CHAPTER I: STATE BOARD OF ELECTIONSPART 216  
REGISTRATION OF VOTERS

Section	
216.10	Applicability
216.20	Definitions
216.30	Receipt of Voter Registration Applications
216.40	Maintaining Voter Records
216.50	Canceling Voter Registrations
216.60	Forms
216.70	Processing Voter Registration Applications
216.80	Documenting Transactions
216.90	Voting
216.100	Designation of Chief State Election Official
216.EXHIBIT A	Voter Registration Application - Illinois
216.EXHIBIT B	Voter Registration Information
216.EXHIBIT C	Voter Registration Application Transmittal
216.EXHIBIT D	Disposition of Registration
216.EXHIBIT E	Voter Identification Card
216.EXHIBIT F	Confirmation of Address
216.EXHIBIT G	Registration Deadline Notice
216.EXHIBIT H	Address Correction for Fail Safe Voter

AUTHORITY: Implementing the National Voter Registration Act of 1993 (42 USC 1973gg et seq.) and authorized by Sections 1A-8(4), (9) and (12) of the Election Code [10 ILCS 5/1A-8(4), (9) and (12)].

SOURCE: Adopted by emergency rule at 21 Ill. Reg. 14247, effective October 22, 1996, for a maximum of 150 days; emergency expired March 21, 1997; adopted at 21 Ill. Reg. 4610, effective March 31, 1997; amended at 22 Ill. Reg. 19330, effective October 15, 1998; amended at 23 Ill. Reg. 3948, effective March 19, 1999; amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 216.50 Canceling Voter Registrations**

- a) This Section implements Section 8 of the National Voter Registration Act of 1993

## STATE BOARD OF ELECTIONS

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(42 ~~USCU.S.C~~ Sections 1973gg-5 and gg-6) and the order of the Circuit Court of Cook County entered May 1, 1996 in ~~Orr~~, et al.; v. Edgar, et al., 95 CO 246 and 95 CO 248 (Consolidated).

- b) No voter registration may be canceled without following the procedures and providing the notice of suspension or cancellation required by Section 8(a) through (d) of the National Voter Registration Act of 1993. The Voter Registration Application or the Voter Registration Card of an inactive voter who has not voted in two consecutive general federal elections shall be canceled at the completion of procedures set forth in Section 8(d) of the National Voter Registration Act of 1993, provided that, while such procedures are pending, the voter has taken no action specified in the National Voter Registration Act of 1993 to restore his or her name to active voter status.
- c) An election authority shall cancel the Voter Registration Application or Voter Registration Card of a voter upon receipt of a request in writing from the voter to do so. A written acknowledgment by the voter that he or she has changed residence to a place beyond the jurisdiction of the election authority or an attempt to register in another jurisdiction shall be deemed a request to cancel the voter registration.
- d) A voter's registration shall be canceled upon the election authority's receipt of:
  - 1) a notice from the State Board of Elections that the voter has been incarcerated in a United States correctional facility by reason of conviction;
  - 2) a certified notice from ~~the~~ a state department of corrections or a sheriff of a county in the United States that the voter has been incarcerated in a state or county correctional facility, as the case may be, if:
    - A) the certified notice states on its face that the incarceration is a result of a criminal conviction and the crime of which the voter has been convicted; or
    - B) the certified notice is accompanied by a certified judgment of conviction or equivalent document issued by the court in which the conviction was obtained;

## STATE BOARD OF ELECTIONS

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- 3) a certified copy of a judgment of conviction from a court of record that the voter has been convicted of a crime in which it was found that the voter lacked the requisite qualifications to be a voter in Illinois either at the time of conviction or at the time application was made to become a voter, whether or not the voter was incarcerated as a result of ~~the~~ conviction;
- 4) a certified copy of a final judgment order of a court of record or a certified copy of the final determination of an administrative tribunal having jurisdiction in which it was found that the voter lacked the requisite qualifications to be a voter in Illinois either at the time of entry of the judgment or determination, or at the time application was made to become a voter; or
- 5) a certified copy of the voter's death certificate or equivalent document issued by a department of vital records, wherever situated, or, in the alternative, an obituary listing the name of the decedent contained in a newspaper having a general circulation throughout the municipality or county in which the decedent lived immediately prior to death. In the event an obituary is used, confirmation of its authenticity and accuracy must be obtained via a written or verbal confirmation by the funeral director of the funeral home or other location at which the memorial service, wake, funeral or similar service was held.

(Source: Amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: State Universities Civil Service System
- 2) Code Citation: 80 Ill. Adm. Code 250
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
250.90	Amend
250.120	Amend
- 4) Statutory Authority: 110 ILCS 70
- 5) A Complete Description of the Subjects and Issues Involved: The proposed revisions to Section 250.90 will provide extensions to the probationary period for both paid and unpaid leave of absences and the proposed revisions to Section 250.120 will clarify the accumulation of seniority during disability leaves.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed amendments will not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments on these proposed amendments within 45 days after the date of publication to:

Mary C. Follmer  
Assistant Legal Counsel  
State Universities Civil Service System  
1717 Philo Road, Suite 24  
Urbana, IL 61802

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENTS

217/278-3150, ext. 226

- 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: The agency did not anticipate this rulemaking when the recent Regulatory Agenda was published.

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

## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS  
CHAPTER VI: STATE UNIVERSITIES CIVIL SERVICE SYSTEMPART 250  
STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## Section

250.5	Definitions
250.10	Purpose, Adoption, and Amendment of Rules
250.20	The State Universities Civil Service System and its Divisions
250.30	The Classification Plan
250.40	Military Service Preference, Veterans Preference
250.50	Examinations
250.60	Eligible Registers
250.70	Nonstatus Appointments
250.80	Status Appointments
250.90	Probationary Period
250.100	Reassignments and Transfers
250.110	Separations and Demotions
250.120	Seniority
250.130	Review Procedures
250.140	Delegation of Authority and Responsibilities
250.150	Training
250.160	Suspension of Rules

**AUTHORITY:** Implementing and authorized by the State Universities Civil Service Act [110 ILCS 70].

**SOURCE:** Rules: State Universities Civil Service System, approved January 16, 1952, effective January 1, 1952; amended at 3 Ill. Reg. 13, p. 68, effective April 1, 1979; amended at 4 Ill. Reg. 10, p. 262, effective February 25, 1980; amended at 6 Ill. Reg. 2620, effective February 22, 1982; amended at 6 Ill. Reg. 7236, effective June 3, 1982; amended at 8 Ill. Reg. 4948 and 4950, effective March 29, 1984; codified at 8 Ill. Reg. 12936; amended at 8 Ill. Reg. 24732, effective December 6, 1984; amended at 9 Ill. Reg. 17422, effective October 23, 1985; amended at 11 Ill. Reg. 8942, effective May 8, 1987; amended at 12 Ill. Reg. 3457, effective February 1, 1988; amended at 12 Ill. Reg. 17079, effective October 7, 1988; amended at 13 Ill. Reg. 7324, effective May 1, 1989; amended at 13 Ill. Reg. 19427, effective February 6, 1990; amended at 18 Ill. Reg. 1901, effective January 21, 1994; amended at 20 Ill. Reg. 4440, effective February 29, 1996;

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amended at 30 Ill. Reg. 17384, effective October 23, 2006; amended at 31 Ill. Reg. 15848, effective November 13, 2007; amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 250.90 Probationary Period**

- a) Purpose of Probationary Period. The probationary period is an integral part of the examination process, and shall be utilized by the employer for close observation and evaluation of the employee's work, for obtaining the most effective adjustment of a new employee to his/her position, and to determine whether an employee demonstrates the ability and qualifications necessary to furnish satisfactory service. Periodically, throughout the probationary period, the employer should discuss with the employee his/her progress on the job. An employee who is dismissed during a probationary period shall be given the reasons~~reason(s)~~ for his/her dismissal, with the understanding that the reason~~reason(s)~~ is not reviewable.
- b) Duration of Probationary Period.
  - 1) Candidates employed from the reemployment register shall not be required to serve a new probationary period.
  - 2) An employee who has accepted a status appointment shall be on probation for no less than six months, and no longer than twelve months. If the probationary period is interrupted by a paid or an unpaid leave of absence that exceeds more than five consecutive work days, a layoff, or a suspension, a comparable amount of time shall be added to the probationary period. The probationary period shall begin on the date of assignment to duty and shall expire at the close of business on the last working day which completes the probationary period for the class, regardless of percentage of time of employment during the probationary period. If such employee is not dismissed during the probationary period, such employee shall become a status employee at its conclusion.
  - 3) An employee reinstated to a register in accordance with Section 250.60(k)(4), who is subsequently appointed to a position of his/her former class shall complete his/her probationary period in the former class, if he/she has not already done so.
  - 4) An employee who goes on layoff status during the probationary period,

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## NOTICE OF PROPOSED AMENDMENTS

may upon written request of the employer, be reinstated by the [Executive Director](#) on either the original entry [register](#) or promotional register, as appropriate, and in accordance with total service earned as of date of layoff, and subject to eligibility so established, may be appointed thereafter to the same or similar position. Such employee, so reinstated to the same or similar position, shall complete the probationary period for the class in which eligibility has been established, although such service may be interrupted by one or more layoffs.

- 5) Service in a higher class shall count toward completion of probationary period in a lower class in the same promotional line. Service in a lower class shall not be counted toward completion of probationary period in a higher class of the same promotional line.
- 6) A provisional employee shall begin a probationary period on the date of entrance into a status appointment for which the employee is eligible.

(Source: Amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 250.120 Seniority**

- a) Accumulation of Seniority.
  - 1) After the completion of the probationary period, the status employee's seniority shall date from the beginning of the probationary period. Seniority is accumulated on the basis of hours in a pay status exclusive of overtime. Seniority may be accumulated in certain types of non-pay status under specified conditions as provided for in [subsections Section 250.120](#)(f), (g), (h) and (j).
  - 2) Seniority once earned in a class is retained during any period of continuous employment:
    - A) Except as provided for in lesser units in accordance with [subsection Section 250.120](#) (k)(2).
    - B) Except an employee does not retain seniority in any class from which he has been demoted because of unsatisfactory performance or for disciplinary reasons.

## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## NOTICE OF PROPOSED AMENDMENTS

- b) Retention of Seniority. Seniority accrued in a class is retained for that class for purposes of retreat rights even though an employee accepts a position in another class outside of the promotional line.
- c) Seniority Lists. Each employer shall maintain a public and current seniority list which includes the names of all status employees in each class in order of their seniority.
- d) Ties in Seniority Lists.
- 1) If two or more employees have the same seniority, their names shall be placed on the seniority list in the order of their scores in the examination for the position; i.e., the person with the highest score shall be first, next highest second, and continuing in descending order of their scores. Seniority between employees who receive the same score on the examination shall be determined in accordance with years of service at the place of employment, then in accordance with date of application for employment.
  - 2) If two or more employees have the same seniority in the same lesser unit subsection Section 250.120(d)(1) shall apply.
- e) Accumulation of Seniority, or Service, in Promotional Line. Seniority, or service, in a higher class in a promotional line may be added to seniority, or service, earned in a lower class in the same line to compute total seniority, or service, in the lower class. Seniority earned in a class shall be counted toward seniority in a lower class in the same promotional line even though the employee may not have served in the lower class. Seniority, or service, earned in a lower class in a promotional line may not be added to seniority, or service, earned in a higher class in the same line to compute total seniority, or service, in the higher class.
- f) Accumulation of Seniority during Disability. Subject to limitation imposed by subsection Section 250.120(h) (Accumulation of Seniority during Layoff Status), employees accrue seniority while on leave of absence for disability, as defined in Section 250.110(b)(2) and for an occupational or work-related disability that becomes the subject of payment of income benefits as defined by the Workers' Compensation Act [820 ILCS 305], the Workers' Occupational Diseases Act [820 ILCS 310], a State self-insurance program, or other appropriate authority, and for

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~~pregnancy, as defined in Section 250.110(b)(4).~~

- g) Accumulation of Seniority during Authorized Absence without Pay. An employee shall accrue seniority during approved leaves of absence without pay not exceeding a total of 30 work days within any calendar year.
- h) Accumulation of Seniority during Layoff Status. An employee continues to accrue seniority during layoff occasioned by a break in the academic calendar or during any other layoff period not in excess of 30 consecutive work days.
- i) Accumulation of Seniority during Suspension. Employees do not accrue seniority while on suspension.
- j) Accumulation of Seniority during Military Service.
  - 1) A status employee accrues seniority during leave for military service until date of separation from active military service and for 90 calendar days thereafter, if such separation is under conditions other than dishonorable.
  - 2) An employee whose name has been certified and who has not completed ~~the~~his probationary period at the time of approval for~~his~~ leave for military service ~~was granted, shall continue to accrue~~accrues seniority in his or her classification for the entire time of~~during his~~ leave for military service until the date of separation from active service and for 90 calendar days thereafter, provided the employee meets the following conditions:
    - A) the~~if such~~ separation from active military service is under conditions other than dishonorable,
    - B) reemployment occurs~~providing he is reemployed~~ in a position of the same class as that ~~in which he was~~ employed at the time of ~~his~~ leave for military service, and
    - C) the~~providing that he satisfactorily completes his~~ probationary period is satisfactorily completed in the class upon reemployment.
- k) Effect of Lesser Units on Seniority.
  - 1) Lesser units, for purposes of determining seniority, may be approved by

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the Merit Board, provided two-thirds of the status employees within the class involved in the approval of the lesser unit shall agree to the creation of such lesser unit. A lesser unit can be disestablished only by agreement (i.e., election) of two-thirds of all status employees in the class at the place of employment (subject to subsequent approval by the Merit Board).

- 2) A status employee who accepts a position in a different lesser unit relinquishes seniority acquired in the previous lesser ~~unit~~unit(s), but cannot be required to serve another probationary period, providing there is no change in class.
  - 3) An employee in a lesser unit who accepts a temporary assignment in another lesser unit during a period of layoff does not accrue seniority in the latter unit.
- l) Effect of Vacation Time on Seniority at Time of Separation. At the time of separation, seniority shall be accrued only through the period of actual service to the employer. Payment for earned vacation time shall not be included in the seniority computation.
  - m) Restoration of Seniority after Retirement. If a retired employee is reemployed within 60 days ~~after~~of retirement, seniority earned up to the effective date of retirement shall be restored.

(Source: Amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Licensing Standards for Day Care Homes
- 2) Code Citation: 89 Ill. Adm. Code 406
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
406.4	Amend
406.5	Amend
406.8	Amend
406.17	Amend
406.22	Amend
406.APPENDIX B	Amend
- 4) Statutory Authority: Child Care Act of 1969 [225 ILCS 10], the Child Product Safety Act [430 ILCS 125], and the Abused and Neglected Child Reporting Act [325 ILCS 5/3]
- 5) Effective Date of Amendments: June 20, 2008
- 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 Illinois Register: 31 Ill Reg. 8397; June 15, 2007
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In addition to editing and formatting corrections, the following amendments were made:

In Section 406.8, the Department corrected the language requiring carbon monoxide detectors to mirror the statutory language of the Carbon Monoxide Detector Act. The First Notice language had been similar to the requirements for smoke detectors.

The Department also clarified the language regarding the requirement for protection from water hazards and mandatory adult supervision when children in care are present in these recreational areas.

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Section 406.17 was added and changes were made for consistency with changes in Section 406.Appendix B whereby providing peanut butter to children under 2 years of age was eliminated. The mixture of peanut butter with a slice of bread is a choking hazard for children under 2.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: In addition to formatting and grammatical corrections, the Department is amending Part 406 as follows:

Sections 406.4 Application for License. Adds the requirement that applications for licensure must include a written hazard protection plan concerning potential hazards in the home and outdoor areas such as traffic construction, bodies of water accessible to children, open stairwells, etc.

Section 406.5 Application for Renewal of License. The statutory language was used for the actions the Department will follow when a timely and sufficient application for a renewal of license is submitted [205 ILCS 10/5(d)] pursuant to a previous agreement with JCAR.

Section 406.8 General Requirements for Day Care Homes. Statutory provisions [430 ILCS 135/10] requiring the installation of carbon monoxide detectors in homes that rely on combustion of fossil fuel or have an attached garage were added. In addition, language requiring greater protection of water and other hazards was added.

Section 406.17 Nutrition and Meals. The provision for providing peanut butter to children under 2 years of age was eliminated in order to prevent choking and for consistency with changes in Section 406.Appendix B. The mixture of peanut butter with a slice of bread is a choking hazard for children under 2.

Section 406.22 Children Under 30 Months of Age. Subsections (b) and (g) clarify the positions in which a child may be put to sleep in order to prevent Sudden Infant Death Syndrome.

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

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

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

The full text of the Adopted 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 406

## LICENSING STANDARDS FOR DAY CARE HOMES

## Section

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

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406.APPENDIX D In-Service Training

406.APPENDIX E List of Items for Fire Prevention Inspection

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

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

**Section 406.4 Application for License**

- a) A complete application shall be filed with the Department of Children and Family Services by the supervising agency on forms prescribed and provided by the Department.
- b) A complete application shall include:
  - 1) a completed, signed and dated Application for Home License;
  - 2) a list of persons who will be working in the day care home, including any substitutes and assistants, and members of the household age 13 and over;
  - 3) completed, signed and dated authorizations to conduct the background check for the applicants, each employee or person used to replace or supplement staff, and each member of the household age 13 and over;
  - 4) a completed, signed and dated Child Support Certification form; ~~and~~

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- 5) the names, addresses and telephone numbers of at least 3 adults not related to the applicants, nor living in the household, who can attest to their character and suitability to provide child care; ~~and-~~
  - 6) a written hazard protection plan identifying potential hazards within the home and outdoor area accessible to the children in care. The written plan shall address the specific hazards and the adult supervision and physical means required to minimize the risks to children. Conditions to be addressed include, but are not limited to, traffic construction, bodies of water accessible to the children, open stairwells, and neighborhood dogs.
- c) The supervising agency shall study each day care home under its supervision before recommending issuance of a license. The licensing study shall be conducted by a licensing representative and shall be reviewed and approved by his/her supervisor. Supervisory approval indicates recommendation for license or denial of a license and compliance or non-compliance with the standards prescribed by this Part. The study shall be in writing and shall be signed by the licensing representative performing the study and by his/her supervisor. A license may not be recommended without the receipt of at least 3 positive, written references, and a written study signed by the licensing representative and supervisor. The applicant shall receive a copy of the results of the on-site compliance review upon request.
- d) Fire Safety
- 1) In order for a home to be licensed as a day care home, a fire inspection report (Appendix E) must be completed using forms provided by the Department indicating that the home is safe.
  - 2) The fire inspection may be conducted by the licensing representative conducting the licensure study, staff of the private agency that supervises the day care home, the local fire department or the Office of the State Fire Marshal.
    - A) For each new application received, the Department's Central Office of Licensing will notify the local fire prevention authorities and give them the opportunity to inspect the home applying for

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licensure and make recommendations on its suitability based on the standards prescribed by this Part.

- B) Department licensing staff and staff of child welfare agencies supervising licensed day care homes shall keep a list of fire departments that receive this notification. For license applicants residing in areas not covered by a participating fire department, Department staff or staff of the supervising agency shall notify the Office of the State Fire Marshal.
  - C) Once notified, the fire prevention authority shall have 15 working days to return its recommendations to the Department or supervising agency. Any comments received by the Department or supervising agency shall be considered in the licensing study. Applicants must comply with all requirements of this Part, whether or not recommendations are received.
  - D) If the local fire prevention authority or OSFM does not conduct a fire inspection, the fire inspection report shall be completed by the Department licensing representative or staff of the private agency supervising the home.
- 3) All fire inspection reports must be completed on forms prescribed and provided by the Department.
  - 4) Licensed day care homes that fail to comply with all applicable local, municipal and State regulations may be prohibited from operating.
- e) A new application shall be filed when any of the following occurs:
- 1) When an application for a license has been withdrawn, and the licensee or agency seeks to reapply;
  - 2) When there is a change in the name of the licensee, the location of the day care home, or the supervising agency;
  - 3) When there is a change in the status of joint licensees, such as separation, divorce or death; or

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- 4) Not sooner than 12 months after the Department has revoked or refused to renew a license and a new license is sought.
- f) Written approval of the supervising agency is required to effect changes in the license capacity or the ages of children served in conformance with the requirements of Section 406.13. Approval will not be granted unless the day care home's current operation is in compliance with the standards prescribed by this Part.

(Source: Amended at 32 Ill. Reg. 9137, effective June 20, 2008)

**Section 406.5 Application for Renewal of License**

- a) Application forms for license renewal shall be mailed to day care home licensees by the supervising agency 6 months prior to the expiration date of the license.
- b) The completed application shall be signed by the licensees and submitted to the supervising agency no later than 3 months from the date mailed to licensees to be considered timely and sufficient.
- c) When a licensed day care home seeks to change its name, location, or supervising agency, a new application reflecting the changes must be completed, signed by the licensees and submitted to the supervising agency 30 days prior to the effective date of the changes for the application to be considered timely and sufficient.
- 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 and the Department fails to render a decision on the application for renewal of the license prior to the expiration date of the license, the existing license shall continue in full force and effect for up to 30 days until the final Department decision has been made. The Department may further extend the period in which such decision must be made in individual cases for up to 30 days, if good cause is shown. [225 ILCS 10/5(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 Department decision has been made (Section 5 of the Act).*~~
- e) Fire Safety

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- 1) In order for a home to be licensed as a day care home, a fire inspection report (Appendix E) must be completed using forms provided by the Department indicating that the home is safe.
- 2) The fire inspection may be conducted by the licensing representative conducting the licensure study, staff of the private agency that supervises the day care home, the local fire department or the Office of the State Fire Marshal.
  - A) For each renewal application received, the Department's Central Office of Licensing will notify the local fire prevention authorities and give them the opportunity to inspect the home applying for licensure and make recommendations on its suitability based on the standards prescribed by this Part.
  - B) Department licensing staff and staff of child welfare agencies supervising licensed day care homes shall keep a list of fire departments that receive this notification. For license applicants residing in areas not covered by a participating fire department, Department staff or staff of the supervising agency shall notify the Office of the State Fire Marshal.
  - C) Once notified, the fire prevention authority shall have 15 working days to return its recommendations to the Department or supervising agency. Any comments received by the Department or supervising agency shall be considered in the licensing study. Applicants must comply with all requirements of this Part, whether or not recommendations are received.
  - D) If the local fire prevention authority or OSFM does not conduct a fire inspection, the fire inspection report shall be completed by the Department licensing representative or staff of the private agency supervising the home.
- 3) All fire inspection reports must be completed on forms prescribed and provided by the Department.
- 4) Licensed day care homes that fail to comply with all applicable local,

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municipal and State regulations may be prohibited from operating.

- f) Upon receipt of the application for license renewal, the supervising agency shall conduct a license study in order to determine that the day care home 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 licensees shall receive a copy of the results of the on-site compliance review upon request.

(Source: Amended at 32 Ill. Reg. 9137, effective June 20, 2008)

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

- a) The physical facilities of the home, both indoors and outdoors, shall meet the following requirements for safety to children.
- 1) The home shall have a first aid kit consisting of adhesive bandages, scissors, thermometer, non-permeable gloves, Poison Control Center telephone number (1-800-222-1222), sterile gauze pads, adhesive tape, tweezers and mild soap.
  - 2) The kitchen shall be equipped with a readily accessible and operable fire extinguisher rated for Class A, B, and C fires and a flashlight in working order.
  - 3) Electrical outlets that are within reach of children under 5 years of age shall have protective coverings. There shall be no exposed or uninsulated wiring.
  - 4) The home shall be equipped with a minimum of one approved smoke detector in operating condition on every floor level, including basements and occupied attics.
    - A) A smoke detector in operating condition shall be within 15 feet of rooms where children nap or sleep. *The detector shall be installed on the ceiling and at least 6 inches from any wall, or on a wall located between 4 and 6 inches from the ceiling.* In addition, there shall be at least one detector at the beginning and end of each separate corridor or hallway 200 feet or more in length in any

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occupied story.

- B) *In any facility constructed after December 31, 1987, or which undergoes substantial remodeling of its structure or wiring system after that date, the smoke detectors shall be permanently wired into the structure's AC power line, and, if more than one detector is required to be installed, the detectors shall be wired so that the activation of one detector will activate all the detectors in the facility unit.* For purposes of this subsection (a)(4), "substantial remodeling" represents more than 15% of the replacement cost of the day care home.
- C) *Compliance with any applicable federal, State or local law, rule or building code which requires the installation and maintenance of smoke detectors in a manner different from this Section, but providing a level of safety for occupants which is equal to or greater than that provided by this Section, shall be deemed to be compliance with this Section.* (Section 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/2])
- 5) Fixed space heaters, fireplaces, radiators, and other heating sources in areas occupied by children shall be separated by partitions or a sturdy barrier to prevent contact. Portable space heaters may not be used in a day care home during the hours that child care is provided.
- 6) Facilities in which a wood-burning stove or fireplace has been installed and which is used during the hours that child care is provided shall provide a written plan of how the stove or fireplace will be used and what actions will be taken to ensure the children's safety when in use.
- 7) When the basement area may be used for child care, 2 exits shall be provided.
- A) At least one exit shall be a basement exit via a door directly to the outside (without traversing any other level of the home) or a protected exit from a basement via a door or stairway that allows unobstructed travel directly to the outside of the building at street or ground level. The stairway may not be more than 8 feet high.

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- B) A second exit may be a window.
    - i) The window shall be operable from the inside without the use of tools and provide a clear opening not less than 20 inches in width, 24 inches in height, and 5.7 square feet in area.
    - ii) If the window is used as a second exit, the bottom of the window opening shall be no more than 44 inches above the floor.
    - iii) When the bottom of the window opening used as a second exit is greater than 24 inches above the floor, there shall be a permanently affixed, sturdy ramp or stairs located below the window to allow speedy access in the event of an emergency.
  - C) If the basement area does not meet these exiting requirements, the basement may be used for child care only with the prior written approval of the Office of the State Fire Marshal or local agencies authorized by the Office of the State Fire Marshal to conduct inspections on its behalf.
- 8) All walls and surfaces shall be free from chipped or peeling paint.
  - 9) Walls of rooms that children use shall be maintained free of lead paint.
  - 10) Furniture and equipment shall be kept in safe repair.
  - 11) First aid supplies, medication, cleaning materials, poisons, sharp scissors, plastic bags, sharp knives, cigarettes, matches, lighters, flammable liquids, and other hazardous materials shall be stored in places inaccessible to children. Hazardous items for infants and toddlers also include items that can cause choking, including but not limited to: coins, balloons, safety pins, marbles, Styrofoam™ and similar products, and sponge, soft rubber or soft plastic toys that can be bitten or broken into small pieces.
  - 12) Tools and gardening equipment shall be stored in locked cabinets, if possible, or in places inaccessible to all children.

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- 13) *Handguns are prohibited on the premises of the day care home except in the possession of peace officers or other adults who must possess a handgun as a condition of employment and who reside in the day care home.*
- 14) *Any firearm, other than a handgun in the possession of a peace officer or other person as provided in subsection (a)(13), shall be kept in a disassembled state, without ammunition, in locked storage in a closet, cabinet, or other locked storage facility inaccessible to children. Ammunition for such firearms shall be kept in locked storage separate from that of the disassembled firearms, inaccessible to children.*
- 15) *The operator of the home shall notify the parents or guardian of any child accepted for care that firearms and ammunition are stored on the premises. The operator shall also notify the parents or guardian that such firearms and ammunition are locked in storage inaccessible to children.* (Section 7 of the Act) Such notification need not disclose the location where the firearms and ammunition are stored.
- 16) There shall be written plans for immediate evacuation in case of emergency. The evacuation plan shall identify the exits from each area used for child care and shall specify the evacuation route. Monthly fire drills shall be conducted for the purpose of removing children from the home as quickly as possible. Tornado drills shall be conducted monthly for the purpose of getting children accustomed to moving to a position of safety in the event of a tornado. Records shall be maintained of the dates and times required drills are conducted.
- 17) Exit doors shall be kept clear of equipment and debris at all times.
- 18) In the event of a fire, the day care home shall be evacuated immediately and the children's safety insured before calling the fire department or attempting to combat the fire.
- 19) There shall be an operable telephone available on the premises of the licensee. The number of the Poison Control Center (1-800-222-1222) and other emergency numbers shall be posted in an area that is readily available in an emergency.

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- 20) All in-ground swimming pools located in areas accessible to children shall be fenced. The fence shall be at least 5 feet in height and secured by a locked gate. Day care homes that have a license or a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.
- 21) All above-ground pools shall have non-climbable sidewalls that are at least 4 feet high or shall be enclosed with a 5 foot fence that is at least 36 inches away from the pool's side wall and secured with a locked gate. When the pool is not in use, steps shall be removed from the pool or otherwise protected to insure the pool cannot be accessed. Day care homes that have a license or a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.
- 22) Portable wading pools shall be emptied daily and disinfected before being air-dried.
- 23) All hot tubs shall have securely locked covers or otherwise be inaccessible to children.
- 24) Free hanging cords on blinds, shades and drapes shall be tied or otherwise kept out of reach of children.
- 25) Carbon Monoxide Detector
- A) A home that has an attached garage and/or relies on combustion of fossil fuel for heating, ventilation, or hot water shall be equipped with a minimum of one approved carbon monoxide detector in operating condition within 15 feet of rooms where children nap or sleep.
- B) The carbon monoxide detector may be combined with smoke detector devices, provided that the combined unit complies with subsection (a)(4) and this subsection (a)(25). [430 ILCS 135/10]
- b) The kitchen shall be clean, equipped for the preservation, storage, preparation and serving of food, and reasonably safe from hazards.

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

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- 3) There shall be careful supervision of children who are permitted to handle and care for the animals.
  - 4) Immediate treatment shall be available to any child who is bitten or scratched by an animal.
  - 5) The presence of monkeys, ferrets, turtles, iguanas, psittacine birds (birds of the parrot family) or any wild or dangerous animal is prohibited in areas accessible to children during the hours the day care home is in operation. Wild and dangerous animals include, but are not limited to, venomous and constricting snakes, undomesticated cats and dogs, racoons, and other animals determined to be dangerous by local public health authorities.
- h) Indoor space shall consist of a clean, comfortable environment for children.
- 1) The day care home shall be well-ventilated, free from observable hazards, properly lighted and heated, and free of fire hazards.
  - 2) The dwelling shall be kept clean, sanitary, and in good repair.
  - 3) There shall be provision for isolating a child who becomes ill or who is suspected of having a contagious disease.
  - 4) When used for child care, floors shall have protective covering such as, but not limited to, tile, carpet, linoleum. Paint or sealer alone is not acceptable as a protective covering.
  - 5) When children under 30 months of age are in care, stairs leading to second levels, attics or basements shall be fitted with a sturdy gate, door or other barrier to prevent the children's access to stairs without adult supervision. Such a barrier shall be moveable enough so as not to impede evacuation, if necessary.
- i) The licensee shall identify those areas in the home used for child care. The identified areas minus any special use areas shall be measured to calculate the square footage available for child care. When the licensed capacity of the home exceeds 8 children, there shall be:

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- 1) A minimum of 35 square feet of floor space per each child in care, and
  - 2) An additional 20 square feet of floor space for each child under 30 months of age when the play area is the same as the sleep area. However, if portable bedding is used for napping, then removed, the licensing representative shall approve the use of only 35 square feet of space for each child if the applicant/licensee has adequate storage for the bedding materials and the bedding materials are removed before and after naptime.
- j) *No person may smoke tobacco in any area of the day care home in which day care services are being provided to children, while those children are present on the premises. In addition, no person may smoke tobacco while providing transportation, in either an open or enclosed motor vehicle, to children who are receiving child care services. Nothing in this subsection prohibits smoking in the home in the presence of a person's own children or in the presence of children to whom day care services are not then being provided. [225 ILCS 10/5.5]*
- k) There shall be safe outdoor space for active play.
- 1) Space shall be provided for play in yards, nearby parks or playgrounds under adult supervision.
  - 2) Space shall be protected by physical means (e.g., fence, tree line, chairs, ropes, etc.) ~~or by adult caregiver supervision~~ against all water hazards, including, but not limited to, such as pools, ponds, standing water, ornamental bodies of water, and retention ponds, regardless of the depth of the water, and by adult caregiver supervision at times when children in care are present. Other hazards, such as, but not limited to, heavy traffic, and construction, shall be inaccessible to children in care through a physical barrier and adult supervision.
  - 3) Play areas shall be well drained and safely maintained.
  - 4) All pieces of outdoor equipment used by children 5 years of age and younger on the day care home premises that is purchased or installed on or after April 1, 2001 shall meet the following standards to guard against entrapment or situations that may cause strangulation.
    - A) Openings in exercise rings shall be smaller than 4½ inches or

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larger than 9 inches in diameter.

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

(Source: Amended at 32 Ill. Reg. 9137, effective June 20, 2008)

**Section 406.17 Nutrition and Meals**

- a) Food requirements for children between birth and the age of eating table food

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shall be geared to the individual needs of the child and determined by consultation with the parents. The facility shall provide one-third to two-thirds of the daily nutritional requirements, depending on the length and time of day of the child's stay. The main meal shall be nutritionally balanced conforming to age appropriate portions and variety as reflected in the Meal Pattern Charts, Appendices A and B.

- b) Children one year of age and older in attendance for more than 2 but less than 5 hours shall be served a mid-session snack consisting of one-half cup of pure fruit juice or full-strength canned or frozen fruit juice that contains at least 30 milligrams of Vitamin C per serving, or one to one-half cup of pasteurized milk, or one serving of citrus fruit.
- c) Children one year of age and older in attendance 5 to 10 hours shall be served at least one-third of their daily food requirements, which shall include a well-balanced, nutritive meal. Occasional picnic-type meals may be substituted for a main meal. Mid-morning and mid-afternoon snacks consisting of fruit, fruit juice, or pasteurized milk (as prescribed under subsection (c)) shall be included. Children in attendance for over 10 hours shall be served food to provide at least two-thirds of their daily food requirements. Two meals and the supplemental snacks will meet this requirement. One of the meals may be breakfast or supper, depending on the time the child arrives or departs.
- d) Children under one year of age who are no longer drinking formula or breast milk shall be served whole milk unless low-fat milk is requested by the child's physician.
- e) Children shall be served small servings of bite-size pieces.
- f) All meals shall be suitable for children and prepared by methods designed to conserve nutritive value, flavor, and appearance.
- g) Children under 2 years of age shall not be fed whole berries, hard candies, raisins, corn kernels, raw carrots, whole grapes, hot dogs, nuts, seeds, popcorn, or raw peas ~~or peanut butter~~, as these foods may cause choking.
- h) Cooked carrots, corn, peas and bananas may be served to infants only if mashed, grated or pureed.

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- i) Hot dogs and raw carrots may be served to children between 2 and 3 years of age only if cut into short, thin strips. Up to 3 tbsp. of peanut~~Peanut~~ butter may~~shall~~ only be served to children ages 3 through 5~~between 2 and 3 years of age~~ if thinly spread on bread, crackers or other foods or if mixed with other foods.
- j) The caregiver may allow meals and snacks to be provided by the parent or legal guardian upon written agreement between the parent and caregiver.
  - 1) Food brought into the facility shall have a label showing the child's name, the date, and the type of food.
  - 2) Potentially hazardous and perishable foods shall be refrigerated properly, and all foods shall be protected against contamination.
  - 3) Meals and snacks provided by the parent or legal guardian for his or her own children shall not be shared with other children.
  - 4) The caregiver shall inform the parent or legal guardian of the nutritional requirements of this Part.
  - 5) The caregiver shall have food available to supplement a child's food brought from home if that food is deficient in meeting the nutrient requirements of this Part.
- k) Drinking water shall be readily available to the children at all times.
- l) Mealtimes shall be pleasurable experiences for the child.
  - 1) There shall be enough time allowed for meals so the children can eat in an unhurried atmosphere.
  - 2) Children shall be encouraged but not forced to try new foods.
  - 3) Information provided by parents concerning the child's eating habits, food preferences, or special needs should be considered in planning menus.
  - 4) Food preferences and eating habits shall not be permitted to become a source of friction at mealtimes.

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- 5) Mealtimes should occur in a social atmosphere and afford children the close presence of an attentive adult.

(Source: Amended at 32 Ill. Reg. 9137, effective June 20, 2008)

**Section 406.22 Children Under 30 Months of Age**

- a) Children under 30 months of age shall not be permitted in bathrooms, kitchens, or other hazardous areas without the caregiver or assistant present.
- b) To minimize the risk of Sudden Infant Death Syndrome, children shall be placed on their backs when put down to sleep.
- 1) When the infant cannot rest or sleep on his/her back due to a disability or illness, the caregiver shall have written instructions, signed by a physician, detailing an alternative safe sleep position and/or special sleeping arrangements for the infant. The caregiver shall put the infant to sleep in accordance with a physician's written instructions.
  - 2) When an infant can easily turn over from the back to tummy position, the infant shall be put down to sleep on his/her back, but allowed to adopt whatever sleeping position the infant prefers.
  - 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.
  - 5) When an infant is awake, the infant shall be placed on his/her tummy part of the time and observed at all times.  
~~unless contraindicated by a physician. Children shall not be placed on their abdomens, unless specifically instructed in writing by the child's physician to do so.~~
- c) Children under 30 months of age shall be provided a daily program that is designed to meet their needs.
- 1) The caregiver shall demonstrate warm, positive feelings toward each child

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through actions such as hugging, patting, smiling, and cuddling.

- 2) Routines such as naps and feedings shall be discussed with the parents and shall be consistent with the child's routine at home.
  - 3) Non-mobile children who are awake shall be moved to different positions and shall be held, rocked, and carried about.
  - 4) The caregiver shall frequently change the place, position, and toys available for children who cannot move about the room.
  - 5) Consistent toilet training shall be undertaken at a time mutually agreed upon by parent and caregiver in accordance with the child's age and/or stage of development.
  - 6) Children shall be taken outdoors for a portion of every day, when weather permits, except when the child is ill or unless indicated otherwise by parent or physician.
- d) Feeding schedules and procedures shall meet the developmental needs of the children.
- 1) Flexible feeding schedules of children shall be established to coordinate with parents' schedules at home and to allow for nursing.
  - 2) 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 without being held. The bottle must be removed when the child has fallen asleep. Bottle propping and carrying of bottles by young children throughout the day/night shall not be permitted.
  - 3) Bottles shall never be warmed or defrosted in a microwave oven.
  - 4) Children shall be allowed and encouraged to feed themselves when they indicate a readiness to do so.
  - 5) Safe finger foods such as those that dissolve in the mouth may be provided.

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- e) Proper standards of hygiene shall be observed in the home.
- 1) Hands shall be washed with soap and running water and dried before the feeding of each child.
  - 2) Formula brought in by the parent shall be labeled and placed in the refrigerator.
  - 3) All utensils shall be washed after each use.
  - 4) Foods stored or prepared in jars shall be served from a separate dish for each child. Any leftovers from the serving dish shall be discarded. Leftovers in the jar shall be labeled with the child's name, dated, refrigerated, and served within 24 hours or discarded.
  - 5) A toilet shall be easily accessible so that the contents of reusable diapers may be disposed of before placing the diapers in the diaper pail. Disposable diapers and their contents shall be disposed of in accordance with the manufacturer's instructions.
  - 6) Persons changing diapers shall wash hands under running water with soap after each change of diaper. Hands shall be dried with single-use towels. Additionally, disposable, non-permeable gloves shall be worn when changing a child who has watery or bloody stools.
  - 7) The child whose diaper is being changed is to be washed on the hands and anal area if there has been defecation or if irritation is present.
  - 8) Children who are not toilet trained shall be diapered in their own cribs, at a central diapering area on a surface that is disinfected after each use, or on a disposable paper sheet that is disposed of after each diapering.
  - 9) The toilet seat, if soiled, or potty shall be cleaned [with germicidal solution \(see subsection \(f\)\)](#) after every use.
  - 10) Soiled diapers shall be changed promptly.
  - 11) Sheets shall be changed when soiled, and all sheets shall be changed

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routinely 2 times per week.

- 12) All beds shall be wiped clean as often as necessary.
  - 13) Toys and equipment shall be kept clean.
- f) A germicidal solution of ¼ cup household chlorine bleach to one gallon of water (or one tablespoon bleach to one quart of water) or other germicidal solution approved by the Centers for Disease Control and Prevention shall be used to clean surfaces soiled by blood or body fluids. The bleach solution shall be made fresh daily.
- g) The equipment must be appropriate to the developmental needs of the children in care.
- 1) Safe, sturdy, well-constructed individual cribs, playpens, or port-a-cribs for infants shall be equipped with good firm, fitting mattresses made of waterproof materials that can be washed. Washable cots may be used for children 15 months of age and over.
  - 2) Sleeping equipment for children under 15 months must have protection to prevent falls.
  - 3) There shall be no more than 1½ inches of space between the mattress and bed frame when the mattress is pushed flush at one corner of the crib.
  - 4) [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, [pillowspillow](#), [quiltsquilt](#), comforters, sheepskins, stuffed toys, [laundry](#) and other soft products shall be removed from the crib when children are napping or sleeping. If using a blanket, put the child with feet at the foot of [the](#) crib. Tuck a thin blanket around the crib mattress, reaching only as far as the child's chest.
  - 5) Bed linens used on the cots, cribs, or playpens shall be safe, tightly fitting, and washable.
  - 6) Conveniently located, washable, plastic-lined covered receptacles shall be provided for soiled diapers and linens.

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- 7) A toilet seat or potty shall be provided.
- h) The materials must be appropriate to the developmental needs of the child in care.
  - 1) Provision shall be made for an adequate supply of individual diapers, clothing, powder, oil, etc.
  - 2) There shall be a variety of toys and art materials for children under 30 months of age to observe, grasp, pick up, and manipulate.
  - 3) Pull toys, pounding toys, large hollow blocks, or large balls shall be available for development of large muscles.
  - 4) Mobile walkers are prohibited. Stationary exercisers may be used.
- i) Equipment and play materials shall be durable and free from characteristics that may be hazardous or injurious to children under 30 months of age. Hazardous or injurious characteristics include sharp, rough edges; toxic paint; and objects small enough to be swallowed.

(Source: Amended at 32 Ill. Reg. 9137, effective June 20, 2008)

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**Section 406.APPENDIX B Meal Pattern Chart for Children Over One Year of Age**

	BREAKFAST			LUNCH/SUPPER		
	Ages			Ages		
	1 <del>through</del> <del>23</del>	3 <del>through</del> <del>56</del>	6 <del>through</del> 12	1 <del>through</del> <del>23</del>	3 <del>through</del> <del>56</del>	6 and older <sup>1</sup>
<b>MILK</b>						
Milk, fluid	½ cup <sup>2</sup>	¾ cup	1 cup	½ cup <sup>2</sup>	¾ cup	1 cup
<b>VEGETABLES AND FRUITS<sup>4</sup></b>						
Vegetable(s) and/or fruit(s)	¼ cup	½ cup	½ cup	¼ cup total	½ cup total	¾ cup total
or						
Full-strength vegetable or fruit juice or an equivalent quantity of any combination of vegetable(s), fruit(s), and juice.	¼ cup	½ cup	½ cup			
<b>BREAD AND BREAD ALTERNATES<sup>3</sup></b>						
Bread	½ slice	½ slice	1 slice	½ slice	½ slice	1 slice
or						
Cornbread, biscuits, rolls, muffins, etc.	½ serving	½ serving	1 serving	½ serving	½ serving	1 serving
or						
Cold dry cereal	¼ cup or ⅓ oz.	⅓ cup or ½ oz.	¾ cup or 1 oz.			
or						
Cooked cereal	¼ cup	¼ cup	½ cup			
or						
Cooked pasta or noodle products	¼ cup	¼ cup	½ cup			
or						
Cooked cereal grain or an equivalent quantity of any combination of bread/bread alternate	¼ cup	¼ cup	½ cup			
Cooked pasta or noodle products or cooked cereal grains or an equivalent quantity of any combination of bread/bread alternate				¼ cup	¼ cup	½ cup
<b>MEAT AND MEAT ALTERNATES</b>						
Lean meat or poultry or fish <sup>5</sup>				1 oz.	1½ oz.	2 oz.
or						
Cheese				1 oz.	1½ oz.	2 oz.
or						
Eggs				1 egg	1 egg	1 egg
or						
Cooked dry beans or peas				¼ cup	⅔ cup	½ cup
or						

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<del>An</del> <u>Peanut butter or an</u> equivalent quantity of any combination of meat/meat alternate	2 tbsp.	3 tbsp.	4 tbsp.
<u>or</u> <u>Peanut butter</u>	<u>---</u>	<u>3 tbsp.</u>	<u>4 tbsp.</u>

<sup>1</sup> Children age 12 and up may be served adult-sized portions based on the greater food needs of older boys and girls, but shall be served not less than the minimum quantities specified for children age 6 up to 12.

<sup>2</sup> For purposes of the requirements outlined, a cup means a standard measuring cup.

<sup>3</sup> Bread, pasta, or noodle products and cereal grains shall be whole-grain or enriched. Cornbread, biscuits, rolls, muffins, etc., shall be made with whole-grain or enriched meal or flour. Cereal shall be whole-grain or enriched or fortified.

<sup>4</sup> Serve 2 or more kinds of vegetables and/or fruits. Full strength vegetable or fruit juice may be counted to meet not more than one-half of this requirement.

<sup>5</sup> Cooked lean meat without bone.

(Source: Amended at 32 Ill. Reg. 9137, effective June 20, 2008)

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- 1) Heading of the Part: Licensing Standards for Group Day Care Homes
- 2) Code Citation: 89 Ill. Adm. Code 408
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
408.10	Amend
408.15	Amend
408.30	Amend
408.65	Amend
408.80	Amend
408.105	Amend
408.120	Amend
408.APPENDIX B	Amend
- 4) Statutory Authority: Child Care Act of 1969 [225 ILCS 10], the Child Product Safety Act [430 ILCS 125], and the Abused and Neglected Child Reporting Act [325 ILCS 5/3]
- 5) Effective Date of Amendments: June 20, 2008
- 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 Illinois Register: 31 Ill Reg. 8422; June 15, 2007
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In addition to editing and formatting corrections, the following amendments were made:

In Section 408.30, the Department corrected the language requiring carbon monoxide detectors to mirror the statutory language of the Carbon Monoxide Detector Act. The First Notice language had been similar to the requirements for smoke detectors.

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The Department also clarified the language regarding the requirement for protection from water hazards and mandatory adult supervision when children in care are present in these recreational areas.

Section 408.80 was added, and changes were made for consistency with changes in Section 408.Appendix B, whereby the provision of providing peanut butter to children under 2 years of age was eliminated. The mixture of peanut butter with a slice of bread is a choking hazard for children under 2.

Section 408.Appendix B was opened at the request of JCAR to make identical changes that were made in 89 Ill. Adm. Code 406.Appendix B.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: In addition to formatting and grammatical corrections, the Department is amending Part 408 as follows:

Section 408.10 Application for License. Adds the requirement that applications for licensure must include a written hazard protection plan of potential hazards in the home and outdoor areas such as traffic construction, bodies of water accessible to children, open stairwells, etc.

Section 408.15 Application for Renewal of License. The statutory language was used for the actions the Department will follow when a timely and sufficient application for a renewal of license is submitted [205 ILCS 10/5(d)] pursuant to a previous agreement with JCAR.

Section 408.30 General Requirements for Group Day Care Homes. Statutory provisions [430 ILCS 135/10] requiring the installation of carbon monoxide detectors in homes that rely on combustion of fossil fuel or have an attached garage were added. In addition, language requiring greater protection of water and other hazards was added.

Section 408.65 Number of Children Served. The language concerning when an assistant during extended capacity is needed was clarified.

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Section 408.80 Nutrition and Meals. The provision of peanut butter to children under 2 years of age was eliminated in order to prevent choking and for consistency with changes in Section 408.Appendix B. The mixture of peanut butter with a slice of bread is a choking hazard for children under 2.

Section 408.105 Children Under 30 Months of Age. Subsections (b) and (g) clarify the positions in which a child may be put to sleep in order to prevent Sudden Infant Death Syndrome.

Section 408.120, Record and Reports. In subsection (p), cross-reference to 89 Ill. Adm. Code 406.55(a) was corrected to read 89 Ill. Adm. Code 408.55(a).

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

Jeff E. Osowski  
Office of Child and Family Policy  
Department of Children and Family Services  
406 E. Monroe, Station #65  
Springfield, Illinois 62703-1498

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

The full text of the Adopted 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 408

## LICENSING STANDARDS FOR GROUP DAY CARE HOMES

## Section

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

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

**AUTHORITY:** Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10], the Children's Product Safety Act [430 ILCS 125], Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5/3], Sections 1 and 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/1 and 2], and Carbon Monoxide Alarm Detector Act [430 ILCS 135/10].

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

**Section 408.10 Application For License**

- a) A complete application shall be filed with the Department of Children and Family Services on forms prescribed and provided by the Department.
- b) A complete application shall include:
  - 1) a completed, signed and dated Application for Home License;
  - 2) a list of persons who will be working in the group day care home, including any substitutes and assistants, and members of the household age 13 and over;
  - 3) completed, signed and dated authorizations to conduct the background check for the applicant, each employee or person used to replace or

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supplement staff, and each member of the household age 13 and over;

- 4) a completed, signed and dated Child Support Certification form;
- 5) documentation that the applicant meets the qualifications for a caregiver in Section 408.45(e); ~~and~~
- 6) the names, addresses and telephone numbers of at least 3 adults not related to the applicants, nor living in the household, who can attest to their character and suitability to provide child care; ~~and-~~
- 7) a written hazard protection plan identifying potential hazards within the home and outdoor area accessible to the children in care. The written plan shall address the specific hazards and the adult supervision and physical means required to minimize the risks to children. Conditions to be addressed include, but are not limited to, traffic construction, bodies of water accessible to the children, open stairwells, and neighborhood dogs.

## c) Fire Safety

- 1) In order for a home to be licensed as a group day care home, a fire inspection report (Appendix I) must be completed using forms provided by the Department indicating that the home is safe.
- 2) The fire inspection may be conducted by the licensing representative conducting the licensure study, staff of the private agency that supervises the group day care home, the local fire department or the Office of the State Fire Marshal.
  - A) For each new application received, the Department's Central Office of Licensing will notify the local fire prevention authorities and give them the opportunity to inspect the home applying for licensure and make recommendations on its suitability based on the standards prescribed by this Part.
  - B) Department licensing staff ~~and staff of child welfare agencies~~ supervising licensed group day care homes shall keep a list of fire departments that receive this notification. For license applicants residing in areas not covered by a participating fire department,

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- Department staff ~~or staff of the supervising agency~~ shall notify the Office of the State Fire Marshal.
- C) Once notified, the fire prevention authority shall have 15 working days to return its recommendations to the Department ~~or supervising agency~~. Any comments received by the Department ~~or supervising agency~~ shall be considered in the licensing study. Applicants must comply with all requirements of this Part, whether or not recommendations are received.
- D) If the local fire prevention authority or OSFM does not conduct a fire inspection, the fire inspection report shall be completed by the Department licensing representative ~~or staff of the private agency~~ supervising the home.
- 3) All fire inspection reports must be completed on forms prescribed and provided by the Department.
- 4) Licensed day care homes that fail to comply with all applicable local, municipal and State regulations may be prohibited from operating.
- d) The license shall be issued when the standards prescribed by this Part have been met. Upon receipt of an application for a license, the Department shall conduct a license study to determine if the group day care home 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. A license may not be recommended without the receipt of at least three positive, written references, and a written study signed by the licensing representative and supervisor. The applicant shall receive a copy of the results of the on-site compliance review upon request.
- e) A new application shall be filed when any of the following occurs:
- 1) When an application for a license has been withdrawn, and the applicant or licensee seeks to reapply;
  - 2) When there is a change in the name of the licensee or the location of the group day care home;

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- 3) When there is a change in the status of joint licensees, such as separation, divorce or death; or
- 4) Not sooner than 12 months after the Department has revoked or refused to renew a license and a new license is sought.
- f) Written approval of the Department is required to effect changes in the license capacity, the area of the home used for child care, or the ages of children served in conformance with the requirements of Section 408.65. Approval will not be granted unless the day care home's current operation is in compliance with the standards prescribed by this Part.

(Source: Amended at 32 Ill. Reg. 9164, effective June 20, 2008)

**Section 408.15 Application for Renewal of License**

- a) Application forms for license renewal shall be mailed to group day care home licensees by the Department 6 months prior to the expiration date of the license.
- b) The completed application shall be signed by the licensees and submitted to the Department no later than 30 days from the date mailed to licensees to be considered timely and sufficient.
- c) When a licensed group day care home seeks to change its name or location, a new application reflecting the changes must be completed, signed by the licensees and submitted to the Department 3 months prior to the effective date of the changes for the application to be considered timely and sufficient.
- 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 and the Department fails to render a decision on the application for renewal of the license prior to the expiration date of the license, the existing license shall continue in full force and effect for up to 30 days until the final Department decision has been made. The Department may further extend the period in which such decision must be made in individual cases for up to 30 days, if good cause is shown. [225 ILCS 10/5(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 Department decision has been made. (Section 5 of the Act)~~

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- e) Fire Safety
- 1) In order for a home to be licensed as a group day care home, a fire inspection report (Appendix I) must be completed using forms provided by the Department indicating that the home is safe.
  - 2) The fire inspection may be conducted by the licensing representative conducting the licensure study, staff of the private agency that supervises the group day care home, the local fire department or the Office of the State Fire Marshal.
    - A) For each renewal application received, the Department's Central Office of Licensing will notify the local fire prevention authorities and give them the opportunity to inspect the home applying for licensure and make recommendations on its suitability based on the standards prescribed by this Part.
    - B) Department licensing staff ~~and staff of child welfare agencies~~ supervising licensed group day care homes shall keep a list of fire departments that receive this notification. For license applicants residing in areas not covered by a participating fire department, Department staff ~~or staff of the supervising agency~~ shall notify the Office of the State Fire Marshal.
    - C) Once notified, the fire prevention authority shall have 15 working days to return its recommendations to the Department ~~or supervising agency~~. Any comments received by the Department ~~or supervising agency~~ shall be considered in the licensing study. Applicants must comply with all requirements of this Part, whether or not recommendations are received.
    - D) If the local fire prevention authority or OSFM does not conduct a fire inspection, the fire inspection report shall be completed by the Department licensing representative ~~or staff of the private agency~~ supervising the home.
  - 3) All fire inspection reports must be completed on forms prescribed and provided by the Department.

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- 4) Licensed day care homes that fail to comply with all applicable local, municipal and State regulations may be prohibited from operating.
- f) Upon receipt of the application for license renewal, the Department shall conduct a license study in order to determine that the group day care home 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 licensees shall receive a copy of the results of the on-site compliance review upon request.

(Source: Amended at 32 Ill. Reg. 9164, effective June 20, 2008)

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

- a) The physical facilities of the home, both indoors and outdoors, shall meet the following requirements for safety to children.
  - 1) The home shall have a first aid kit consisting of adhesive bandages, scissors, non-permeable gloves, Poison Control Center telephone number (1-800-222-1222), thermometer, sterile gauze pads, adhesive tape, tweezers, first aid cream and mild soap.
  - 2) The kitchen shall be equipped with a readily accessible and operable fire extinguisher rated for Class A, B, and C fires and a flashlight in working order.
  - 3) Electrical outlets that are within reach of children under 5 years of age shall have protective coverings. There shall be no exposed or uninsulated wiring.
  - 4) The home shall be equipped with a minimum of one approved smoke detector in operating condition on every floor level, including basements and occupied attics.
    - A) A smoke detector in operating condition shall be within 15 feet of rooms where children nap or sleep. *The detector shall be installed on the ceiling and at least 6 inches from any wall, or on a wall located between 4 and 6 inches from the ceiling.* In addition, there

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shall be at least one detector at the beginning and end of each separate corridor or hallway 200 feet or more in length in any occupied story.

- B) *In any facility constructed after December 31, 1987, or which undergoes substantial remodeling of its structure or wiring system after that date, the smoke detectors shall be permanently wired into the structure's AC power line, and, if more than one detector is required to be installed, the detectors shall be wired so that the activation of one detector will activate all the detectors in the facility unit.* For purposes of this subsection (a)(4), "substantial remodeling" represents more than 15 percent of the replacement cost of the group day care home.
- C) *Compliance with any applicable federal, State or local law, rule or building code which requires the installation and maintenance of smoke detectors in a manner different from this Section, but providing a level of safety for occupants which is equal to or greater than that provided by this Section, shall be deemed to be compliance with this Section.* (Section 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/2])
- 5) Fixed space heaters, fireplaces, radiators, and other heating sources in areas occupied by children shall be separated by partitions or a sturdy barrier to prevent contact. Portable space heaters may not be used in a group day care home during the hours that child care is provided.
- 6) A facility, in which a wood-burning stove or fireplace has been installed and that is used during the hours that child care is provided, shall provide a written plan of how the stove or fireplace will be used and what actions will be taken to ensure the children's safety when in use.
- 7) In one and 2 family dwellings, children under 30 months of age shall be housed and cared for on the second floor or below. In other residential buildings, children under 30 months of age shall be housed and cared for only in areas that the Office of the State Fire Marshal or local agencies authorized by the Office of the State Fire Marshal to conduct inspections on its behalf state, in writing, that the combination of remote exits, fire detection, fire suppression, and/or automatic sprinkler system render the

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residence safe for the care of infants and toddlers.

- 8) No area accessible only by a ladder or folding stairs or through a trap door shall be used for sleeping or napping.
- 9) When the basement area may be used for child care, 2 exits shall be provided.
  - A) At least one exit shall be a basement exit via a door directly to the outside (without traversing any other level of the home) or a protected exit from a basement via a door or stairway that allows unobstructed travel directly to the outside of the building at street or ground level. The stairway may not be more than 8 feet high.
  - B) A second exit may be a window.
    - i) The window shall be operable from the inside without the use of tools and provide a clear opening not less than 20 inches in width, 24 inches in height, and 5.7 square feet in area.
    - ii) If the window is used as a second exit, the bottom of the window opening shall be no more than 44 inches above the floor.
    - iii) When the bottom of the window opening used as a second exit is more than 24 inches from the floor, there shall be a permanently affixed, sturdy ramp or stairs located below the window to allow speedy access in the event of an emergency.
  - C) If the basement area does not meet these existing requirements, the basement may be used for child care only with the prior written approval of the Office of the State Fire Marshal or local agencies authorized by the Office of the State Fire Marshal to conduct inspections on its behalf.
- 10) All walls and surfaces shall be free from chipped or peeling paint.

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- 11) Walls of rooms that children use shall be maintained free of lead paint.
- 12) Furniture and equipment shall be kept in safe repair.
- 13) First aid supplies, medication, cleaning materials, poisons, sharp scissors, plastic bags, sharp knives, cigarettes, matches, lighters, flammable liquids, and other hazardous materials shall be stored in places inaccessible to children. Hazardous items for infants and toddlers also include items that can cause choking, including but not limited to: coins, balloons, safety pins, marbles, Styrofoam (trademark) and similar products, and sponge, soft rubber or soft plastic toys that can be bitten or broken into small pieces.
- 14) Tools and gardening equipment shall be stored in locked cabinets, if possible, or in places inaccessible to all children.
- 15) Exit doors shall be kept clear of equipment and debris at all times.
- 16) There shall be an operable telephone available on the premises of the licensee. The number of the Poison Control Center (1-800-222-1222) and other emergency numbers shall be posted in an area that is readily available in an emergency.
- 17) Free hanging cords on blinds, shades and drapes shall be tied or otherwise kept out of reach of children.

18) Carbon Monoxide Detector

A) A home that has an attached garage and/or relies on combustion of fossil fuel for heating, ventilation, or hot water shall be equipped with a minimum of one approved carbon monoxide detector in operating condition within 15 feet of rooms where children nap or sleep.

B) The carbon monoxide detector may be combined with smoke detector devices, provided that the combined unit complies with subsection (a)(4) and this subsection (a)(18). [430 ILCS 135/10]

- b) The licensee shall identify those areas in the home used for child care. The

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identified areas minus any special use areas shall be measured to calculate the square footage available for child care. There shall be:

- 1) A minimum of 35 square feet of floor space for each child in care; and
  - 2) An additional 20 square feet of floor space for each child under 30 months of age when the play area is the same as the sleep area. However, if portable bedding is used for napping, then removed, the licensing representative shall approve the use of only 35 square feet of space for each child if the applicant/licensee has adequate storage space for the bedding materials and the bedding materials are removed before and after nap time.
- c) *No person may smoke tobacco in any area of the group day care home in which day care services are being provided to children, while those children are present on the premises. In addition, no person may smoke tobacco while providing transportation, in either an open or enclosed vehicle, to children who are receiving child care services. Nothing in this subsection prohibits smoking in the home in the presence of a person's own children or in the presence of children to whom day care services are not then being provided. [225 ILCS 10/5.5]*
- d) Indoor space shall consist of a clean, comfortable environment for children.
- 1) The group day care home shall be well-ventilated, free from observable hazards, properly lighted and heated, and free of fire hazards.
  - 2) The dwelling shall be kept clean, sanitary, and in good repair.
  - 3) There shall be provision for isolating a child who becomes ill or who is suspected of having a communicable, infectious or contagious disease.
  - 4) When used for child care, floors shall have protective covering such as, but not limited to, tile, carpet, linoleum. Paint or sealer alone is not acceptable as a protective covering.
  - 5) When children under 30 months of age are in care, stairs leading to second levels, attics or basements shall be fitted with a sturdy gate, door or other barrier to prevent the children's access to the stairs without adult supervision. Such a barrier shall be moveable enough so as not to impede

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evacuation, if necessary.

- e) The kitchen shall be clean, equipped for the preservation, storage, preparation and serving of food, and reasonably safe from hazards.
- f) Garbage and refuse containers used to discard diapering supplies, food products or disposable meal service supplies in areas for child care shall be disinfected daily unless plastic liners are used and disposed of daily.
- g) A safe and sanitary water supply shall be maintained. If a private water supply is used instead of an approved public water supply, the applicant shall supply written records of current test results indicating the water supply is safe for drinking. New test results must be provided prior to relicensing. If nitrate content exceeds 10 parts per million, bottled water must be used for children under 15 months of age.
- h) Hot and cold running water shall be provided. When children under age 10 or who are developmentally disabled are cared for, the maximum hot water temperature from all faucets of sinks designated for children washing hands shall be no more than 115° Fahrenheit. Caregivers shall always test the hot water before allowing children less than 5 years of age to use the water.
- i) The group day care home shall provide one toilet for each 10 persons or portion thereof who are present during the hours the group day care home is in operation. These 10 persons include caregivers, child care assistants, members of the household and children other than those under 30 months of age for whom a potty chair is provided.
- j) There shall be a minimum of 75 square feet of outdoor space per child for the total number of children using the area at any one time. At least 25% of the required space shall be on the premises of the group day care home. The remainder may be a public park, playground or other outdoor recreation area within walking distance (1000 feet) of the group day care home provided the caregiver or an adult assistant accompanies children to this outdoor area.
- k) There shall be safe outdoor space for active play.
  - 1) Space shall be provided for play in yards, nearby parks or playgrounds under adult supervision.

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- 2) Space shall be protected by physical means (e.g., fence, tree line, chairs, ropes, etc.) ~~or by adult caregiver supervision~~ against all water hazards, including, but not limited to, such as pools, ponds, standing water, ornamental bodies of water, and retention ponds, regardless of the depth of the water, and by adult caregiver supervision at times when children in care are present. Other hazards, such as, but not limited to, heavy traffic, and construction, shall be inaccessible to children in care through a physical barrier and adult supervision. Further, outdoor space shall be partitioned or supervised in such a manner that young children are not endangered by the activities of older children.
- 3) Play areas shall be well drained and safely maintained.
- 4) All pieces of outdoor equipment used by children 5 years of age and younger on the day care premises that is purchased or installed on or after April 1, 2001 shall meet the following standards to guard against entrapment or situations that may cause strangulation.
  - A) Openings in exercise rings shall be smaller than 4½ inches or larger than 9 inches in diameter.
  - B) There shall be no openings in a play structure with a dimension between 3½ inches and 9 inches (except for exercise rings). Side railings, stairs and other locations that a child might slip or climb through shall be checked for appropriate dimensions.
  - C) Distances between vertical slats or poles, where used, must be 3½ inches or less (to prevent head entrapment).
  - D) No opening shall form an angle of less than 55 degrees unless one leg of the angle is horizontal or slopes downward.
  - E) No opening shall be between ¾ inch and one inch in size (to prevent finger entrapment).
- 5) The use of a trampoline by children in care is prohibited.
- 6) In-ground swimming pools located in areas accessible to children shall be

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fenced. The fence shall be at least 5 feet in height and secured by a locked gate. Group day care homes that are licensed or have a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.

- 7) All above-ground pools shall have non-climbable sidewalls that are at least 4 feet high or shall be enclosed with a 5 foot fence that is at least 36 inches away from the pool's side wall and secured with a locked gate. When the pool is not in use, steps shall be removed from the pool or otherwise protected to insure the pool cannot be accessed. Group day care homes that are licensed or have a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.
  - 8) Portable wading pools shall be emptied daily and disinfected before being air-dried.
  - 9) All hot tubs shall have securely locked covers or otherwise be inaccessible to children.
  - 10) Children shall be closely supervised by the caregiver when public parks or playgrounds are used for play, during play and while traveling to and from the area.
  - 11) Supervision shall be provided during outdoor play by caregivers who meet the requirements of Section 408.45 of this Part.
- l) A caregiver who relies upon outdoor space shared with other residents in a multiple family dwelling shall have a written agreement with the other residents or the owners of the outdoor area authorizing the use of the space by the group day care home and the children cared for.
  - m) Insect and rodent control shall be maintained.
    - 1) All outside doors except those with operable self-closing devices, operable windows, and other openings used for ventilation shall be screened.
    - 2) Chemicals for insect and rodent control shall be applied in minimum amounts and shall not be used when children are present. Over-the-

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counter products may be used only according to package instructions. Commercial chemicals, if used, shall be applied by a licensed pest control operator and shall meet all standards of the Department of Public Health (Structural Pest Control Code, 77 Ill. Adm. Code 830). A record of any pesticides used shall be maintained.

- n) Healthy household pets that present no danger to children are permitted.
  - 1) A licensed veterinarian shall certify that the animals are free of diseases that could endanger the children's health and that dogs and cats have been inoculated for rabies.
  - 2) If certification is not available, animals shall be confined at all times in an area inaccessible to children.
  - 3) There shall be careful supervision of children who are permitted to handle and care for the animals.
  - 4) Immediate treatment shall be available to any child who is bitten or scratched by an animal.
  - 5) The presence of monkeys, ferrets, turtles, iguanas, psittacine birds (birds of the parrot family) or any wild or dangerous animal is prohibited in areas accessible to children during the hours the group day care home is in operation. Wild and dangerous animals include, but are not limited to, venomous and constricting snakes, undomesticated cats and dogs, raccoons, and other animals determined to be dangerous by local public health authorities.
- o) The Department shall request that the Illinois Department of Public Health or a local health department authorized by it and/or the Office of the State Fire Marshal or the local fire department authorized by it inspect the group day care home and its premises whenever the Department has reason to believe that conditions in the home or its premises pose potential health or safety hazards to the children cared for in the home.
- p) There shall be written plans for immediate evacuation in case of emergency. The evacuation plan shall identify the exits from each area used for child care and shall specify the evacuation route. Fire drills shall be conducted monthly for the

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purpose of removing children from the home as quickly as possible. Tornado drills shall be conducted monthly for the purpose of getting children accustomed to moving to a position of safety in event of a tornado. Records shall be maintained of the dates and times required drills are conducted. The alphabetic card file required by Section 408.120(a)(2) shall accompany the caregiver during the drills.

- q) In the event of a fire, the group day care home shall be evacuated immediately and the children's safety insured before calling the fire department or attempting to combat the fire.
- r) *Handguns are prohibited on the premises of the group day care home except in the possession of peace officers or other adults who must possess a handgun as a condition of employment and who reside in the group day care home.*
- s) *Any firearm, other than a handgun in the possession of a peace officer or other person as provided in subsection (r), shall be kept in a disassembled state, without ammunition, in locked storage in a closet, cabinet, or other locked storage facility inaccessible to children. Ammunition for such firearms shall be kept in locked storage separate from that of the disassembled firearms, inaccessible to children.*
- t) *The operator of the group home shall notify the parents or guardian of any child accepted for care that firearms and ammunition are stored on the premises. The operator shall also notify the parents or guardian that such firearms and ammunition are in locked storage inaccessible to children (Section 7 of the Act). Such notification need not disclose the location where the firearms and ammunition are stored.*
- u) A group day care home operator relying upon a cooperative or lending arrangement to meet the equipment requirements of this Part shall provide a copy of a written agreement specifying which equipment required by this Part is covered by the agreement. Further, the operator shall demonstrate to the satisfaction of the Department that the equipment covered by the agreement is both available and utilized by the group day care home as required by this Part.
- v) Operation of other business on the premises must not interfere with the care of children.
- w) A group day care home may not house bedridden or chronically ill persons except

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by permission of the Department. The Department shall grant such permission unless the person has a reportable contagious or communicable disease or requires care that adversely affects the ability of the caregiver to supervise children.

(Source: Amended at 32 Ill. Reg. 9164, effective June 20, 2008)

**Section 408.65 Number and Ages of Children Served (See Also Appendix H)**

- a) A caregiver alone  
The maximum number of children under the age of 12 cared for in a group day care home by a caregiver alone shall be 8 except when all the children are school age. The maximum number includes the caregiver's own children, related children and unrelated children under age 12 living in the home. A caregiver alone may care for children in accordance with the following age groupings:
- 1) A mixed age group consisting of:
    - A) Up to 8 children under 12 years of age, of which
    - B) Up to 5 children may be under 5 years of age, of which
    - C) Up to 3 children may be under 24 months of age; or
  - 2) A mixed age group consisting of:
    - A) Up to 8 children under 12 years of age, of which
    - B) Up to 6 children may be under 5 years of age, of which
    - C) Up to 2 children may be under 30 months of age; or
  - 3) Up to 8 pre-school children if no child is under age 3; or
  - 4) Up to 12 school age children as defined by Section 408.5.
- b) A caregiver and an assistant 18 years of age or older  
The maximum number of children under the age of 12 cared for in a group day care home by a caregiver and an assistant shall be 12 except when extended capacity is considered under condition in Section 408.65(c). The maximum

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number includes the caregiver's own children, related children and unrelated children under age 12 living in the home. The caregiver and assistant 18 years of age or older may care for children in accordance with the following age groupings:

- 1) 12 children between 3 and 6 years of age. The assistant must be present when more than 8 such children are present; or
  - 2) No more than 12 children under 12 years of age of which no more than 6 children may be under 30 months of age, of which no more than 4 children may be under 15 months of age.
- c) Extended capacity
- 1) A caregiver, ~~and~~ a full-time assistant ~~and/or~~ a part-time before and/or after school assistant is employed may care for 4 additional children who are attending school full-time. The assistant shall be present at all times when school children are present and there are more than 12 children in the home.
  - 2) Care provided for the additional before and after school children is limited to children who attend school full-time and it is limited to before and/or after school, holidays, weekends, during unforeseen school closings, and during the summer.
- d) The maximum number of children receiving night care shall be 12 children and groupings shall be consistent with subsections (a) and (b) of this Section.
- e) In the event of a brief unforeseen school closing, the caregiver may accept one additional school-age child and still be considered in compliance with the capacity requirements, as long as the total number of children under age 12 in the home does not exceed the maximum of 16 children. The caregiver shall maintain a record of the dates, names and ages of the children for whom this care was provided.
- f) When acceptance of siblings of children who are already in care will place the licensee out of compliance with the established age groupings, the licensee may develop a transition plan that shall be submitted to the licensing representative for review and approval. The plan may be approved when:

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- 1) The licensee is not currently operating under a transition plan and is in full compliance with all the licensing standards;
- 2) At least one of the siblings has been in care for 30 days or more; and
- 3) The transition plan will bring the home back into compliance with the established age groupings within 6 months after the date the plan is approved.

(Source: Amended at 32 Ill. Reg. 9164, effective June 20, 2008)

**Section 408.80 Nutrition and Meals**

- a) Food requirements for children between birth and the age of eating table food shall be geared to the individual needs of the child and determined by consultation with the parents. The facility shall provide one-third to two-thirds of the daily nutritional requirements, depending on the length and time of day of the child's stay. The main meal shall be nutritionally balanced conforming to age appropriate portions and variety as reflected in the Meal Pattern Charts, Appendices A and B.
- b) Children one year of age and older in attendance for more than 2 but less than 5 hours shall be served a mid-session snack consisting of one-half cup of pure fruit juice or full-strength canned or frozen fruit juice that contains at least 30 milligrams of Vitamin C per serving, or one to one-half cup of pasteurized milk, or one serving of citrus fruit.
- c) Children one year of age and older in attendance 5 to 10 hours shall be served at least one-third of their daily food requirements, which shall include a well-balanced, nutritive meal. Occasional picnic-type meals may be substituted for a main meal. Midmorning and midafternoon snacks consisting of fruit, fruit juice, or pasteurized milk (as prescribed under subsection (c)) shall be included. Children in attendance for over 10 hours shall be served food to provide at least two-thirds of their daily food requirements. Two meals and the supplemental snacks will meet this requirement. One of the meals may be breakfast or supper, depending on the time the child arrives or departs.
- d) Children under one year of age who are no longer drinking formula or breast milk

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shall be served whole milk unless low-fat milk is requested by the child's physician.

- e) Children shall be served small servings of bite-size pieces.
- f) All meals shall be suitable for children and prepared by methods designed to conserve nutritive value, flavor, and appearance.
- g) Children under 2 years of age shall not be fed whole berries, hard candies, raisins, corn kernels, raw carrots, whole grapes, hot dogs, nuts, seeds, popcorn, or raw peas ~~or peanut butter~~, as these foods may cause choking.
- h) Cooked carrots, corn, peas and bananas may be served to infants only if mashed, grated or pureed.
- i) Hot dogs and raw carrots may be served to children between 2 and 3 years of age only if cut into short, thin strips. Up to 3 tbsp. of peanut~~Peanut~~ butter may~~shall~~ only be served to children ages 3 through 5 ~~between 2 and 3 years of age~~ if thinly spread on bread, crackers or other foods or if mixed with other foods.
- j) Drinking water shall be readily available to the children at all times.
- k) Mealtimes shall be pleasurable experiences for the child.
  - 1) There shall be enough time allowed for meals so the children can eat in an unhurried atmosphere.
  - 2) Children shall be encouraged but not forced to try new foods.
  - 3) Information provided by parents concerning the child's eating habits, food preferences, or special needs should be considered in planning menus.
  - 4) Food preferences and eating habits shall not be permitted to become a source of friction at mealtimes.
  - 5) Mealtimes should occur in a social atmosphere and afford children the close presence of an attentive adult.
- l) Meals shall not be brought from home as a substitute for a meal provided by the

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facility except as provided in subsection (~~ma~~).

- m) Provisions of this Section notwithstanding, a child requiring a special diet due to medical reasons, allergic reactions, or religious beliefs shall be provided meals and snacks in accordance with the child's needs and the written instructions of the child's parent, guardian, or a licensed physician. Such instructions shall list any dietary restrictions/requirements and shall be signed and dated by the child's parent, guardian or physician requesting the special diet. The group day care home may request the parent or guardian to supplement food served by the facility. When food is supplied by the parent or guardian, the facility shall be responsible for assuring that it is properly stored and served to the specific child in accordance with the diet instructions on file at the facility. Records of food intake shall be maintained when indicated by the child's physician.

(Source: Amended at 32 Ill. Reg. 9164, effective June 20, 2008)

**Section 408.105 Children Under 30 Months of Age**

- a) Children under 30 months of age shall not be permitted in bathrooms, kitchens, or hazardous areas without the caregiver or assistant present.
- b) To minimize the risk of Sudden Infant Death Syndrome, children shall be placed on their backs when put down to sleep.
- 1) When the infant cannot rest or sleep on his/her back due to a disability or illness, the caregiver shall have written instructions, signed by a physician, detailing an alternative safe sleep position and/or special sleeping arrangements for the infant. The caregiver shall place the infant to sleep in accordance with a physician's written instructions.
  - 2) When an infant can easily turn over from the back to tummy position, the infant shall be put down to sleep on his/her back, but allowed to adopt whatever sleeping position the infant prefers.
  - 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.

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- 5) When an infant is awake, the infant shall be placed on his/her tummy part of the time and observed at all times.  
~~unless contraindicated by a physician. Children shall not be placed on their abdomens, unless specifically instructed in writing by the child's physician to do so.~~
- c) Children under 30 months of age shall be provided a daily program that is designed to meet their needs.
- 1) The caregivers shall demonstrate warm, positive feelings toward each child through actions such as hugging, patting, smiling, and cuddling.
  - 2) Routines such as naps and feedings shall be discussed with the parents and shall be consistent with the child's routine at home.
  - 3) Non-mobile children who are awake shall be moved to different positions and shall be held, rocked, and carried about.
  - 4) The caregivers shall frequently change the place, position, and toys available for children who cannot move about the room.
  - 5) Consistent toilet training shall be undertaken at a time mutually agreed upon by parents and caregiver in accordance with the child's age and/or stage of development.
  - 6) Children shall be taken outdoors for a portion of every day, when weather permits, except when the child is ill or unless indicated otherwise by parents or physician.
- d) Feeding schedules and procedures shall meet the developmental needs of the children.
- 1) Flexible feeding schedules of children shall be established to coordinate with parents' schedules at home and to allow for nursing.
  - 2) 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 bottle, they may feed themselves without

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being held. The bottle must be removed when the child has fallen asleep. Bottle propping and carrying of bottles by young children throughout the day/night shall not be permitted.

- 3) Bottles shall never be warmed or defrosted in a microwave oven.
  - 4) Children shall be allowed and encouraged to feed themselves when they indicate a readiness to do so.
  - 5) Safe finger foods such as those that dissolve in the mouth may be provided.
- e) Proper standards of hygiene shall be observed in the home.
- 1) Hands shall be washed with soap and running water and dried before the feeding of each child.
  - 2) Formula brought in by the parent shall be labeled and refrigerated.
  - 3) All utensils shall be washed after each use.
  - 4) Foods stored or prepared in jars shall be served from a separate dish for each child. Any leftovers from the serving dish shall be discarded. Leftovers in the jar shall be labeled with the child's name, dated, refrigerated, and served within 24 hours or discarded.
  - 5) A toilet shall be easily accessible so that the contents of reusable diapers may be disposed of before placing the diapers in the diaper pail. Disposable diapers and their contents shall be disposed of in accordance with the manufacturer's instructions.
  - 6) Persons changing diapers shall wash hands under running water with soap after each change of diaper. Hands shall be dried with single-use towels. Additionally, disposable, non-permeable gloves shall be worn when changing a child who has watery or bloody stools.
  - 7) The child whose diaper is being changed is to be washed on the hands and anal area if there has been defecation or if irritation is present.

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- 8) Children who are not toilet trained shall be diapered in their own cribs, at a central diapering area on a surface that is disinfected after each use, or on a disposable paper sheet that is disposed of after each diapering.
  - 9) The toilet seat, if soiled, or potty shall be cleaned [with germicidal solution \(see subsection \(f\)\)](#) after every use.
  - 10) Soiled diapers shall be changed promptly.
  - 11) Sheets shall be changed when soiled, and all sheets shall be changed routinely 2 times per week.
  - 12) All beds shall be wiped clean as often as necessary.
  - 13) Toys and equipment shall be kept clean.
- f) A germicidal solution of ¼ cup household chlorine bleach to one gallon of water (or one tablespoon bleach to one quart of water) or other germicidal solution approved by the Centers for Disease Control and Prevention shall be used to clean surfaces soiled by blood or body fluids. The bleach solution shall be made fresh daily.
- g) The equipment must be appropriate to the developmental needs of the children in care.
- 1) Safe, sturdy, well-constructed individual cribs, playpens, or port-a-cribs for infants shall be equipped with good firm, fitting mattresses made of waterproof materials that can be washed. Washable cots may be used for children 15 months of age and over.
  - 2) Sleeping equipment for children under 15 months must have protection to prevent falls.
  - 3) There shall be no more than 1½ inches of space between the mattress and bed frame when the mattress is pushed flush at one corner of the crib.
  - 4) [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, stuffed toys, [laundry](#) and

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other soft products shall be removed from the crib when children are napping or sleeping. If using a blanket, put the child with feet at the foot of the crib. Tuck a thin blanket around the crib mattress, reaching only as far as the child's chest.

- 5) Bed linens used on the cots, cribs, or playpens shall be safe, tightly fitting, and washable.
- 6) Conveniently located, washable, plastic-lined covered receptacles shall be provided for soiled diapers and linens.
- 7) A toilet seat or potty shall be provided.
- h) The materials must be appropriate to the developmental needs of the child in care.
  - 1) Provision shall be made for an adequate supply of individual diapers, clothing, powder, oil, etc.
  - 2) There shall be a variety of toys and art materials for children under 30 months of age to observe, grasp, pick up, and manipulate.
  - 3) Pull toys, pounding toys, large hollow blocks, or large balls shall be available for development of large muscles.
  - 4) Mobile walkers are prohibited. Stationary exercisers may be used.
- i) Equipment and play materials shall be durable and free from characteristics that may be hazardous or injurious to children under 30 months of age. Hazardous or injurious characteristics include sharp, rough edges; toxic paint; and objects small enough to be swallowed.

(Source: Amended at 32 Ill. Reg. 9164, effective June 20, 2008)

**Section 408.120 Records and Reports**

- a) A facility shall maintain a record file on the children enrolled.
  - 1) A written application for admission of each child shall be on file with the signature of the parent or guardian.

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- 2) An alphabetic card file or register on each child shall be maintained and shall include:
  - A) Name, date of birth, and sex;
  - B) Date of admission and discharge;
  - C) Scheduled days and hours of care;
  - D) Names of parents or guardians, home address and business address and telephone numbers, marital status, and the working hours of the parents or guardians;
  - E) Name, address and telephone number of child's physician (or other person designated by parents who object to medical treatment on religious grounds);
  - F) Names, addresses and telephone numbers of others authorized to pick up the child; and
  - G) Names, addresses, and telephone numbers of others to contact within the immediate area if parents or guardian cannot be contacted in case of emergency.
  - H) Information regarding the child's personal development, habits, medical needs, and other information critical to the child's well-being.
- 3) There shall be signed consent forms from the parent or guardian including:
  - A) Permission for emergency medical care and treatment if the parent is not readily available.
  - B) Permission to administer medication, if applicable.
  - C) Permission for someone other than parent or guardian to pick up child if necessary.

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- D) Visits, trips or excursions off the premises.
  - E) Transportation provided by caregiver.
  - F) Permission to use the facility's swimming pool, if applicable.
- 4) Accidents or illnesses which have occurred to the child at the facility shall be recorded in the file. When a child is not permitted to attend the facility because of an accident or illness, the date of readmission to the facility shall be recorded.
  - 5) All required health and medical reports as required by Section 408.70.
  - 6) A statement signed by the parents or guardian indicating receipt of a summary of licensing standards and other materials as required by subsection (c) shall be in the child's record file.
- b) A facility shall maintain accurate daily attendance records on all children enrolled. If a child attends on a part-time or irregular basis, this shall be recorded in the attendance record.
  - c) The facility shall distribute a summary of the licensing standards, provided by the Department, to the parents or guardian of each child at the time that the child is accepted for care in the facility. In addition, consumer information materials provided by the Department including, but not limited to, information on reporting and prevention of child abuse and neglect and preventing and reporting communicable disease, shall be distributed to the parents or guardian of each child cared for when designated for such distribution by the Department. Each child's record shall contain a statement signed by the child's parent or guardian, indicating that they have received a summary of licensing standards and other materials designated by the Department for such distribution.
  - d) The group day care home shall enter in the child's record and orally report immediately to the child's parent, guardian, and the Department any serious occurrences involving children. Oral reports shall be confirmed in writing within 2 working days of the occurrence. If the home is unable to contact the parent, guardian or Department immediately, it shall document this fact in the child's record. These occurrences include serious accident or injury requiring extensive medical care or hospitalization; death; arrest; alleged abuse or neglect; major fire

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or other emergency situations.

- e) 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.
- f) The caregiver shall immediately notify the Department of the death of any child at the facility; a child is missing from the group day care home; any illness or injury of a child resulting in medical treatment or hospitalization, and any known or suspected case or carrier or a reportable contagious, infectious, or communicable disease among children, staff or members of the household.
- g) The caregiver shall immediately notify the Department of any natural disaster or other occurrence resulting in the loss of or damage to physical plant or equipment required to operate the group day care home in accordance with this Part.
- h) Records shall be maintained on all staff and shall contain all pertinent information relative to character, suitability, and qualifications for the position; health; 3 character references verified by the group day care home; history of employment for the previous 5 years; date of employment by the group day care home; and, if applicable, date and reasons for separation from the day care home.
- i) The caregiver shall make available to staff a current and complete copy of the licensing standards in a location readily accessible to staff. Further, the licensee shall maintain a record signed by staff indicating that they have reviewed the licensing standards and any subsequent changes to those standards provided to the licensee by the Department. Records documenting compliance with this requirement shall be maintained by the licensee and available for licensing review.
- j) Each staff person shall sign a statement prescribed by the Department acknowledging his or her status as a mandated reporter of child abuse or neglect under the Abused and Neglected Child Reporting Act and acknowledging he or she has knowledge and understanding of the reporting requirements under that Act. Such statement shall be signed and dated by the staff person prior to employment, and shall be maintained by the licensee.
- k) The facility shall maintain and submit reports on staff to the Department on forms provided by the Department.

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- 1) An individual report on each new employee shall be filed with the Department; a copy of this report shall be kept at the facility.
  - 2) All staff changes shall be reported to the Department immediately.
  - 3) Copies of documentation of medical information, verification of educational achievement, and character references of employees shall be provided upon request by the Department.
- l) The facility shall promptly report any known or suspected case or carrier of communicable disease to local health authorities, and shall comply with the Illinois Department of Public Health's rules for the Control of Communicable Diseases (77 Ill. Adm. Code 690).
  - m) Authorized Department licensing representatives or other Department representatives who have the Director's written authorization which specifies the statutory authority or administrative rule under which the access is granted shall have access to records and reports. All persons who have access to the records and reports shall respect their confidential nature.
  - n) A medical record for each child, on forms provided by the Department, shall be maintained at the facility, dated no earlier than 6 months prior to enrollment, and signed by the examining physician, an advance practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advance practice nurse to perform health examinations, a physician assistant who has been delegated the performance of health examinations by the supervising physician; or the medical record is certified by a recognized health facility.
  - o) The licensee shall notify the supervising agency within one week, in writing, of any changes to the household composition. Changes that require notification include the addition of any new person into the home, the return of any former household member, or the departure of any household member.
  - p) The licensee shall keep a record of dates and hours worked by the substitute caregiver while the licensee is absent from the group day care home, as required in 89 Ill. Adm. Code ~~408.55(a)~~[406.55\(a\)](#).

(Source: Amended at 32 Ill. Reg. 9164, effective June 20, 2008)

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**Section 408.APPENDIX B Meal Pattern Chart for Children Over One Year of Age**

	BREAKFAST			LUNCH/SUPPER		
	Ages			Ages		
	1 <del>through</del> <u>2 to 3</u>	3 <del>through</del> <u>5 to 6</u>	6 <del>through to</del> 12	1 <del>through</del> <u>2 to 3</u>	3 <del>through</del> <u>5 to 6</u>	6 and older <sup>1</sup>
<b>MILK</b>						
Milk, fluid	½ cup <sup>2</sup>	¾ cup	1 cup	½ cup	¾ cup <sup>2</sup>	1 cup
<b>VEGETABLES AND FRUITS<sup>4</sup></b>						
Vegetable(s) and/or fruits or Full-strength vegetable or fruit juice or an equivalent quantity of any combination of vegetable(s), fruit(s), and juice.	¼ cup	½ cup	½ cup	¼ cup total	½ cup total	¼ cup total
<b>BREAD AND BREAD ALTERNATES<sup>3</sup></b>						
Bread or Cornbread, biscuits, rolls, muffins, etc. or Cold dry cereal	½ slice ½ serv. ¼ cup or ⅓ oz.	½ slice ½ serv. ⅓ cup or ½ oz.	1 slice 1 serv. ¾ cup or 1 oz.	½ slice ½ serv.	½ slice ½ serv.	½ slice 1 serv.
or						

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Cooked cereal or	¼ cup	¼ cup	½ cup		
Cooked pasta or noodle products or	¼ cup	¼ cup	½ cup		
Cooked cereal grain or an equivalent quantity of any combination of bread/bread alternate	¼ cup	¼ cup	½ cup		
Cooked pasta or noodle products or cooked cereal grains or an equivalent quantity of any combination of bread/bread alternate		¼ cup	¼ cup	½ cup	
MEAT AND MEAT ALTERNATES					
Lean meat or poultry or fish <sup>5</sup> or		1 oz.	1½ oz.	2 oz.	
Cheese or		1 oz.	1½ oz.	2 oz.	
Eggs or		1 egg	1 egg	1 egg	
Cooked dry beans or peas or		¼ cup	¾ cup	½ cup	
<del>An</del> Peanut butter or an equivalent quantity of any combination of meat/meat alternate		2 tbsp.	3 tbsp.	4 tbsp.	
<u>Peanut butter</u>		<u>---</u>	<u>3 tbsp.</u>	<u>4 tbsp.</u>	

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- <sup>1</sup> Children age 12 and up may be served adult-size portions based on the greater food needs of older boys and girls, but shall be served not less than the minimum quantities specified for children age 6 to 12.
- <sup>2</sup> For purposes of the requirements outlined, a cup means a standard measuring cup. Bread, pasta, or noodle products and cereal grains shall be whole-grain or enriched. Cornbread, biscuits, rolls, muffins, etc., shall be made with whole-grain or enriched meal or flour. Cereal shall be whole-grain or enriched or fortified.
- <sup>4</sup> Serve 2 or more kinds of ~~vegetables~~ vegetable(s) and/or ~~fruits~~ fruit(s). Full strength vegetable or fruit juice may be counted to meet not more than one-half of this requirement.
- <sup>5</sup> Cooked lean meat without bone.

(Source: Amended at 32 Ill. Reg. 9164, effective June 20, 2008)

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- 1) Heading of the Part: Licensing of Radioactive Material
- 2) Code Citation: 32 Ill. Adm. Code 330
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
330.20	Amendment
330.260	Amendment
330.280	Amendment
330.APPENDIX E	Repealed
- 4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40]
- 5) Effective Date of Amendments: June 13, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference is on file at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: 32 Ill. Reg. 3455; March 14, 2008
- 10) Has JCAR issued a Statement of Objection to these Amendments? No
- 11) Differences between proposal and final version:  
  
In 330.260(c)(17) and (18) reformatted structure, resulting in changed labeling.  
  
In 330.260(c)(17) struck existing subsections (C), (E) and (F) and added subsections (C) and (D).  
  
In 330.260(c)(17) struck "Training for a nuclear pharmacy radiation safety officer."  
  
In 330.260(c)(17)(B) added "met the requirements of subsections (D) and (E) of this Section."

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In 330.260(c)(17)(C) added ", meets the requirements of subsection (D) and (F) of this Section"

In Section 330.260 (c)(18)(B) changed "200 hours of classroom and laboratory training" to "200 hours of didactic training"

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Section 31 of the Radiation Protection Act exempts from the IAPA's general rulemaking requirements IEMA rulemakings that are identical in substance to NRC rules and necessary to implement, secure or maintain federal authorization for an IEMA program.
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These regulations provide for training of authorized user physicians for medical use of radionuclides. These changes are considered Compatibility A, B and C or a Health and Safety standard by the U.S. Nuclear Regulatory Commission (NRC) and must be adopted essentially verbatim by the Agency in order to maintain it's "Agreement State" status. This rulemaking will ensure compatibility with the NRC's 10 CFR 20, 30, 23, 35, 40 and 70 regulations currently in place for medical use of radioactive materials. The changes are mandated in 70 FR 16336 (RATS ID #2005-2) and 71 FR 15005 (RATS ID #2006-1). Agreement States such as Illinois are required to have these regulations in place by April 29, 2008 and March 27, 2009.

Section 31 of the Radiation Protection Act of 1990 [420 ILCS 40/31] provides that the Agency is exempt from rulemaking procedures in the Illinois Administrative Procedure Act when regulations that are identical in substance are necessary to implement, secure, or maintain federal authorization for a program. After consideration of comments from the appropriate federal agency, the Agency may adopt the verbatim text of the laws, regulations, or orders as necessary and appropriate for authorization or maintenance of the program. The NRC has reviewed the proposed amendments and the text has been revised to incorporate its suggested changes.

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

Louise Michels

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ILLINOIS EMERGENCY MANAGEMENT AGENCY

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Staff Attorney  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield, Illinois 62704

217/785-9876

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

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TITLE 32: ENERGY

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

PART 330

LICENSING OF RADIOACTIVE MATERIAL

SUBPART A: GENERAL PROVISIONS

Section	
330.10	Purpose and Scope
330.15	Incorporations by Reference
330.20	Definitions
330.30	License Exemption – Source Material
330.40	License Exemption – Radioactive Materials Other Than Source Material

SUBPART B: TYPES OF LICENSES

Section	
330.200	Types of Licenses
330.210	General Licenses – Source Material
330.220	General Licenses – Radioactive Material Other Than Source Material

SUBPART C: SPECIFIC AND GENERAL LICENSES

Section	
330.240	Filing Applications for Specific Licenses
330.250	General Requirements for the Issuance of Specific Licenses
330.260	Special Requirements for Issuance of Certain Specific Licenses for Radioactive Materials
330.270	Special Requirements for Specific Licenses of Broad Scope
330.280	Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices that Contain Radioactive Material
330.290	Requirements for Emergency Plans
330.300	Issuance of Specific Licenses
330.310	Terms and Conditions of Specific and General Licenses
330.320	Renewal Requirements for Specific Licenses
330.325	Termination Requirements for Specific Licenses and Locations of Use

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330.330	Renewal of Licenses
330.340	Amendment of Licenses at Request of Licensee
330.350	Agency Action on Application to Renew or Amend
330.360	Persons Possessing a License for Source, Byproduct, or Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass on Effective Date of This Part (Repealed)
330.370	Persons Possessing Accelerator-Produced or Naturally-Occurring Radioactive Material on Effective Date of This Part (Repealed)
330.400	Transfer of Material
330.500	Modification and Revocation of Licenses
330.900	Reciprocal Recognition of Licenses
330.950	Nationally Tracked Sources

## SUBPART D: TRANSPORTATION

## Section

330.1000	Transportation of Radioactive Materials (Repealed)
330.APPENDIX A	Exempt Concentrations
330.APPENDIX B	Exempt Quantities
330.APPENDIX C	Quantities of Radioactive Materials Requiring Consideration of the Need for an Emergency Plan for Responding to a Release
330.TABLE A	Group I (Repealed)
330.TABLE B	Group II (Repealed)
330.TABLE C	Group III (Repealed)
330.TABLE D	Group IV (Repealed)
330.TABLE E	Group V (Repealed)
330.TABLE F	Group VI (Repealed)
330.APPENDIX D	Limits for Broad Licenses (Section 330.270)
330.APPENDIX E	List of Specialty Board Certifications Recognized by the Agency Until October 24, 2007 ( <a href="#">Repealed</a> )
330.APPENDIX F	Nationally Tracked Source Thresholds
330.APPENDIX G	Financial Surety Arrangements (Section 330.250(c)(1)(D)) (Repealed)
330.APPENDIX H	Wording of Financial Surety Arrangements (Section 330.250(c)(1)(E)) (Repealed)

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

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SOURCE: Filed April 20, 1974, by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; amended at 5 Ill. Reg. 9586, effective September 10, 1981; codified at 7 Ill. Reg. 17492; recodified at 10 Ill. Reg. 11268; amended at 10 Ill. Reg. 17315, effective September 25, 1986; amended at 15 Ill. Reg. 10632, effective July 15, 1991; amended at 18 Ill. Reg. 5553, effective March 29, 1994; emergency amendment at 22 Ill. Reg. 6242, effective March 18, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14459, effective July 27, 1998; amended at 24 Ill. Reg. 8042, effective June 1, 2000; amended at 27 Ill. Reg. 5426, effective March 17, 2003; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 30 Ill. Reg. 8928, effective April 28, 2006; amended at 32 Ill. Reg. 6462, effective April 7, 2008; amended at 32 Ill. Reg. 9199, effective June 13, 2008.

## SUBPART A: GENERAL PROVISIONS

**Section 330.20 Definitions**

"Authorized nuclear pharmacist" means a pharmacist who:

Meets the requirements in Section 330.260(c)(18), (c)(19) and (c)(21) of this Part; or

Is identified as an authorized nuclear pharmacist on:

A specific license issued by the Nuclear Regulatory Commission or Agreement State that authorizes medical use or the practice of nuclear pharmacy; or

A permit issued by a Nuclear Regulatory Commission master material licensee that authorizes medical use or the practice of nuclear pharmacy; or

A permit issued by a Nuclear Regulatory Commission or Agreement State broad scope medical use licensee that authorizes medical use or the practice of nuclear pharmacy; or

A permit issued by a Nuclear Regulatory Commission master material license broad scope medical use permittee that authorizes medical use or the practice of nuclear pharmacy; or

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Is identified as an authorized nuclear pharmacist by a commercial nuclear pharmacy that has been authorized to identify authorized nuclear pharmacists; or

Is designated as an authorized nuclear pharmacist in accordance with Section 330.260(c)(16) of this Part.

"General license" *means a license*, as set forth in this Part and 32 Ill. Adm. Code 341, which is *effective without the filing of an application to transfer, acquire, own, possess or use quantities of, or devices or equipment utilizing, radioactive material* [420 ILCS 40/4(d)], although the filing of a certificate with the Agency may be required by the particular general license. The general licensee is subject to all other applicable portions of 32 Ill. Adm. Code: Chapter II and any limitations of the general license.

"Nationally tracked source" is a sealed source containing a quantity equal to or greater than Category 1 or Category 2 levels of any radioactive material listed in Appendix F. In this context a sealed source is defined as radioactive material that is sealed in a capsule or closely bonded in a solid form and is not exempt from regulatory control. It does not mean material encapsulated solely for disposal, or nuclear material contained in any fuel assembly, subassembly, fuel rod, or fuel pellet. Category 1 nationally tracked sources are those containing radioactive material at a quantity equal to or greater than the Category 1 threshold. Category 2 nationally tracked sources are those containing radioactive material at a quantity equal to or greater than the Category 2 threshold but less than the Category 1 threshold.

"Protective actions" means actions taken by members of the public to protect themselves from radiation from an incident involving radioactive material, which may include sheltering, evacuation, relocation, control of access, administration of radiation-protective drugs, decontamination of persons, decontamination of land or property, or control of food or water.

"*Specific license*" *means a license, issued after application, to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of, or devices or equipment utilizing, radioactive materials* [420 ILCS 40/4(m)]. The licensee is subject to all applicable portions of 32 Ill. Adm. Code: Chapter II, as well as any limitations specified in the licensing document.

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(Source: Amended at 32 Ill. Reg. 9199, effective June 13, 2008)

## SUBPART C: SPECIFIC AND GENERAL LICENSES

**Section 330.260 Special Requirements for Issuance of Certain Specific Licenses for Radioactive Materials**

- a) Specific Licenses to Medical Institutions for Human Use of Radioactive Material. A specific license allowing a medical institution to use radioactive material for medical diagnosis, medical therapy, or medical research involving humans shall be issued only if the applicant has met the requirements of this Part and 32 Ill. Adm. Code 335.
- b) Specific Licenses to Individual Physicians for Human Use of Radioactive Material. An application by an individual physician or group of physicians for a specific license for human use of radioactive material shall be approved only if:
  - 1) The applicant satisfies the general requirements specified in this Part;
  - 2) The application is for use in the applicant's practice in an office outside a medical institution; and
  - 3) The applicant has met the requirements of 32 Ill. Adm. Code 335.
- c) Specific Licenses for Distribution or Transfer of Radiopharmaceuticals. In addition to the requirements set forth in this Part, persons licensed by the Agency for manufacture, preparation, or transfer for commercial distribution of radiopharmaceuticals containing radioactive material for medical use under 32 Ill. Adm. Code 335 shall meet the following additional requirements:
  - 1) The applicant satisfies the general requirements specified in Section 330.250 of this Part;
  - 2) The applicant submits information showing that:
    - A) The radiopharmaceutical containing radioactive material will be manufactured, labeled and packaged in accordance with the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act; or

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- B) The manufacture and distribution of the radiopharmaceutical containing radioactive material is not subject to the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act;
- 3) The applicant submits information on the radionuclide, chemical and physical form, packaging, including maximum activity per package, and shielding provided by the packaging of the radioactive material that is appropriate for safe handling and storage of radiopharmaceuticals by specific licensees;
- 4) The label affixed to each package of the radiopharmaceutical contains information on the radionuclide, activity and activity assay date and the label affixed to each package, or the leaflet or brochure that accompanies each package, contains a statement that the radiopharmaceutical is licensed by the Agency for distribution to persons licensed pursuant to subsection (a) of this Section for radioactive material specified in 32 Ill. Adm. Code 335.3010, 335.4010 or 335.5010, as appropriate, or under equivalent licenses of the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State. The labels, leaflets or brochures required by this subsection (c)(4) are in addition to the labeling required by the U.S. Food and Drug Administration (FDA) and may be separate from or, with the approval of FDA, may be combined with the labeling required by FDA;
- 5) The applicant submits information on the radionuclide; the chemical and physical form; the maximum activity per vial, syringe, generator, or other container of the radioactive drug; and the shielding provided by the packaging to show it is appropriate for the safe handling and storage of the radioactive drugs by medical use licensees;
- 6) The applicant satisfies the following labeling requirements:
- A) A label is affixed to each transport radiation shield, whether it is constructed of lead, glass, plastic, or other material, of a radioactive drug to be transferred for commercial distribution. The label must include the radiation symbol and the words "CAUTION, RADIOACTIVE MATERIAL" or "DANGER, RADIOACTIVE MATERIAL"; the name of the radioactive drug

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or its abbreviation; and the quantity of radioactivity at a specified date and time. For radioactive drugs with a half life greater than 100 days, the time may be omitted.

- B) A label is affixed to each syringe, vial, or other container used to hold a radioactive drug to be transferred for commercial distribution. The label must include the radiation symbol and the words "CAUTION, RADIOACTIVE MATERIAL" or "DANGER, RADIOACTIVE MATERIAL" and an identifier that ensures that the syringe, vial, or other container can be correlated with the information on the transport radiation shield label;
- 7) A licensee shall possess and use instrumentation to measure the radioactivity of radioactive drugs. The licensee shall have procedures for use of the instrumentation. The licensee shall measure, by direct measurement or by combination of measurements and calculations, the amount of radioactivity in dosages of alpha-, beta-, or photon-emitting radioactive drugs prior to transfer for commercial distribution. In addition, the licensee shall:
- A) Perform tests, before initial use, periodically, and following repair, on each instrument for accuracy, linearity, and geometry dependence, as appropriate for the use of the instrument and make adjustments when necessary; and
  - B) Check each instrument for constancy and proper operation at the beginning of each day of use;
- 8) Nothing in this Section relieves the licensee from complying with applicable FDA, other Federal and State requirements governing radioactive drugs;
- 9) Radiopharmaceuticals dispensed, distributed or transferred for human use shall be either:
- A) Repackaged from prepared radiopharmaceuticals that have been approved by the FDA for medical use as defined in 32 Ill. Adm. Code 335.20; or

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- B) Prepared from generators and reagent kits that have been approved by the FDA for medical use, or are subject to the Illinois Food, Drug and Cosmetic Act [410 ILCS 620] or the Pharmacy Practice Act of 1987 [225 ILCS 85];
- 10) The licensee shall perform radiometric tests for molybdenum breakthrough for the first elute of a molybdenum-99/technetium-99m generator following transfer in accordance with the requirements of 32 Ill. Adm. Code 335;
- 11) The licensee may distribute in vitro test kits to customers but shall neither remove any package insert nor violate the packaging;
- 12) The licensee shall report to the Agency, within 10 days after occurrence, any irregularities pertaining to identification, labeling, quality or assay of any radiopharmaceuticals received under the authority of this license;
- 13) For licensees authorized to dispense radiopharmaceuticals (such as nuclear pharmacies), the licensee shall ensure radiopharmaceuticals are dispensed only under the prescription of a physician who is authorized in a specific license to use the radiopharmaceuticals. The licensee shall maintain a copy of the recipient's radioactive material license and shall verify that the physician is authorized to receive the prescribed radiopharmaceutical prior to transfer;
- 14) A licensee shall apply for and must receive a license amendment before it receives, prepares, or uses radioactive material for a type of use that is permitted under this Part, but that is not authorized on the licensee's current license issued under this Part;
- 15) Individuals Under Supervision of an Authorized Nuclear Pharmacist
- A) A licensee that permits the preparation of radioactive material for medical use by an individual under the supervision of an authorized nuclear pharmacist who is an authorized user shall:
- i) In addition to the requirements in 32 Ill. Adm. Code 400.120, instruct the supervised individual in the preparation of radiopharmaceutical material for medical

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use, as appropriate to that individual's involvement with radioactive material; and

- ii) Require the supervised individual to follow the instructions of the supervising authorized nuclear pharmacist regarding the preparation of radioactive material for medical use, written radiation protection procedures established by the licensee, the regulations of this Section, and license conditions.

- B) A licensee that permits supervised activities under of this subsection (c)(15) is responsible for the acts and omissions of the supervised individual;

- 16) A licensee shall apply for and must receive a license amendment identifying an [authorized nuclear pharmacist as defined in 32 Ill. Adm. Code 330.20, and the individual meets the requirements in 330.260\(c\)\(18\) and 330.260\(c\)\(21\) or for an experienced nuclear pharmacist, 330.260\(c\)\(20\) as an authorized nuclear pharmacist](#) before it allows this individual to work as an authorized nuclear pharmacist;

- 17) ~~Training for a nuclear pharmacy radiation safety officer.~~ The licensee shall require an individual fulfilling the responsibilities of Radiation Safety Officer to be an individual who:

- A) Is certified by a specialty board whose certification has been recognized by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State [and who meets the requirements in subsections \(D\) and \(E\) of this section. To be recognized, a specialty board shall require all candidates for certification to meet the following requirements:](#)

- i) [Hold a bachelor's or graduate degree from an accredited college or university in physical science or engineering or biological science with a minimum of 20 college credits in physical science;](#)
- ii) [Have 5 or more years of professional experience in health physics \(graduate training may be substituted for no more](#)

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than 2 years of the required experience), including at least 3 years in applied health physics; and

iii) Pass an examination administered by diplomats of the specialty board, which evaluates knowledge and competence in radiation physics and instrumentation, radiation protection, mathematics pertaining to the use and measurement of radioactivity, radiation biology and radiation dosimetry; or

- B) Has met the requirements of subsections (D) and (E) of this Section and completed a structured educational program consisting of:
- i) 200 hours of didactic training in the following areas: radiation physics and instrumentation; radiation protection; mathematics pertaining to the use and measurement of radioactivity; radiation biology; radiation dosimetry; and
  - ii) 1 year of full-time radiation safety experience under the supervision of the individual identified as the Radiation Safety Officer on an Agency, U.S. Nuclear Regulatory Commission, Agreement State or Licensing State license or permit issued by the U.S. Nuclear Regulatory Commission master material licensee that authorizes similar types and uses of radioactive material involving shipping, receiving and performing related radiation monitoring;
  - iii) Using and performing checks for proper operation of instruments used to determine the activity of dosages, instruments used to measure radionuclides and survey meters;
  - iv) Securing and controlling radioactive material;
  - v) Using administrative controls to avoid mistakes in the administration of radioactive material;

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- vi) Using procedures to prevent or minimize radioactive contamination and using proper decontamination procedures;
  - vii) Using emergency procedures to control radioactive material; and
  - viii) Disposing of radioactive material; or:
- ~~C)~~ C) ~~Has obtained written certification, signed by a preceptor Radiation Safety Officer, that the individual has satisfactorily completed the requirements in subsections (c)(17)(B)(i) and (ii) of this Section and has achieved a level of radiation safety knowledge sufficient to function independently as a Radiation Safety Officer;~~
- ~~CD)~~ CD) Is an authorized nuclear pharmacist identified on the licensee's license, meets the requirements of subsections (D) and (E) of this Section and has experience with the radiation safety aspects of similar types of use of radioactive material for which the individual has Radiation Safety Officer responsibilities; and:
- ~~DE)~~ DE) Has obtained written attestation, signed by a preceptor authorized nuclear pharmacist Radiation Safety Officer, that the individual has satisfactorily completed the requirements in Subsection (E) and subsections (c)(17)(A)(i) and (ii) or (B) or (C) of this Section and has achieved a level of radiation safety knowledge sufficient to function independently as an authorized nuclear pharmacist Radiation Safety Officer; and~~Has training in the radiation safety, regulatory issues and emergency procedures for the types of use for which a licensee seeks approval. This training requirement may be satisfied by completing training that is supervised by a Radiation Safety Officer or authorized nuclear pharmacist, as appropriate, who is authorized for the types of use for which the licensee is seeking approval.~~
- E) Has training in the radiation safety, regulatory issues and emergency procedures for the types of use for which a licensee seeks approval. This training requirement may be satisfied by completing training that is supervised by a Radiation Safety

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Officer or authorized nuclear pharmacist, as appropriate, who is authorized for the types of use for which the licensee is seeking approval.

- F) ~~Is an individual identified as a Radiation Safety Officer, or an authorized nuclear pharmacist on an Agency, U.S. Nuclear Regulatory Commission, Agreement State or a Licensing State license or a permit issued by an Agency, U.S. Nuclear Regulatory Commission, Agreement State or Licensing State broad scope license or master material license permit or by a master material license permittee of broad scope on or before October 24, 2007;~~
- 18) Before a licensee permits anyone to work as an authorized nuclear pharmacist under ~~his or her their~~ license, except for subsection (c)(19) of this Section, the licensee shall require the authorized nuclear pharmacist to be a State of Illinois licensed pharmacist who:
- A) ~~Is~~Has current board certification as a Nuclear Pharmacist by the Board of Pharmaceutical Specialties on or before October 24, 2007, or is certified as a nuclear pharmacist by a specialty board whose certification process ~~includes all of the requirements in subsection (c)(18)(A)(i) of this Section and whose certification~~ has been recognized by the U.S. Nuclear Regulatory Commission, Agreement State or Licensing State and who meets the requirements in subsections (B)(iii) of this subsection. To be recognized, a specialty board shall require all candidates for certification to meet the following requirements; or
- i) Has graduated from a pharmacy program accredited by the American Council of Pharmaceutical Education ACPE or have passed the Foreign Pharmacy Graduate Examination Committee (FPGEC) examination;
- ii) Hold a current, active license to practice pharmacy;
- iii) Provide evidence of having acquired at least 4000 hours of training/experience in nuclear pharmacy practice. Academic training may be substituted for no more than 2000 hours of the required training and experience; and

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- iv) Pass an examination in nuclear pharmacy, administered by the diplomats of the specialty board, that assessed knowledge and competency in the procurement, compounding, quality assurance, dispensing, distribution, health and safety, radiation safety, provision of information and consultation, monitoring patient outcomes, and research and development; or
- ~~B~~) Has completed 700 hours in a structured educational program consisting of both didactic training in radiation physics and instrumentation or radiation protection; with
  - i) 200 hours of didactic training in radiation physics and instrumentation; radiation protection; mathematics pertaining to the use and measurement of radioactivity; chemistry of radioactive material for medical use; radiation biology; and
  - ii) Mathematics pertaining to the use and measurement of radioactivity;
  - iii) Chemistry of byproduct material for medical use; and
  - iv) Radiation biology; and
- ~~ii~~) Supervised practical experience in a nuclear pharmacy involving shipping, receiving, and performing related radiation surveys; using and performing checks for proper operation of instruments used to determine the activity of dosages, survey meters, and, if appropriate, instruments used to measure alpha- or beta-emitting radionuclides; calculating, assaying, and safely preparing dosages for patients or human research subjects; use of administrative controls to avoid medical events in the administration of byproduct material; use of procedures to prevent or minimize radioactive contamination and use of proper decontamination procedures; and the following:

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- i) ~~Shipping, receiving, and performing related radiation surveys;~~
  - ii) ~~Using and performing checks for proper operation of instruments used to determine the activity of dosages, survey meters, and, if appropriate, instruments used to measure alpha or beta emitting radionuclides;~~
  - C) ~~Calculating, assaying, and safely preparing dosages for patients or human research subjects;~~
  - D) ~~Use of administrative controls to avoid medical events in the administration of byproduct material; and~~
  - E) ~~Use of procedures to prevent or minimize radioactive contamination and use of proper decontamination procedures; and~~
  - iiiF) Has obtained written attestation, signed by a preceptor authorized nuclear pharmacist, that the individual has satisfactorily completed the requirements in subsection ~~(A)(i-iii) or (B)(c)(18)(A)(i)~~ of this Section and has achieved a level of competency sufficient to function independently as an authorized nuclear pharmacist;
- 19) An individual identified as an authorized nuclear pharmacist on an Agency, U.S. Nuclear Regulatory Commission, Agreement State or Licensing State license or permit issued by an Agency, U.S. Nuclear Regulatory Commission, Agreement State broad scope licensee or master materials license permit or by a master materials license permittee of broad scope ~~on or before October 24, 2007 need not comply with the training requirements of subsection (c)(18)(A)(i) of this Section;~~
- 20) Training for Experienced Nuclear Pharmacist. A State of Illinois licensed pharmacist who has completed a structured educational program as specified in subsection (c)(18)~~(B)(A)(i)~~ of this Section before October 24, 2007 and who is working in a nuclear pharmacy would qualify as an experienced nuclear pharmacist. An experienced nuclear pharmacist need not comply with the requirements for a preceptor statement and recentness of training to qualify as an authorized nuclear pharmacist;

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- 21) Recentness of Training. The training and experience specified in subsection (c)(18) of this Section must have been obtained within the 7 years preceding the date of application or the individual must have had related continuing education and experience since the required training and experience was completed;
- 22) Resolution of Conflicting Requirements During Transition Period
- A) If this Part conflicts with the licensee's radiation safety program as identified in its license, this Part shall apply, unless the statements, representations, conditions and procedures in the license are more restrictive. However, if the licensee exercises its privilege to amend its license, the portion amended must comply with the requirements of this Part.
- ~~B) Until October 24, 2007, the Agency will approve authorized nuclear pharmacists who have certifications from the applicable Boards specified in Appendix E of this Part. The Agency has the right to limit authorization to those uses specified in Appendix E of this Part.~~
- d) Use of Sealed Sources in Industrial Radiography. A specific license for use of sealed sources in industrial radiography shall be issued only if the applicant has met the requirements of this Part and 32 Ill. Adm. Code 350 and 405.
- e) Use of Radioactive Materials in Wireline Service Operations and Subsurface Tracer Studies. A specific license for use of radioactive material in wireline operations shall be issued only if the applicant has met the requirements of this Part and 32 Ill. Adm. Code 351.

[AGENCY NOTE: Specialty Boards whose certification processes have been recognized by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State will be posted on the NRC's Web page.](#)

(Source: Amended at 32 Ill. Reg. 9199, effective June 13, 2008)

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**Section 330.280 Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices that Contain Radioactive Material**

- a) Licensing the Introduction of Radioactive Material into Products in Exempt Concentrations
  - 1) In addition to the requirements set forth in Section 330.250, a specific license authorizing the introduction of radioactive material into a product or material owned by or in the possession of the licensee or another and the transfer of ownership or possession of the product or material containing the radioactive material to persons exempted from this Part pursuant to Section 330.30 or 330.40(a) will be issued if:
    - A) The applicant submits a description of the product or material into which the radioactive material will be introduced, intended use of the radioactive material and the product or material into which it is introduced, method of introduction, initial concentration of the radioactive material in the product or material, control methods to assure that no more than the specified concentration is introduced into the product or material, estimated time interval between introduction and transfer of the product or material and estimated concentration of the radioactive material in the product or material at the time of transfer; and
    - B) The applicant provides reasonable assurance that the concentrations of radioactive material at the time of transfer will not exceed the concentrations in Appendix A, that reconcentration of the radioactive material in concentrations exceeding those in Appendix A is not likely, that use of lower concentrations is not feasible and that the product or material is not likely to be incorporated in any food, beverage, cosmetic, drug or other commodity or product designed for ingestion or inhalation by, or application to, a human being.
  - 2) Each person licensed under subsection (a) is required to maintain records of transfer of material and shall file a report with the Agency that shall identify the following:

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- A) Type and quantity of each product or material into which radioactive material has been introduced during the reporting period;
  - B) Name and address of the person who owned or possessed the product or material, into which radioactive material has been introduced, at the time of introduction;
  - C) The radionuclide, activity and activity assay date of radioactive material introduced into each product or material; and
  - D) The initial concentrations of the radionuclide in the product or material at time of transfer of the radioactive material by the licensee.
- 3) The licensee shall file the report within 30 days following:
- A) 5 years after filing the preceding report; or
  - B) Filing an application for renewal of the license under Section 330.330; or
  - C) Notifying the Agency under Section 330.320(b) of the licensee's decision to permanently discontinue activities authorized under the license issued under this subsection (a).
- 4) The report shall cover the period between the filing of the preceding report and an occurrence specified in subsection (a)(3). If no transfers of radioactive material have been made under subsection (a) during the reporting period, the report shall so indicate.
- 5) The licensee shall maintain the record of a transfer for a period of 1 year after the event has been included in a report to the Agency.
- b) Licensing the Distribution of Radioactive Material in Exempt Quantities

AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor or producer of any equipment, device, commodity or other product containing byproduct material whose subsequent possession, use,

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transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

- 1) An application for a specific license to distribute NARM to persons exempted, pursuant to Section 330.40(b) of this Part, will be approved if:
  - A) The radioactive material is not contained in any food, beverage, cosmetic, drug or other commodity designed for ingestion or inhalation by, or application to, a human being;
  - B) The radioactive material is in the form of processed chemical elements, compounds, or mixtures, tissue samples, bioassay samples, counting standards, plated or encapsulated sources or similar substances, identified as radioactive and to be used for its radioactive properties, but is not incorporated into any manufactured or assembled commodity, product or device intended for commercial distribution; and
  - C) The applicant submits copies of prototype labels and brochures and the Agency approves such labels and brochures.
- 2) The license issued under subsection (b)(1) of this Section is subject to the following conditions:
  - A) No more than ten exempt quantities shall be sold or transferred in any single transaction. However, an exempt quantity may be composed of fractional parts of one or more of the exempt quantities provided the sum of the fractions shall not exceed unity.
  - B) Each exempt quantity shall be separately and individually packaged. No more than ten such packaged exempt quantities shall be contained in any outer package for transfer to persons exempt pursuant to Section 330.40(b). The outer package shall be such that the dose rate at the external surface of the package does not exceed 5 microSv (500 microrem) per hour.

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- C) The immediate container of each quantity or separately packaged fractional quantity of radioactive material shall bear a durable, legible label that:
    - i) Identifies the radionuclide and activity; and
    - ii) Bears the words "Radioactive Material".
  - D) In addition to the labeling information required by subsection (b)(2)(C) of this Section, the label affixed to the immediate container, or an accompanying brochure, shall:
    - i) State that the contents are exempt from Licensing State requirements;
    - ii) Bear the words "Radioactive Material – Not for Human Use – Introduction into Foods, Beverages, Cosmetics, Drugs, or Medicinals or into Products Manufactured for Commercial Distribution is Prohibited – Exempt Quantities Should Not Be Combined"; and
    - iii) Set forth appropriate additional radiation safety precautions and instructions relating to the handling, use, storage and disposal of the radioactive material.
- 3) Each person licensed under this subsection (b) is required to maintain records and file reports as follows:
- A) Records of transfer of material identifying, by name and address, each person to whom radioactive material is transferred for use under Section 330.40(b) of this Part or the equivalent regulations of an Agreement State, or a Licensing State and stating the kinds and quantities of radioactive material transferred. The licensee shall maintain the record of a transfer for a period of 1 year after the event is included in a summary report to the Agency.
  - B) The licensee shall file a summary report stating the total activity of each radioisotope transferred under the specific license with the Agency.

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- C) The licensee shall file the summary report within 30 days following:
- i) 5 years after filing the preceding report; or
  - ii) Filing an application for renewal of the license under Section 330.330 of this Part; or
  - iii) Notifying the Agency under Section 330.320(b) of this Part of the licensee's decision to permanently discontinue activities authorized under the license issued under subsection (b) of this Section.
- D) The report shall cover the period between the filing of the preceding report and an occurrence specified in subsection (b)(3)(C) of this Section. If no transfers of radioactive material have been made under subsection (b) of this Section during the reporting period, the report shall so indicate.
- c) Licensing the Incorporation of Naturally Occurring and Accelerator-Produced Radioactive Material into Gas and Aerosol Detectors. An application for a specific license authorizing the incorporation of NARM into gas and aerosol detectors to be distributed to persons exempt under Section 330.40(c)(3) of this Part will be approved if the application satisfies requirements equivalent to those contained in 10 CFR 32.26, published January 1, 1993, exclusive of subsequent amendments or editions. The maximum activity of radium-226 in each device shall not exceed 3.7 kBq (100 nCi).
- d) Licensing the Manufacture and Distribution of Devices to Persons Generally Licensed Under Section 330.220(b) of this Part

AGENCY NOTE: Section 330.280(n) of this Part contains requirements for radioactive material transfer reports and records.

- 1) An application for a specific license to manufacture or distribute devices containing radioactive material, excluding special nuclear material, to persons generally licensed under Section 330.220(b) of this Part or

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equivalent regulations of the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State will be approved if:

- A) The applicant satisfies the general requirements of Section 330.250 of this Part.
- B) The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control, labels, proposed uses, installation, servicing, leak testing, operating and safety instructions and potential hazards of the device to provide reasonable assurance that:

- i) The device can be safely operated by persons not having training in radiological protection;
- ii) Under ordinary conditions of handling, storage and use of the device, the radioactive material contained in the device will not be released or inadvertently removed from the device and it is unlikely that any person will receive in 1 year a dose in excess of 10 percent of the annual limits specified in 32 Ill. Adm. Code 340.210(a); and
- iii) Under accident conditions such as fire and explosion associated with handling, storage and use of the device, it is unlikely that any person would receive an external radiation dose or dose commitment in excess of the following organ doses:

Whole body; head and trunk; active  
 blood-forming organs; gonads or  
 lens of eye ..... 150 mSv (15 rem)

Hands and forearms; feet and ankles  
 or localized areas of skin averaged  
 over areas no larger than 1 square  
 centimeter..... 2 Sv (200 rem)

Other organs ..... 500 mSv (50 rem).

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- C) Each device bears a durable, legible, clearly visible label or labels approved by the Agency, that contain in a clearly identified and separate statement:
- i) Instructions and precautions necessary to assure safe installation, operation and servicing of the device. Documents such as operating and service manuals may be identified in the label and used to provide this information;
  - ii) The requirement, or lack of requirement, for testing for leakage or contamination, or for testing any on-off mechanism and indicator, including the maximum time interval for such testing, and the identification of radioactive material by radionuclide, activity and activity assay date; and
  - iii) The information called for in one of the following statements, as appropriate, in the same or substantially similar form:

Devices Containing Radioactive Material Other Than Naturally Occurring Radioactive Material

The receipt, possession, use and transfer of this device, Model \_\_\_\_, Serial No. \_\_\_\_\_, are subject to a general license or the equivalent and the regulations of the U.S. Nuclear Regulatory Commission or a State with which the U.S. Nuclear Regulatory Commission has entered into an agreement for the exercise of regulatory authority. This label shall be maintained on the device in a legible condition. Removal of this label is prohibited.

CAUTION – RADIOACTIVE MATERIAL  
Name of Manufacturer or Distributor

AGENCY NOTE: The model, serial number and name of the manufacturer or distributor may be omitted from this label provided the information is elsewhere specified in labeling affixed to the device.

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## Devices Containing Naturally-Occurring Radioactive Material

The receipt, possession, use and transfer of this device, Model \_\_\_\_\_, Serial No. \_\_\_\_\_ are subject to a general license or the equivalent and the regulations of a Licensing State. This label shall be maintained on the device in a legible condition. Removal of this label is prohibited.

## CAUTION – RADIOACTIVE MATERIAL

AGENCY NOTE: The model, serial number and name of the manufacturer or distributor may be omitted from this label provided the information is elsewhere specified in labeling affixed to the device.

- D) Each device having a separable source housing that provides the primary shielding for the source also bears on the source housing a durable label displaying the device model and serial number, the radionuclide and activity, the words "Caution – Radioactive Material", the radiation symbol described in 32 Ill. Adm. Code 340.Illustration A and the name of the manufacturer or distributor.
  - E) Each device meeting the criteria of 10 CFR 31.5(c)(13)(i) (2005) bears a permanent (e.g., embossed, etched, stamped or engraved) label affixed to the source housing, if separable, or the device, if the source housing is not separable, that includes the words "Caution – Radioactive Material", and, if practicable, the radiation symbol described in 32 Ill. Adm. Code 340.Illustration A.
- 2) Except as provided in this subsection, the interval between tests for proper operation of the on-off mechanism and indicator, if any, shall not exceed 6 months. The interval between tests for contamination of the device or for leakage of radioactive material from the device or for both shall not exceed 3 months for devices containing sources designed to emit alpha particles and 6 months for all other devices. In the event the applicant desires that the device be required to be tested at intervals longer than the

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above, the applicant shall include in the application sufficient information to demonstrate that such longer intervals are justified. The information shall include a description of the performance characteristics of the device or similar devices and of design features that have a significant bearing on the probability or consequences of contamination of the device or leakage of radioactive material from the device or failure of the on-off mechanism and indicator. In determining the acceptable interval for the test for leakage of radioactive material or contamination of the device, the Agency will consider information that includes, but is not limited to:

- A) Primary containment or source capsule;
  - B) Protection of primary containment;
  - C) Method of sealing containment;
  - D) Containment construction materials;
  - E) Form of contained radioactive material;
  - F) Maximum temperature withstood during prototype tests;
  - G) Maximum pressure withstood during prototype tests;
  - H) Maximum activity of contained radioactive material;
  - I) Radiotoxicity of contained radioactive material; and
  - J) Operating experience with identical devices or similarly designed and constructed devices.
- 3) In the event the applicant desires that the general licensee under Section 330.220(b) of this Part, or under equivalent regulations of the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State, be authorized to install the device, collect the sample to be analyzed by a specific licensee for leakage of, or contamination by, radioactive material, service the device, test the on-off mechanism and indicator or remove the device from installation, the applicant shall include in the application written instructions to be followed by the general licensee,

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estimated annual doses associated with such activity or activities and bases for such estimates. The submitted information shall demonstrate that performance of such activity or activities by an individual untrained in radiological protection, in addition to other handling, storage and use of devices under the general license, is unlikely to cause that individual to receive an annual dose in excess of 10 percent of the limits specified in 32 Ill. Adm. Code 340.210(a).

- 4) A person licensed under subsection (d) of this Section to distribute devices to generally licensed persons shall provide the information in subsection (d)(4) of this Section to each person to whom a device is to be transferred for possession and use under the general license in Section 330.220(b) of this Part. This information shall be provided before a device is transferred. In the case of a transfer through an intermediate person, the information shall be provided to the intended user prior to transfer to the intermediate person. The required information is:
  - A) A copy of Section 330.220(b) of this Part;  

AGENCY NOTE: If certain provisions of Section 330.220(b) of this Part do not apply to a particular device, they may be omitted; e.g., tests for leakage or contamination or proper operation of an on-off mechanism and indicator.
  - B) A copy of 32 Ill. Adm. Code 310.40, 330.310 and 340.1210, 1220 and 1260;
  - C) A list of the services that may only be performed by a specific licensee;
  - D) Information on acceptable disposal options, including estimated costs of disposal; and
  - E) A statement of the Agency's policy to take escalated enforcement action for improper disposal.
- 5) A person licensed under this subsection (d) to distribute devices to generally licensed persons shall provide the information in this subsection (d)(5) to each person to whom a device is to be transferred for possession

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and use under a general license equivalent to Section 330.220(b) of this Part in the regulations of the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State. This information shall be provided before a device is transferred. In the case of a transfer through an intermediate person, the information shall be provided to the intended user prior to transfer to the intermediate person. The required information is:

- A) A copy of 10 CFR 31.5, 31.2, 30.51, 20.2201 and 20.2202 (2005) or the equivalent regulations of an Agreement State or Licensing State. If a copy of the NRC regulations is provided to a prospective general licensee in lieu of the applicable Agreement State or Licensing State regulations, it shall be accompanied by a note explaining that use of the device is regulated by the Agreement State or Licensing State;

AGENCY NOTE: If certain provisions of the regulations do not apply to a particular device, they may be omitted; e.g., tests for leakage or contamination or proper operation of an on-off mechanism and indicator.

- B) A list of the services that may only be performed by a specific licensee;
- C) Information on acceptable disposal options, including estimated costs of disposal;
- D) A statement of the policies of the U.S. Nuclear Regulatory Commission and most Agreement States and Licensing States to take escalated enforcement action for improper disposal; and
- E) The name or title, address and phone number of the contact at the U.S. Nuclear Regulatory Commission, Agreement State or Licensing State regulatory agency from whom additional information may be obtained.
- 6) A person licensed under this subsection (d) may propose, for approval by the Agency, an alternative method of informing customers.

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- 7) Each device transferred after February 19, 2002, shall meet the labeling requirements of subsections (d)(1)(C), (D) and (E) of this Section.
  - 8) If a license is to be terminated or if notification of bankruptcy is required by subsection (j) of this Section, a person licensed under this subsection (d) shall, upon request, provide to the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State the records of final disposition required by subsection (o)(8) of this Section.
- e) Special Requirements for the Manufacture, Assembly or Repair of Luminous Safety Devices for Use in Aircraft
- 1) An application for a specific license to manufacture, assemble or repair luminous safety devices containing tritium or promethium-147 for use in aircraft, for distribution to persons generally licensed under Section 330.220(c) of this Part will be approved if:
    - A) The applicant satisfies the general requirements specified in Section 330.250 of this Part; and
    - B) The applicant satisfies the requirements of 10 CFR 32.53-32.55 and 32.101, published January 1, 1993, exclusive of subsequent amendments or editions, or their equivalent.
  - 2) Each person licensed under this subsection (e) shall file an annual report with the Agency that shall state the total activity of tritium or promethium-147 transferred to persons generally licensed under Section 330.220(c) of this Part or equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement State. The report shall identify each general licensee by name and address, state the kinds and numbers of luminous devices transferred and specify the activity of tritium or promethium-147 in each kind of device. Each report shall cover the year ending June 30 and shall be filed within 30 days thereafter.
- f) Special Requirements for License to Manufacture Calibration Sources Containing Americium-241, Plutonium or Radium-226 for Distribution to Persons Generally Licensed Under Section 330.220(e) of this Part. An application for a specific license to manufacture calibration and reference sources containing americium-

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241, plutonium or radium-226 for distribution to persons generally licensed under Section 330.220(e) of this Part will be approved if:

- 1) The applicant satisfies the general requirements of Section 330.250 of this Part; and
  - 2) The applicant satisfies the requirements of 10 CFR 32.57 and 70.39 published January 1, 1993 and certifies that the applicant will satisfy, and subsequently satisfies, the requirements of 10 CFR 32.58, 32.59 and 32.102, published January 1, 1993, exclusive of subsequent amendments or editions.
- g) Manufacture and Distribution of Radioactive Material for Certain In Vitro Clinical or Laboratory Testing Under General License. An application for a specific license to manufacture or distribute radioactive material for use under the general license of Section 330.220(f) of this Part, or equivalent regulations of the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State, will be approved if:
- 1) The applicant satisfies the general requirements specified in Section 330.250 of this Part.
  - 2) The radioactive material is to be prepared for distribution in prepackaged units of:
    - A) Carbon-14 in units not exceeding 370 kBq (10  $\mu$ Ci) each.
    - B) Cobalt-57 in units not exceeding 370 kBq (10  $\mu$ Ci) each.
    - C) Hydrogen-3 (tritium) in units not exceeding 1.85 MBq (50  $\mu$ Ci) each.
    - D) Iodine-125 in units not exceeding 370 kBq (10  $\mu$ Ci) each.
    - E) Mock iodine-125 in units not exceeding 1.85 kBq (50 nCi) of iodine-129 and 185 Bq (5 nCi) of americium-241 each.
    - F) Iodine-131 in units not exceeding 370 kBq (10  $\mu$ Ci) each.

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- G) Iron-59 in units not exceeding 740 kBq (20  $\mu$ Ci) each.
  - H) Selenium-75 in units not exceeding 370 kBq (10  $\mu$ Ci) each.
- 3) Each prepackaged unit bears a durable, clearly visible label:
- A) Identifying the radioactive contents as to chemical form and radionuclide, and indicating that the amount of radioactivity does not exceed 370 kBq (10  $\mu$ Ci) of iodine-125, iodine-131, carbon-14, cobalt-57 or selenium-75; 1.85 MBq (50  $\mu$ Ci) of hydrogen-3 (tritium); 740 kBq (20  $\mu$ Ci) of iron-59; or mock iodine-125 in units not exceeding 1.85 kBq (50 nCi) of iodine-129 and 185 Bq (5 nCi) of americium-241 each; and
  - B) Displaying the radiation caution symbol described in 32 Ill. Adm. Code 340.910(a) and the words, "CAUTION – RADIOACTIVE MATERIAL", and "Not for Internal or External Use in Humans or Animals".
- 4) One of the following statements, as appropriate, or a statement that contains the information called for in one of the following statements, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure that accompanies the package:
- A) This radioactive material may be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of the U.S. Nuclear Regulatory Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority.
  - B) This radioactive material may be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt,

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acquisition, possession, use and transfer are subject to the regulations and a general license of a Licensing State.

- 5) The label affixed to the unit, or the leaflet or brochure that accompanies the package, contains information about the precautions to be followed in handling and storing such radioactive material. In the case of the mock iodine-125 reference or calibration source, the manufacturer shall state in the directions that this item shall be disposed of in compliance with 32 Ill. Adm. Code 340.1010(a).
- h) Licensing the Manufacture and Distribution of Ice Detection Devices. An application for a specific license to manufacture and distribute ice detection devices to persons generally licensed under Section 330.220(g) of this Part, will be approved if:
  - 1) The applicant satisfies the general requirements of Section 330.250; and
  - 2) The criteria of 10 CFR 32.61, 32.62 and 32.103 published January 1, 1993, exclusive of subsequent amendments or editions, are met.
- i) Manufacture and Distribution of Radiopharmaceuticals Containing Radioactive Material for Medical Use Under Specific Licenses. An application for a specific license to manufacture and distribute radiopharmaceuticals containing radioactive material for use by persons licensed pursuant to Section 330.260(a) for the uses described in 32 Ill. Adm. Code 335.3010, 335.4010 or 335.5010 will be approved if:
  - 1) The applicant satisfies the general requirements specified in Section 330.250 of this Part;
  - 2) The applicant submits information showing that:
    - A) The radiopharmaceutical containing radioactive material will be manufactured, labeled and packaged in accordance with the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act; or

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- B) The manufacture and distribution of the radiopharmaceutical containing radioactive material is not subject to the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act;
- 3) The applicant submits information on the radionuclide, chemical and physical form, packaging including maximum activity per package and shielding provided by the packaging of the radioactive material which is appropriate for safe handling and storage of radiopharmaceuticals by specific licensees; and
- 4) The label affixed to each package of the radiopharmaceutical contains information on the radionuclide, activity and activity assay date and the label affixed to each package, or the leaflet or brochure which accompanies each package, contains a statement that the radiopharmaceutical is licensed by the Agency for distribution to persons licensed pursuant to Section 330.260(a) for radioactive material specified in 32 Ill. Adm. Code 335.3010, 335.4010 or 335.5010, as appropriate, or under equivalent licenses of the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State. The labels, leaflets or brochures required by this subsection (i) are in addition to the labeling required by the FDA and may be separate from or, with the approval of FDA, may be combined with the labeling required by FDA.
- j) Manufacture and Distribution of Generators or Reagent Kits for Preparation of Radiopharmaceuticals Containing Radioactive Material

AGENCY NOTE: Although the Agency does not regulate the manufacture and distribution of reagent kits that do not contain radioactive material, it does regulate the use of such reagent kits for the preparation of radiopharmaceuticals containing radioactive material as part of its licensing and regulation of the users of radioactive material. Any manufacturer of reagent kits that do not contain radioactive material who desires to have such reagent kits approved by the Agency for use by persons licensed pursuant to Section 330.260(a) of this Part for generators or reagent kits specified in 32 Ill. Adm. Code 335.4010 may submit the pertinent information specified in this subsection (j).

An application for a specific license to manufacture and distribute generators or reagent kits containing radioactive material for preparation of

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radiopharmaceuticals by persons licensed pursuant to Section 330.260(a) of this Part for the uses specified in 32 Ill. Adm. Code 335.4010 will be approved if:

- 1) The applicant satisfies the general requirements specified in Section 330.250 of this Part;
- 2) The applicant submits evidence that:
  - A) The generator or reagent kit is to be manufactured, labeled and packaged in accordance with the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act; or
  - B) The manufacture and distribution of the generator or reagent kit are not subject to the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act;
- 3) The applicant submits information on the radionuclide, chemical and physical form, packaging, including maximum activity per package, and shielding provided by the packaging of the radioactive material contained in the generator or reagent kit;
- 4) The label affixed to the generator or reagent kit contains information on the radionuclide, activity and activity assay date; and
- 5) The label affixed to the generator or reagent kit, or the leaflet or brochure that accompanies the generator or reagent kit, contains:
  - A) Adequate information, from a radiation safety standpoint, on the procedures to be followed and the equipment and shielding to be used in eluting the generator or processing radioactive material with the reagent kit; and
  - B) A statement that the generator or reagent kit, as appropriate, is approved for use by persons licensed by the Agency pursuant to Section 330.260(a) of this Part and 32 Ill. Adm. Code 335.4010 or under equivalent licenses of the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State. The labels, leaflets or brochures required by this subsection (j) are in addition to the labeling required by the FDA and they may be separate from

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or, with the approval of FDA, may be combined with the labeling required by FDA.

- k) Manufacture and Distribution of Sources or Devices Containing Radioactive Material for Medical Use. An application for a specific license to manufacture and distribute sources and devices containing radioactive material to persons licensed pursuant to Section 330.260(a) of this Part for use as a calibration or reference source or for the uses listed in 32 Ill. Adm. Code [335.6010](#), 335.7010 and [335.8010](#) will be approved if:
- 1) The applicant satisfies the general requirements in Section 330.250 of this Part;
  - 2) The applicant submits sufficient information regarding each type of source or device pertinent to an evaluation of its radiation safety, including:
    - A) The radioactive material contained, its chemical and physical form and activity;
    - B) Details of design and construction of the source or device;
    - C) Procedures for, and results of, prototype tests to demonstrate that the source or device will maintain its integrity under stresses likely to be encountered in normal use and accidents;
    - D) For devices containing radioactive material, the radiation profile of a prototype device;
    - E) Details of quality control procedures to assure that production sources and devices meet the standards of the design and prototype tests;
    - F) Procedures and standards for calibrating sources and devices;
    - G) Legend and methods for labeling sources and devices as to their radioactive content; and
    - H) Instructions for handling and storing sources or devices from the radiation safety standpoint. These instructions shall be included on

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a durable label attached to each source or device or attached to a permanent storage container for the source or device; provided, that instructions which are too lengthy for such label may be summarized on the label and printed in detail on a brochure that is referenced on the label;

- 3) The label affixed to the source or device, or to the permanent storage container for the source or device, contains information on the radionuclide, activity and activity assay date, radiation symbol and/or "Caution Radioactive Material", serial number, model, manufacturer name or logo, and a statement that the source or device is licensed by the Agency for distribution to persons licensed pursuant to Section 330.260(a) of this Part and 32 Ill. Adm. Code 335.7010 or under equivalent licenses of the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State, provided that the labeling for sources that do not require long-term storage may be on a leaflet or brochure that accompanies the source;
- 4) In the event the applicant desires that the source or device be required to be tested for leakage of, or contamination by, radioactive material at intervals longer than 6 months, the applicant shall include in the application sufficient information to demonstrate that the longer interval is justified by performance characteristics of the source or device or similar sources or devices and by design features that have a significant bearing on the probability or consequences of radioactive contamination or leakage of radioactive material from the source; and
- 5) In determining the acceptable interval for tests of leakage of, or contamination by, radioactive material, the Agency will consider information that includes, but is not limited to:
  - A) Primary containment or source capsule;
  - B) Protection of primary containment;
  - C) Method of sealing containment;
  - D) Containment construction materials;

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- E) Form of contained radioactive material;
  - F) Maximum temperature withstood during prototype tests;
  - G) Maximum pressure withstood during prototype tests;
  - H) Maximum activity of contained radioactive material;
  - I) Radiotoxicity of contained radioactive material;
  - J) Operating experience with identical sources or devices or similarly designed and constructed sources or devices; and
  - K) Proposed use of source.
- l) Requirements for License to Manufacture and Distribute Industrial Products Containing Depleted Uranium for Mass-Volume Applications.  
An application for a specific license to manufacture industrial products and devices containing depleted uranium for use pursuant to Section 330.210(d) of this Part or equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement State will be approved if:
- 1) The applicant satisfies the general requirements specified in Section 330.250 of this Part.
  - 2) The applicant submits sufficient information relating to the design (including blueprints), manufacture (construction materials and methods), prototype testing (description of testing that will be done and the acceptance criteria), quality control procedures, labeling or marking, proposed uses and potential hazards of the industrial product or device to assure that possession, use or transfer of the depleted uranium in the product or device will not cause any individual to receive in any period of 1 year a radiation dose in excess of 10 percent of the limits specified in 32 Ill. Adm. Code 340.210(a).
  - 3) The applicant submits information assuring that the presence of depleted uranium for a mass-volume application in the product or device will provide a unique benefits to the public, i.e., a benefit that could not be achieved but for the use of depleted uranium. The applicant's methods for

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use and handling of the product or device will not result in uncontrolled disposal or dispersal of depleted uranium into the environment.

- 4) The Agency will deny any application for a specific license under this subsection if the end uses of the industrial product or device cannot be reasonably foreseen.
- 5) Each person licensed pursuant to this subsection (l) shall:
  - A) Maintain the level of quality control required by the license in the manufacture of the industrial product or device, and in the installation of the depleted uranium into the product or device;
  - B) Label or mark each unit to:
    - i) Identify the manufacturer of the product or device and the number of the license under which the product or device was manufactured, the fact that the product or device contains depleted uranium and the activity of depleted uranium in each product or device; and
    - ii) State that the receipt, possession, use and transfer of the product or device are subject to a general license or the equivalent and the regulations of the U.S. Nuclear Regulatory Commission or an Agreement State;
  - C) Assure that the depleted uranium before being installed in each product or device has been impressed with the following legend clearly legible through any plating or other covering: "Depleted Uranium";
  - D) Furnish:
    - i) A copy of the general license contained in Section 330.210(d) of this Part and a copy of the form "Registration Certificate – Use of Depleted Uranium Under General License", to each person to whom the licensee transfers depleted uranium in a product or device for use pursuant to

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the general license contained in Section 330.210(d) of this Part; or

- ii) A copy of the general license contained in the U.S. Nuclear Regulatory Commission's or Agreement State's regulation equivalent to Section 330.210(d) of this Part and a copy of the U.S. Nuclear Regulatory Commission's or Agreement State's certificate, or alternatively, furnish a copy of the general license contained in Section 330.210(d) of this Part and a copy of the form "Registration Certificate – Use of Depleted Uranium Under General License", to each person to whom he transfers depleted uranium in a product or device for use pursuant to the general license of the U.S. Nuclear Regulatory Commission or an Agreement State, with a note explaining that use of the product or device is regulated by the U.S. Nuclear Regulatory Commission or an Agreement State under requirements substantially the same as those in Section 330.210(d) of this Part;
- E) Report to the Agency all transfers of industrial products or devices to persons for use under the general license in Section 330.210(d) of this Part. Such report shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the Agency and the general licensee, the type and model number of device transferred and the activity of depleted uranium contained in the product or device. The report shall be submitted within 30 days after the end of each calendar quarter in which such a product or device is transferred to the generally licensed person. If no transfers have been made to persons generally licensed under Section 330.210(d) of this Part during the reporting period, the report shall so indicate;
- F) File a report that identifies each general licensee by name and address, an individual by name and/or position who constitutes a point of contact between the Agency and the general licensee, the type and model number of the device transferred and the activity of depleted uranium contained in the product or device. The report shall be submitted within 30 days after the end of each calendar

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quarter in which such product or device is transferred to the generally licensed person. The licensee shall report:

- i) To the U.S. Nuclear Regulatory Commission all transfers of industrial products or devices to persons for use under the U.S. Nuclear Regulatory Commission general license in 10 CFR 40.25;
  - ii) To the responsible state agency all transfers of devices manufactured and distributed pursuant to this subsection (1) for use under a general license in that state's regulations equivalent to Section 330.210(d) of this Part;
  - iii) To the U.S. Nuclear Regulatory Commission if no transfers have been made by the licensees during the reporting period;
  - iv) To the responsible Agreement State agency upon the request of that agency if no transfers have been made to general licensees within a particular Agreement State during the reporting period; and
- G) Keep records showing the name, address and point of contact for each general licensee to whom he transfers depleted uranium in industrial products or devices for use pursuant to the general license provided in Section 330.210(d) of this Part or equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement State. The records shall be maintained for a period of 2 years and shall show the date of each transfer, the activity of depleted uranium in each product or device transferred and compliance with the report requirements of this Section.
- m) Special Requirements for License to Manufacture, Import or Initially Distribute Sealed Sources or Devices Containing Sealed Sources to Persons Having a Specific License.
- 1) An application for license to manufacture, import or initially distribute sealed sources or devices containing sealed sources for initial transfer to

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persons having a specific license to receive such sealed sources or devices will be approved subject to the following conditions:

- A) The applicant satisfies the general requirements specified in Section 330.250 of this Part;
  - B) The licensee subject to this subsection (m) shall not transfer a sealed source or device containing a sealed source to any person except in accordance with the requirements of Section 330.400 of this Part.
- 2) Any manufacturer, importer or initial distributor of a sealed source or device containing a sealed source whose product is intended for use under a specific license may submit a request to the Agency for evaluation of radiation safety information about its product and for filing an evaluation sheet in the U.S. Nuclear Regulatory Commission "Registry of Radioactive Sealed Sources and Devices".
- A) A request for evaluation of a sealed source or device containing a sealed source shall be submitted in duplicate and shall include information required by subsection (m)(2)(B) or (C) of this Section, as applicable, demonstrating that the radiation safety properties of the source or device will not endanger public health and safety or property.
  - B) A request for evaluation of a sealed source shall include the following radiation safety information:
    - i) Proposed uses for the sealed source;
    - ii) Chemical and physical form and maximum quantity of radioactive material in the sealed source;
    - iii) Details of design of the sealed source, including blueprints, engineering drawings or annotated drawings;
    - iv) Details of construction of the sealed source, including a description of materials used in construction;

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- v) Radiation profile of a prototype sealed source;
  - vi) Procedures for and results of prototype testing;
  - vii) Details of quality control procedures to be followed in manufacture;
  - viii) A description or facsimile of labeling to be affixed to the sealed source;
  - ix) Leak testing procedures; and
  - x) Any additional information, including experimental studies and tests, required by the Agency to facilitate a determination of the safety of the sealed source, as required by Section 330.250 of this Part.
- C) A request for evaluation of a device containing a sealed source shall include the following radiation safety information:
- i) Proposed uses for the device;
  - ii) Manufacturer, model number, chemical and physical form and maximum quantity of radioactivity in the sealed source or sources to be used in the device;
  - iii) Details of design of the sealed source, including blueprints, engineering drawings or annotated drawings;
  - iv) Details of construction of the sealed source, including a description of materials used in construction;
  - v) Radiation profile of a prototype device;
  - vi) Procedures for and results of prototype testing;
  - vii) Details of quality control procedures to be followed in manufacture;

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- viii) A description or facsimile of labeling to be affixed to the device;
  - ix) Leak testing procedures;
  - x) A description of potential hazards in installation, service, maintenance, handling, use and operation of the device;
  - xi) Information about installation, service and maintenance procedures;
  - xii) Handling, operating and safety instructions; and
  - xiii) Any additional information, including experimental studies and tests, required by the Agency to facilitate a determination of the safety of the device as required by Section 330.250 of this Part.
- D) When evaluating a sealed source or device, the Agency will apply the radiation safety criteria described in 10 CFR 32.210(d), published January 1, 1993, exclusive of subsequent amendments or editions.
- E) The person submitting a request for evaluation of a product shall manufacture and distribute the product in accordance with:
- i) The statements and representations, including the quality control program, described in the request; and
  - ii) The provisions of the evaluation sheet prepared by the Agency and submitted to the U.S. Department of Health and Human Services for filing in the "Radioactive Material Reference Manual", or to the U.S. Nuclear Regulatory Commission for filing in the "Registry of Radioactive Sealed Sources and Devices".
- n) Manufacture and Distribution of Radioactive Material for Medical Use Under General License. A specific license authorizing the distribution of radioactive materials for diagnostic medical use by a physician under a general license shall

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be issued only if the applicant for the specific license satisfies the requirements of Section 330.250 of this Part and:

- 1) The applicant submits evidence that the radioactive material is to be manufactured, labeled and packaged in accordance with an approval by the commissioner of Food and Drugs, U.S. Food and Drug Administration, or in accordance with an approval for a biologic product issued by the Secretary, U.S. Department of Health and Human Services; and
- 2) One of the following statements, as appropriate, or a statement which contains the information called for in one of the following statements, appears on the label affixed to the container or appears in the leaflet or brochure that accompanies the package:
  - A) This radiopharmaceutical may be received, possessed and used only by physicians licensed to dispense drugs in the practice of medicine. Its receipt, possession, use and transfer are subject to the regulations and a general license or its equivalent of the U.S. Nuclear Regulatory Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority.
  - B) This radiopharmaceutical may be received, possessed and used only by physicians licensed to dispense drugs in the practice of medicine. Its receipt, possession, use and transfer are subject to the regulations and a general license or its equivalent of a Licensing State.
- o) **Material Transfer Reports and Records**  
Each person licensed under subsection (d) of this Section to distribute devices to generally licensed persons shall comply with the requirements of subsection (n) of this Section.
  - 1) The person shall report:
    - A) To the Agency and to the responsible regulatory agency all transfers of devices to persons for use under the general license in Section 330.220(b) of this Part or the equivalent regulations of the

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U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State;

- B) To the Agency and to the responsible regulatory agency all receipts of devices from persons generally licensed under Section 330.220(b) of this Part or the equivalent regulations of the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State;
  - C) To the Agency if no transfers were made to or from general licensees during the reporting period; and
  - D) To the responsible regulatory agency upon the request of the agency if no transfers during the reporting period were made to or from general licensees in the agency's area of jurisdiction.
- 2) The report shall be on NRC Form 653, "Transfers of Industrial Devices Report" or in a clear and legible format containing all of the information required by the form. The report shall cover each calendar quarter, shall be filed within 30 days after the end of the calendar quarter and shall clearly indicate the period covered.
- 3) For a transfer to a general licensee, the report shall provide:
- A) The identity of the general licensee by name and mailing address for the location of use. If there is no mailing address for the location of use, an alternate address for the general licensee shall be submitted, along with information on the actual location of use;
  - B) The name, title, and phone number of the individual identified by the general licensee as having knowledge of and authority to take required actions to ensure compliance with the appropriate regulations and requirements;
  - C) The date of transfer;
  - D) The type, model and serial number of the device transferred; and
  - E) The radionuclide and activity contained in the device.

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- 4) If one or more intermediate persons will temporarily possess a device at the intended place of use before its possession by the user, the report shall include the same information for both the intended user and each intermediate person and shall clearly designate all intermediate persons.
- 5) For a device received from a general licensee, the report shall provide the name and address of the general licensee and the type, model and serial number of the device and the date of receipt. For a device not initially transferred by the reporting person, the report shall provide the name of the manufacturer or distributor.
- 6) If the person makes a change to a device possessed by a general licensee that necessitates a change in the label, the report shall identify the general licensee, the device and the changes to information on the device label.
- 7) The report shall clearly identify the person licensed under subsection (d) of this Section that is furnishing the report and shall include the person's specific license number.
- 8) The person shall maintain all information concerning transfers and receipts of devices that supports the reports required by this subsection (o). These records shall be maintained for 5 years following the recorded event.

(Source: Amended at 32 Ill. Reg. 9199, effective June 13, 2008)

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**Section 330.APPENDIX E List of Specialty Board Certifications Recognized by the Agency Until October 24, 2007 [\(Repealed\)](#)**

~~Until October 24, 2007, the Agency will recognize Board certification by the specialty boards for the uses of radioactive material as specified in this Appendix. The Agency will also accept boards recognized by the U.S. Nuclear Regulatory Commission and listed on its website.~~

**~~Training for Authorized Nuclear Pharmacist~~**

~~Board of Pharmaceutical Specialties in Nuclear Pharmacy or Sciences~~

(Source: Repealed at 32 Ill. Reg. 9199, effective June 13, 2008)

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- 1) Heading of the Part: Medical Use of Radioactive Material
- 2) Code Citation: 32 Ill. Adm. Code 335
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
335.20	Amendment
335.30	Amendment
335.2080	Amendment
335.3010	Amendment
335.4010	Amendment
335.9010	Amendment
335.9030	Amendment
335.9040	Amendment
335.9050	Amendment
335.9060	Amendment
335.9070	Amendment
335.9080	New
335.9100	Amendment
335.9120	Amendment
335.9140	Amendment
335.9150	Amendment
335.9160	Amendment
335.9190	Amendment
335.APPENDIX A	Repealed
- 4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40]
- 5) Effective Date of Amendments: June 13, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: 32 Ill. Reg. 3503; March 14, 2008

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- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:
- Section 335.9010 – reformatted structure resulting in labeling change.
- Section 335.9010(e) (originally published in the Register as 9010(c)) – changed "subsection (a) or (b)" to "subsection (f) and (a)(1)(A) and (a)(1)(B) or (a)(2)(A) and (a)(2)(B) or meets subsections (c) or (d)".
- Section 335.9030(a)(1) – changed "subsections (c)(1) and (c)(2)" to "paragraphs (c)(1) and (c)(2)(F)".
- Section 335.9130 – deleted the Section.
- Section 335.9140(a) – changed "subsection (b) of this Section" to "subsection (b)(3) and (b)(4) of this Section".
- Section 335.9140(b)(3) – corrected a subsection misreference from "and (c)" to "and (b)(4)".
- Section 335.9140(b)(2) – changed "or (b)(1) and (c)" to "or (b)~~(1)~~ and (c)".
- Grammatical and stylistic changes were made in accordance with JCAR's recommendations.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Section 31 of the Radiation Protection Act exempts from the IAPA's general rulemaking requirements IEMA rulemakings that are identical in substance to NRC rules and necessary to implement, secure or maintain federal authorization for an IEMA program.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These regulations provide for training of authorized user physicians for medical use of radionuclides. These changes are

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considered Compatibility A, B and C or a Health and Safety standard by the U.S. Nuclear Regulatory Commission (NRC) and must be adopted essentially verbatim by the Agency in order to maintain its "Agreement State" status. This rulemaking will ensure compatibility with the NRC's 10 CFR 20, 30, 23, 35, 40 and 70 regulations currently in place for medical use of radioactive materials. The changes are mandated in 70 FR 16336 (RATS ID #2005-2) and 71 FR 15005 (RATS ID #2006-1). Agreement States such as Illinois are required to have these regulations in place by April 29, 2008 and March 27, 2009.

Section 31 of the Radiation Protection Act of 1990 [420 ILCS 40/31] provides that the Agency is exempt from rulemaking procedures in the Illinois Administrative Procedure Act when regulations that are identical in substance are necessary to implement, secure, or maintain federal authorization for a program. After consideration of comments from the appropriate federal agency, the Agency may adopt the verbatim text of the laws, regulations, or orders as necessary and appropriate for authorization or maintenance of the program. The NRC has reviewed the proposed amendments and the text has been revised to incorporate its suggested changes.

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

Louise Michels  
Staff Attorney  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield, Illinois 62704

217/785-9876

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 32: ENERGY

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

PART 335

MEDICAL USE OF RADIOACTIVE MATERIAL

SUBPART A: GENERAL INFORMATION

Section

- 335.10 Purpose and Scope
- 335.15 Incorporations by Reference
- 335.20 Definitions
- 335.30 License Required
- 335.40 License Amendments
- 335.50 Written Directives (Repealed)
- 335.60 Provisions for the Protection of Human Research Subjects

SUBPART B: GENERAL ADMINISTRATIVE REQUIREMENTS

Section

- 335.1010 ALARA Program (Repealed)
- 335.1020 Radiation Safety Officer (Repealed)
- 335.1030 Radiation Safety Committee (Repealed)
- 335.1040 Authorities and Responsibilities for the Radiation Protection Program
- 335.1050 Supervision
- 335.1060 Authorized User and Visiting Authorized User
- 335.1070 Mobile Nuclear Medicine Service Administrative Requirements (Repealed)
- 335.1080 Report and Notification of a Medical Event
- 335.1090 Materials Authorized for Medical Use (Repealed)
- 335.1100 Report and Notification of a Dose to an Embryo/Fetus or a Nursing Child
- 335.1110 Written Directives
- 335.1120 Procedures for Administrations Requiring a Written Directive

SUBPART C: GENERAL TECHNICAL REQUIREMENTS

Section

- 335.2010 Possession, Use and Calibration of Instruments Used to Measure the Activity of Unsealed Radioactive Material

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- 335.2020 Possession, Calibration and Check of Survey Instruments (Repealed)  
335.2030 Assay of Radiopharmaceutical Dosages  
335.2040 Authorization for Calibration, Transmission, Attenuation Correction and Reference Sources  
335.2050 Requirements for Possession of Sealed Sources (Repealed)  
335.2060 Labeling and Use of Vials and Syringes  
335.2070 Vial Shields and Vial Shield Labels (Repealed)  
335.2080 Monitoring for Contamination and Ambient Radiation Dose Rate  
335.2090 Safety Instructions for Patients Not Hospitalized and Containing Therapeutic Doses of Radiopharmaceuticals or Permanent Implants (Repealed)  
335.2100 Admission of Patients Being Treated with Radiopharmaceuticals or Permanent Implants (Repealed)  
335.2110 Release of Individuals Containing Unsealed Radioactive Material or Implants Containing Radioactive Material  
335.2120 Mobile Medical Service Requirements  
335.2130 Storage of Volatiles and Gases (Repealed)  
335.2140 Other Medical Uses of Radioactive Material or Radiation from Radioactive Material (Emerging Technologies)

## SUBPART D: UNSEALED RADIOACTIVE MATERIAL FOR UPTAKE, DILUTION AND EXCRETION STUDIES – WRITTEN DIRECTIVE NOT REQUIRED

## Section

- 335.3010 Use of Unsealed Radioactive Material for Uptake, Dilution and Excretion Studies for Which a Written Directive is Not Required

## SUBPART E: UNSEALED RADIOACTIVE MATERIAL FOR IMAGING AND LOCALIZATION STUDIES FOR WHICH A WRITTEN DIRECTIVE IS NOT REQUIRED

## Section

- 335.4010 Use of Unsealed Radioactive Material for Imaging and Localization Studies for Which a Written Directive is Not Required  
335.4020 Permissible Molybdenum-99 Concentration  
335.4030 Control of Aerosols and Gases (Repealed)

## SUBPART F: UNSEALED RADIOACTIVE MATERIAL – WRITTEN DIRECTIVE REQUIRED

## Section

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- 335.5010 Use of Unsealed Radioactive Material for Which a Written Directive is Required  
335.5020 Safety Instruction  
335.5030 Safety Precautions

## SUBPART G: SEALED SOURCES FOR DIAGNOSIS

- Section  
335.6010 Use of Sealed Sources for Diagnosis

## SUBPART H: MANUAL BRACHYTHERAPY

- Section  
335.7010 Use of Sealed Sources for Manual Brachytherapy  
335.7020 Safety Instruction  
335.7030 Safety Precautions  
335.7040 Accountability and Security of Brachytherapy Sources  
335.7050 Discharge of Patients Treated With Temporary Implants (Repealed)  
335.7060 Surveys After Source Implant and Removal  
335.7070 Calibration Measurements of Brachytherapy Sources  
335.7080 Decay of Brachytherapy Sources  
335.7090 Therapy-related Computer Systems for Manual Brachytherapy

SUBPART I: REMOTE AFTERLOADER UNITS,  
INTRAVASCULAR BRACHYTHERAPY UNITS,  
TELETHERAPY UNITS AND  
GAMMA STEREOTACTIC RADIOSURGERY UNITS

- Section  
335.8010 Use of a Sealed Source in Remote Afterloader Units, Intravascular Brachytherapy Units, Teletherapy Units or Gamma Stereotactic Radiosurgery Units  
335.8020 Installation, Maintenance, Adjustment and Repair  
335.8030 Amendments to Teletherapy Licenses (Repealed)  
335.8040 Safety Procedures and Instructions for Remote Afterloader Units, Intravascular Brachytherapy Units, Teletherapy Units and Gamma Stereotactic Radiosurgery Units  
335.8050 Safety Precautions for Remote Afterloader Units, Teletherapy Units and Gamma Stereotactic Radiosurgery Units  
335.8060 Radiation Monitoring Device for Teletherapy Units and Gamma Stereotactic Radiosurgery Units

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- 335.8070 Viewing System for Teletherapy (Repealed)  
335.8080 Dosimetry Equipment  
335.8090 Full Calibration Measurements for Teletherapy  
335.8100 Periodic Spot-Checks for Teletherapy  
335.8110 Radiation Monitoring  
335.8120 Safety Checks for Teletherapy Facilities (Repealed)  
335.8130 Modification of Teletherapy Unit or Room Before Beginning a Treatment Program (Repealed)  
335.8140 Reports of Teletherapy Monitoring, Checks, Tests and Measurements (Repealed)  
335.8150 5-Year Inspection for Teletherapy and Gamma Stereotactic Radiosurgery Units  
335.8160 Full Calibration Measurements on Remote Afterloader Units  
335.8170 Periodic Spot-Checks for Remote Afterloader Units  
335.8180 Monitoring of Patients and Human Research Subjects Treated with a Remote Afterloader Unit or Intravascular Brachytherapy Unit  
335.8190 Full Calibration Measurements on Gamma Stereotactic Radiosurgery Units  
335.8200 Periodic Spot-Checks for Gamma Stereotactic Radiosurgery Units  
335.8210 Additional Technical Requirements for Mobile Remote Afterloader Units  
335.8220 Additional Technical Requirements for Intravascular Brachytherapy Units  
335.8230 Therapy-related Computer Systems for Remote Afterloader Units, Intravascular Brachytherapy Units, Teletherapy Units and Gamma Stereotactic Units

## SUBPART J: TRAINING AND EXPERIENCE REQUIREMENTS

## Section

- 335.9010 Radiation Safety Officer  
335.9020 Training for Experienced Radiation Safety Officer (Repealed)  
335.9030 Training for Uptake, Dilution or Excretion Studies  
335.9040 Training for Imaging and Localization Studies  
335.9050 Training for Use of Unsealed Radioactive Material for Which a Written Directive is Required  
335.9060 Training for the Oral Administration of Sodium Iodide I-131 Requiring a Written Directive in Quantities Less Than or Equal to 1.22 GBq (33 mCi)  
335.9070 Training for the Oral Administration of Sodium Iodide I-131 Requiring a Written Directive in Quantities Greater Than 1.22 GBq (33 mCi) 335.9080 Training for Therapeutic Use of Soluble Phosphorus-32 (Repealed)  
335.9080 [Training for the Parenteral Administration of Unsealed Byproduct Material Requiring a Written Directive Therapeutic Use of Soluble Phosphorus-32 \(Repealed\)](#)  
335.9090 Training for Therapeutic Use of Colloidal Chromic Phosphorus-32 Labeled

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- 335.9100 Phosphate Compound or Gold-198 (Repealed)  
335.9100 Training for Use of Manual Brachytherapy Sources  
335.9120 Training for Ophthalmic Use of Strontium-90  
335.9130 Training for Use of Sealed Sources for Diagnosis  
335.9140 Training for Use of Remote Afterloader Units, Intravascular Brachytherapy Units, Teletherapy Units and Gamma Stereotactic Radiosurgery Units  
335.9150 Training for Authorized Medical Physicist  
335.9160 Training for Experienced Radiation Safety Officer, Authorized Medical Physicist or Authorized User  
335.9170 Physician Training in a 3-Month Program (Repealed)  
335.9180 Recentness of Training  
335.9190 Resolution of Conflicting Requirements During Transition Period

335.APPENDIX A List of Specialty Board Certifications Accepted by the Agency Until October 24, 2007

AUTHORITY: Implementing and authorized by Section 10 of the Radiation Protection Act of 1990 [420 ILCS 40/10].

SOURCE: Adopted at 15 Ill. Reg. 10763, effective July 15, 1991; emergency amendment at 17 Ill. Reg. 9099, effective June 8, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 7308, effective May 2, 1994; emergency amendment at 26 Ill. Reg. 4434, effective March 8, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10517, effective July 1, 2002; amended at 27 Ill. Reg. 10057, effective June 30, 2003; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 30 Ill. Reg. 9029, effective April 28, 2006; amended at 32 Ill. Reg. 9247, effective June 13, 2008.

## SUBPART A: GENERAL INFORMATION

**Section 335.20 Definitions**

"Area of use" means a portion of a physical structure that has been set aside for the purpose of receiving, using or storing radioactive material.

"Authorized user" means a physician, dentist or podiatrist who meets the requirements in Subpart J of this Part or is identified as being authorized to use radioactive material on a specific medical use license issued by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State; a medical use permit issued by a U.S. Nuclear Regulatory Commission master

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material licensee; a permit issued by a U.S. Nuclear Regulatory Commission, Agreement State or Licensing State broad scope medical use licensee; or a permit issued by a U.S. Nuclear Regulatory Commission master material license broad scope medical use permittee.

"Authorized medical physicist" means an individual who meets the requirements in Sections 335.9150(a) and 335.9180 of this Part; ~~or Section 335.9190(b) of this Part until October 24, 2007;~~ or is identified as an authorized medical physicist or teletherapy physicist on a specific medical use license issued by the U.S. Nuclear Regulatory Commission, an Agreement State or Licensing State; a medical use permit issued by a U.S. Nuclear Regulatory Commission master material licensee; a permit issued by a U.S. Nuclear Regulatory Commission, Agreement State or Licensing State broad scope medical use licensee; or a permit issued by a U.S. Nuclear Regulatory Commission master material license broad scope medical use permittee.

"Case" means the performance of a clinical procedure on a patient.

"Classroom and laboratory training" means planned instruction outlined in a syllabus and offered by an individual or organization. It is comprised of lectures, demonstrations, hands-on laboratory exercises and tests.

"Client's address" means the area of use or a temporary job site for the purpose of providing mobile medical service in accordance with Section 335.2120 of this Part.

"Clinical procedure" means a method of using radioactive material for patient care in which the material or its radiation is administered to the patient. A specific clinical procedure specifies, either explicitly or in context, the indication for the procedure, the purpose (diagnosis or therapy), the radionuclide and its chemical and physical form, the dosage or dose and method of administration and patient follow-up. Diagnostic clinical procedures also include the method of collecting raw data, manipulating the data and interpreting the final results, which may be images, graphs or numbers.

"Dentist" means an individual licensed by a state or territory of the United States, the District of Columbia or the Commonwealth of Puerto Rico to practice dentistry.

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"Gamma stereotactic radiosurgery" means the use of external radiation in conjunction with a stereotactic guidance device to very precisely deliver a therapeutic dose to a tissue volume.

"High dose rate remote afterloader" means a brachytherapy device that remotely delivers a dose rate in excess of 12 gray (1200 rads) per hour at the point or surface where the dose is prescribed.

"Intravascular brachytherapy" means a type of brachytherapy in which the brachytherapy sources are placed into blood vessels at the point where the dose is prescribed for the treatment of in-stent restenosis.

"Low dose rate remote afterloader" means a brachytherapy device that remotely delivers a dose rate of less than or equal to 2 gray (200 rads) per hour at the point or surface where the dose is prescribed.

"Management" means the chief executive officer or other individual having the authority to manage or administer the licensee's activities, or those individuals' delegates.

"Manual brachytherapy" means a type of brachytherapy in which the brachytherapy sources (e.g., seeds, ribbons) are manually placed topically on or inserted either into the body cavities that are in close proximity to a treatment site or directly into the tissue volume.

"Medical event" means an event that meets the criteria in Section 335.1080 of this Part.

"Medical institution" means:

An organization, other than a medical clinic, private medical practice or mobile nuclear medicine service, that holds a specific license issued by the Agency and that practices more than two medical disciplines; or

A medical clinic, private practice or mobile nuclear medicine service that holds a specific license issued by the Agency and is authorized under Section 335.2140, 335.5010 (for therapy procedures only), 335.7010 or 335.8010 of this Part to use radioactive material.

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"Medical use" means the intentional internal or external administration of radioactive material or the radiation from radioactive material to patients or human research subjects under the supervision of an authorized user.

"Medium dose rate remote afterloader" means a brachytherapy device that remotely delivers a dose rate of greater than 2 gray (200 rads) [per hour](#), but less than [or equal to](#) 12 gray (1200 rads) per hour at the point or surface where the dose is prescribed.

"Mobile medical service" means the transportation of radioactive material to, and its medical use at, the client's address.

"Output" means the exposure rate, dose rate or a quantity related in a known manner to these rates from a brachytherapy source or a teletherapy, remote afterloader or gamma stereotactic radiosurgery unit for a specified set of exposure conditions.

"Patient intervention" means actions by the patient or human research subject, whether intentional or unintentional, such as dislodging or removing treatment devices or prematurely terminating the administration.

"Physically present" means within audible range and in such proximity that immediate assistance can be given if required.

"Podiatrist" means an individual licensed by a state or territory of the United States, the District of Columbia or the Commonwealth of Puerto Rico to practice podiatry.

["Preceptor" means an individual who provides, directs or verifies training and experience required for an individual to become an authorized user, an authorized medical physicist, an authorized nuclear pharmacist or a Radiation Safety Officer.](#)

"Prescribed dosage" means the specified activity or range of activity of unsealed radioactive material as documented:

in a written directive; or

in accordance with the directions of the authorized user for procedures pursuant to Sections 335.3010 and 335.4010 of this Part.

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"Prescribed dose" means:

for gamma stereotactic radiosurgery, the total dose as documented in the written directive;

for teletherapy, the total dose and dose per fraction as documented in the written directive;

for manual brachytherapy and intravascular brachytherapy, either the total dose or the total source strength and exposure time, as documented in the written directive; or

for remote brachytherapy afterloaders, the total dose and dose per fraction as documented in the written directive.

"Pulsed dose rate remote afterloader" means a special type of remote afterloading brachytherapy device that uses a single source capable of delivering dose rates in the "high dose rate" range, and:

is approximately one-tenth of the activity of typical high dose rate remote afterloader sources; and

is used to simulate the radiobiology of a low dose rate treatment by inserting the source for a given fraction of each hour.

"Radiation Safety Officer" means an individual who:

meets the requirements in Sections 335.9010, 335.9160 and 335.9180 of this Part; or

~~meets the requirements in Section 335.9190(b) of this Part until October 24, 2007; or~~

is identified as a Radiation Safety Officer on:

a specific medical use license issued by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State; or

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a medical use permit issued by the Agency, U.S. Nuclear Regulatory Commission, Agreement State or Licensing State broad scope licensee or master material license permit or by a master material license permittee of broad scope Commission master material licensee.

"Structured educational program" means an educational program designed to impart particular knowledge and practical education through interrelated studies and supervised training.

"Teletherapy" means a method of radiation therapy in which collimated gamma rays are delivered at a distance from the patient or human research subject.

"Therapeutic dosage" means a dosage of unsealed radioactive material that is intended to deliver a radiation dose to a patient or human research subject for palliative or curative treatment.

"Therapeutic dose" means a radiation dose delivered from a source containing radioactive material to a patient or human research subject for palliative or curative treatment.

"Treatment site" means the anatomical description of the tissue intended to receive a radiation dose, as described in a written directive.

"Type of use" means use of radioactive material under [SectionSections](#) 335.2140, 335.3010, 335.4010, 335.5010, 335.6010, 335.7010 or 335.8010 of this Part.

"Unit dosage" means a dosage prepared for medical use for administration as a single dosage to a patient or human research subject without any further manipulation of the dosage after it is initially prepared.

"Visiting authorized user" means a temporary (i.e., less than 60 days each year) authorized user who is not identified on the license of the licensee being visited and who has been approved by the Radiation Safety Committee in accordance with Section 335.1060(b) of this Part.

"Written directive" means an authorized user's written order for the administration of radioactive material or radiation from radioactive material to a specific patient

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or human research subject, as specified in Section 335.1110 of this Part.

(Source: Amended at 32 Ill. Reg. 9247, effective June 13, 2008)

**Section 335.30 License Required**

- a) A person may ~~only use, manufacture, produce, acquire, receive, possess, prepare, use, or transfer~~ radioactive material or a radioactive sealed source for medical use ~~that is only in accordance with a specific license issued by the Agency in accordance with 32 Ill. Adm. Code 330 or the equivalent regulations of the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State, or as allowed in subsection (b)(1) or (b)(2) of this Section.~~
- 1) manufactured, produced, acquired, received, possessed, prepared or transferred in accordance with a specific license issued by the Agency in accordance with 32 Ill. Adm. Code 330.260(c), 330.280(i)-(k) or 330.280(n) or the equivalent regulations of the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State, or as allowed in subsection (b)(1) or (b)(2) of this Section; or
  - 2) noncommercially transferred as sealed sources or devices from a facility licensed in accordance with this Part.
- b) A specific license is not needed for an individual who:
- 1) Receives, possesses, uses or transfers radioactive material in accordance with this Part under the supervision of an authorized user as provided in Section 335.1050 of this Part, unless prohibited by license condition; or
  - 2) Prepares unsealed radioactive material for medical use in accordance with this Part under the supervision of an authorized nuclear pharmacist or authorized user as provided in Section 335.1050 of this Part, unless prohibited by license condition.
- c) Notwithstanding the distribution requirements in this Section, the licensee may receive, possess, and use naturally-occurring or accelerator-produced radioactive material (NARM) specifically authorized by the license and distributed by a supplier located in a non-Licensing State.

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(Source: Amended at 32 Ill. Reg. 9247, effective June 13, 2008)

## SUBPART C: GENERAL TECHNICAL REQUIREMENTS

**Section 335.2080 Monitoring for Contamination and Ambient Radiation Dose Rate**

- a) In addition to the monitoring required by 32 Ill. Adm. Code 340, the licensee shall monitor with a radiation detection survey instrument capable of detecting dose rates over the range 1  ~~$\mu\text{Sv mSv}$~~ (100  ~~$\mu\text{rem mrem}$~~ ) per hour to 500  ~~$\mu\text{Sv mSv}$~~  (50 mrem) per hour all areas where liquid radiopharmaceuticals were prepared for use or administered at the end of each day of use. However, the licensee does not need to perform the monitoring required by this Section in areas where patients or human research subjects are confined when they cannot be released under Section 335.2110 of this Part. The instrument shall be operable and calibrated in accordance with the requirements of 32 Ill. Adm. Code 340.510(b) and (c).
- b) At least once each week, a licensee shall measure with a radiation measurement instrument capable of measuring dose rates over the range 10 ~~$\mu\text{Sv mSv}$~~ (1 mrem) per hour to 10 mSv (1 rem) per hour all areas where radiopharmaceuticals or radioactive wastes are stored to ensure compliance with 32 Ill. Adm. Code 340.210 and 340.310. The instrument shall be operable and calibrated in accordance with the requirements of 32 Ill. Adm. Code 340.510(b) and (c).
- c) At least once each week, a licensee shall measure for removable contamination in all areas where unsealed radioactive materials are prepared for use, administered or stored.
- d) A licensee shall conduct the measurements required by subsections (b) and ~~(c)~~(d) of this Section in a manner that permits detection of contamination on each wipe sample of 2000 dpm per 100 square centimeters of surface area.
- e) A licensee shall retain a record of all monitoring and surveys required by this Section for 5 years. The record shall include the monitoring date, a sketch of each area monitored, the measured dose rate at several points in each area expressed in units, multiples or subunits of sieverts or rem per hour or the removable contamination in each area expressed in units, multiples or subunits of becquerels or curies per 100 square centimeters of surface area or in disintegrations (transformations) per minute per 100 square centimeters of surface area, the manufacturer, model and serial number of the instrument used to perform the

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monitoring or analyze the samples and the identity of the individual who performed the monitoring.

AGENCY NOTE: A detection instrument means an uncompensated Geiger Mueller type instrument. A measurement instrument means an ion chamber or compensated Geiger Mueller instrument.

(Source: Amended at 32 Ill. Reg. 9247, effective June 13, 2008)

SUBPART D: UNSEALED RADIOACTIVE MATERIAL FOR UPTAKE, DILUTION AND EXCRETION STUDIES – WRITTEN DIRECTIVE NOT REQUIRED

**Section 335.3010 Use of Unsealed Radioactive Material for Uptake, Dilution and Excretion Studies for Which a Written Directive is Not Required**

Except for quantities that require a written directive under Section 335.1110(a) of this Part, a licensee may use any unsealed radioactive material prepared for medical use for uptake, dilution or excretion studies that is:

- a) Obtained from a person specified in Section 335.30 of this Part, or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements; or
- b) Prepared by an authorized nuclear pharmacist, a physician who is an authorized user and who meets the requirements in Section 335.9040, or [Sections 335.9050 and 335.9040\(c\)\(1\)\(B\)\(vii\)](#), of this Part, or an individual under the supervision of either, as specified in Section 335.1050 of this Part; or
- c) Obtained from and prepared by an Agency, U.S. Nuclear Regulatory Commission, Agreement State or Licensing State licensee for use in research in accordance with a Radioactive Drug Research Committee-approved protocol or an application or protocol accepted by the FDA; or
- d) Prepared by the licensee for use in research in accordance with a Radioactive Drug Research Committee-approved application or an application or a protocol accepted by the FDA.

AGENCY NOTE: Participation in FDA research trials involving human subjects does not relieve the licensee from following all Agency regulations, whether or not they are

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included in the trial protocols. This includes participation in trials using "blind" research protocols.

(Source: Amended at 32 Ill. Reg. 9247, effective June 13, 2008)

## SUBPART E: UNSEALED RADIOACTIVE MATERIAL FOR IMAGING AND LOCALIZATION STUDIES FOR WHICH A WRITTEN DIRECTIVE IS NOT REQUIRED

**Section 335.4010 Use of Unsealed Radioactive Material for Imaging and Localization Studies for Which a Written Directive is Not Required**

Except for quantities that require a written directive under Section 335.1110(a) of this Part, a licensee may use any unsealed radioactive material prepared for medical use for imaging and localization studies that is:

- a) Obtained from a person specified in Section 335.30 of this Part, or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements; or
- b) Prepared by an authorized nuclear pharmacist, a physician who is an authorized user and who meets the requirements specified in Section 335.9040, or [Sections 335.9050 and 335.9040\(c\)\(1\)\(B\)\(vii\)](#) of this Part, or an individual under the supervision of either, as specified in Section 335.1050 of this Part; or
- c) Obtained from and prepared by an Agency, U.S. Nuclear Regulatory Commission, Agreement State or Licensing State licensee for use in research in accordance with a Radioactive Drug Research Committee-approved protocol or an application or protocol accepted by the FDA; or
- d) Prepared by the licensee for use in research in accordance with a Radioactive Drug Research Committee-approved application or an application or a protocol accepted by the FDA.

(Source: Amended at 32 Ill. Reg. 9247, effective June 13, 2008)

## SUBPART J: TRAINING AND EXPERIENCE REQUIREMENTS

**Section 335.9010 Radiation Safety Officer**

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Except as provided in Section 335.9160 of this Part, the licensee shall require an individual fulfilling the responsibilities of the Radiation Safety Officer as provided in Section 335.1040(b) of this Part to be an individual who:

- a) Is certified by a specialty board whose certification process ~~includes all of the requirements in subsection (b) of this Section and whose certification~~ has been recognized by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State and who meets the requirements in subsections (e) and (f) of this section. To be recognized, a specialty board shall require all candidates for certification to meet the following requirements;~~;~~
  - 1) The candidate must:
    - A) Hold a bachelor's or graduate degree from an accredited college or university in physical science, or engineering or biological science with a minimum of 20 college credits in physical science;
    - B) Have 5 or more years of professional experience in health physics (graduate training may be substituted for no more than 2 years of the required experience), including at least 3 years in applied health physics; and
    - C) Pass an examination administered by diplomate of the specialty board that evaluates knowledge and competence in radiation physics and instrumentation, radiation protection, mathematics pertaining to the use and measurement of radioactivity, radiation biology and radiation dosimetry; or
  - 2) The candidate must:
    - A) Hold a master's or doctor's degree in physics, medical physics, other physical science, engineering, or applied mathematics from an accredited college or university;
    - B) Have 2 years of full-time practical training and/or supervised experience in medical physics;

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- i) [Under the supervision of a medical physicist who is certified in medical physics by a specialty board recognized by the Commission or an Agreement State; or](#)
  - ii) [In clinical nuclear medicine facilities providing diagnostic and/or therapeutic services under the direction of physicians who meet the requirements for authorized users in Section 335.9040 or 335.9050; and](#)
  - iii) [Pass an examination, administered by diplomate of the specialty board, that assess knowledge and competence in clinical diagnostic radiological or nuclear medicine physics and in radiation safety; or](#)
- b) Has completed a structured educational program consisting of:
- 1) 200 hours of [classroom and laboratory](#)~~didactic~~ training in the following areas:
    - A) Radiation physics and instrumentation;
    - B) Radiation protection;
    - C) Mathematics pertaining to the use and measurement of radioactivity;
    - D) Radiation biology;
    - E) Radiation dosimetry; and
  - 2) 1 year of full-time radiation safety experience under the supervision of the individual identified as the Radiation Safety Officer on an Agency, U.S. Nuclear Regulatory Commission, Agreement State or Licensing State license or permit issued by the U.S. Nuclear Regulatory Commission master material licensee that authorizes similar types and uses of radioactive material involving the following:
    - A) Shipping, receiving and performing related radiation monitoring;

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- B) Using and performing checks for proper operation of instruments used to determine the activity of dosages, instruments used to measure radionuclides and survey meters;
  - C) Securing and controlling radioactive material;
  - D) Using administrative controls to avoid mistakes in the administration of radioactive material;
  - E) Using procedures to prevent or minimize radioactive contamination and using proper decontamination procedures;
  - F) Using emergency procedures to control radioactive material;
  - G) Disposing of radioactive material; and
- 3) ~~Has obtained written certification, signed by a preceptor Radiation Safety Officer, that the individual has satisfactorily completed the requirements in subsections (c)(1) and (2) of this Section and has achieved a level of radiation safety knowledge sufficient to function independently as a Radiation Safety Officer for a medical use licensee; or~~
- c) Is a medical physicist who has been certified by a specialty board whose certification process has been recognized by the Agency, U.S. Nuclear Regulatory Commission or an Agreement State under Section 335.9150(a) and has experience in radiation safety for similar types of use of byproduct material for which the licensee is seeking the approval of the individual as Radiation Safety Officer and who meets the requirements in subsections (c) and (d) of this section; or
- de) Is an authorized user, authorized medical physicist or authorized nuclear pharmacist identified on the licensee's license and has experience with the radiation safety aspects of similar types of use of radioactive material for which the individual has Radiation Safety Officer responsibilities; ~~and-~~
- e) Has obtained written attestation, signed by a preceptor Radiation Safety Officer, that the individual has satisfactorily completed the requirements in subsection (f) and (a)(1)(A) and (a)(1)(B) or (a)(2)(A) and (a)(2)(B) or meets subsections (c) or (d) and has achieved a level of radiation safety knowledge sufficient to function independently as a Radiation Safety Officer for a medical use licensee; and

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- f) Has training in radiation safety, regulatory issues and emergency procedures for the types of use for which a licensee seeks approval. This training requirement may be satisfied by completing training that is supervised by a radiation safety officer, authorized medical physicist, authorized nuclear pharmacist or authorized user, as appropriate, who is authorized for the type(s) of use for which the licensee is seeking approval.

AGENCY NOTE: Specialty boards whose certification processes have been recognized by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State will be posted on the NRC's Web page.

(Source: Amended at 32 Ill. Reg. 9247, effective June 13, 2008)

**Section 335.9030 Training for Uptake, Dilution or Excretion Studies**

Except as provided in Section 335.9160 of this Part, a licensee shall require the authorized user of unsealed radioactive material for the uses authorized under Section 335.3010 of this Part not requiring a written directive to be a physician who:

- a) Is certified by a medical specialty board whose certification process ~~includes all of the requirements in subsection (e) of this Section and whose certification~~ has been recognized by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State and who meets the requirements in subsection (c)(3) of this Section. To be recognized, a specialty board shall require all candidates for certification to meet the following requirements:~~or~~
- 1) Complete 60 hours of training and experience in basic radionuclide handling techniques and radiation safety applicable to the medical use of unsealed byproduct material for uptake, dilution and excretion studies that includes the topics listed in subsections (c)(1) and (c)(2); and
  - 2) Pass an examination, administered by diplomate of the specialty board, that assesses knowledge and competence in radiation safety, radionuclide handling and quality control; or
- b) Is an authorized user under Section 335.9040, or Sections 335.9050 and 335.9040(c)(1)(B)(vii), of this Part or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements; or

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- c) Has completed ~~a structured educational program consisting of 60 hours of training and experience in basic radionuclide handling techniques applicable to the medical use of unsealed radioactive material for uptake, dilution and excretion studies. The training and experience shall include, at a minimum:~~
- 1) ~~60 hours of training and experience, including a minimum of 8 hours of classroom and laboratory training, in basic radionuclide handling techniques applicable to the medical use of unsealed radioactive material for uptake, dilution and excretion studies. The classroom and laboratory training shall include, at a minimum:~~
  - 1) ~~Classroom and laboratory training in the following areas:~~
    - A) Radiation physics and instrumentation;
    - B) Radiation protection;
    - C) Mathematics pertaining to the use and measurement of radioactivity;
    - D) Chemistry of radioactive material for medical use;
    - E) Radiation biology; and
  - 2) Work experience, under the supervision of an authorized user who meets the requirements in this Section, or Section 335.9040 or 335.9050 of this Part, or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements, involving :
    - A) Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation monitoring;
    - B) Performing quality control procedures on ~~Calibrating~~ instruments used to determine the activity of dosages and performing checks for proper operation of survey instruments;
    - C) Calculating, measuring and safely preparing patient or human research subject dosages;

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- D) Using administrative controls to prevent a ~~medical~~reportable event involving the use of unsealed radioactive material;
  - E) Using procedures to contain spilled radioactive material safely and using proper decontamination procedures;
  - F) Administering dosages of radioactive drugs to patients or human research subjects; and
- 3) Has obtained written ~~attestation~~certification, signed by a preceptor authorized user who meets the requirements in this Section, or Section 335.9040 or 335.9050 of this Part, or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements, that the individual has satisfactorily completed the requirements in this subsection (c) or in subsection (a)(1) and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under Section 335.3010 of this Part for those procedures not requiring a written directive.

AGENCY NOTE: Specialty boards whose certification processes have been recognized by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State will be posted on the NRC's Web page.

(Source: Amended at 32 Ill. Reg. 9247, effective June 13, 2008)

**Section 335.9040 Training for Imaging and Localization Studies**

Except as provided in Section 335.9160 of this Part, a licensee shall require the authorized user of unsealed radioactive material for the uses authorized under Section 335.4010 of this Part not requiring a written directive to be a physician who:

- a) Is certified by a medical specialty board whose certification process ~~includes all of the requirements in subsection (c) of this Section and whose certification~~ has been recognized by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State and who meets the requirements in subsection (c)(2). To be recognized, a specialty board shall require all candidates for certification to meet the following requirements:;~~or~~

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- 1) Complete 700 hours of training and experience in basic radionuclide handling techniques and radiation safety applicable to the medical use of unsealed byproduct material for imaging and localization studies that includes the topics listed in subsections (c)(1)(A) and (c)(1)(B) of this section; and
  - 2) Pass an examination, administered by diplomate of the specialty board, that assesses knowledge and competence in radiation safety, radionuclide handling and quality control; or
- b) Is an authorized user under Section 335.9050 and meets the requirements of 335.9040(c)(1)(B)(vii) of this Part or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements; or
- c) Has completed a structured educational program consisting of:700 hours of training and experience in basic radionuclide handling techniques applicable to the medical use of unsealed radioactive material for imaging and localization studies. The training and experience shall include, at a minimum:
- 1) 700 hours of training and experience, including 80 hours of classroom and laboratory training, in basic radionuclide handling techniques applicable to the medical use of unsealed radioactive material for imaging and localization studies. The training and experience shall include, at a minimum:
    - A+) Classroom and laboratory training in the following areas:
      - iA) Radiation physics and instrumentation;
      - iiB) Radiation protection;
      - iiiC) Mathematics pertaining to the use and measurement of radioactivity;
      - ivD) Chemistry of radioactive material for medical use;
      - vE) Radiation biology; and
    - B2) Work experience, under the supervision of an authorized user who

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meets the requirements in this Section, or Section 335.9050 [and 335.9040 \(c\)\(1\)\(B\)\(vii\)](#) of this ~~Section, Part~~ or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements, involving:

- [iA\)](#) Ordering, receiving and unpacking radioactive materials safely and performing the related radiation monitoring;
- [iiB\)](#) ~~Performing quality control procedures on~~[Calibrating](#) instruments used to determine the activity of dosages and performing checks for proper operation of survey instruments;
- [iiiC\)](#) Calculating, measuring and safely preparing patient or human research subject dosages;
- [ivD\)](#) Using administrative controls to prevent a ~~medical reportable~~ event involving the use of unsealed radioactive material;
- [vE\)](#) Using procedures to contain spilled radioactive material safely and using proper decontamination procedures;
- [viF\)](#) Administering dosages of radioactive drugs to patients or human research subjects;
- [viiG\)](#) Eluting generator systems appropriate for preparation of radioactive drugs for imaging and localization studies, measuring, and testing the eluate for radionuclidic purity and processing the eluate with reagent kits to prepare labeled radioactive drugs; and

- [23\)](#) Has obtained written ~~attestation certification~~, signed by a preceptor authorized user who meets the requirements in this Section or Section 335.9050 [and 335.9040 \(c\)\(1\)\(B\)\(vii\)](#) of this Part, or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements, that the individual has satisfactorily completed the requirements in ~~this~~ subsection [\(a\)\(1\) or \(c\)\(1\) of this Section\(e\)](#) and has achieved a level of competency sufficient to function independently as an

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authorized user for the medical uses authorized under Section [335.3010](#) and 335.4010 of this Part for those procedures not requiring a written directive.

AGENCY NOTE: Specialty boards whose certification processes have been recognized by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State will be posted on the NRC's Web page.

(Source: Amended at 32 Ill. Reg. 9247, effective June 13, 2008)

**Section 335.9050 Training for Use of Unsealed Radioactive Material for Which a Written Directive is Required**

Except as provided in Sections 335.9060, 335.9070 and 335.9160 of this Part, a licensee shall require the authorized user of unsealed radioactive material for the uses authorized under Section 335.3010, 335.4010, or 335.5010 of this Part requiring a written directive to be a physician who:

- a) Is certified by a medical specialty board whose certification process ~~includes all of the requirements in subsection (b) of this Section and whose certification~~ has been recognized by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State and who meets the requirements in subsections (b)(2)(F) and (b)(3) of this section. To be recognized, a specialty board shall require all candidates for certification to meet the following requirements;
  - A) Successfully complete residency training in a radiation therapy or nuclear medicine training program or a program in a related medical specialty that includes 700 hours of training and experience as described in subsections (b)(1) through (b)(2)(E) of this Section. Eligible training programs must be approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or Royal College of Physicians and Surgeons of Canada or the Committee on Post-Graduate Training of the American Osteopathic Association;
  - B) Pass an examination, administered by diplomate of the specialty board, that tests knowledge and competence in radiation safety, radionuclide handling, quality assurance and clinical use of unsealed radioactive materials; or

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AGENCY NOTE: Specialty boards whose certification processes have been recognized by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State will be posted on the NRC's Web page.

- b) Has completed 700 hours of training and experience, including a minimum of 200 hours of classroom and laboratory training, in basic radionuclide handling techniques applicable to the medical use of unsealed radioactive material requiring a written directive. The training and experience shall include:
- 1) Classroom and laboratory training in the following areas:
    - A) Radiation physics and instrumentation;
    - B) Radiation protection;
    - C) Mathematics pertaining to the use and measurement of radioactivity;
    - D) Chemistry of radioactive material for medical use;
    - E) Radiation biology; and
  - 2) Work experience, under the supervision of an authorized user who meets the requirements in this Section or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements. A supervising authorized user, who meets the requirements in Section 335.9050(b) of this Part, shall have experience in administering dosages in the same dosage category or categories (i.e., Section 335.9050(b)(2)(~~FG~~)(~~i~~), (~~ii~~), (~~iii~~), or (~~iv~~)) of this Part) as the individual requesting authorized user status. The work experience shall involve:
    - A) Ordering, receiving and unpacking radioactive materials safely, and performing the related radiation monitoring;
    - B) Performing quality control procedures on~~Calibrating~~ instruments used to determine the activity of dosages, and performing checks for proper operation of survey instruments;

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- C) Calculating, measuring and safely preparing patient or human research subject dosages;
  - D) Using administrative controls to prevent a [medical reportable](#) event involving the use of unsealed radioactive material;
  - E) Using procedures to contain spilled radioactive material safely and using proper decontamination procedures;
  - ~~F) Eluting generator systems, measuring and testing the eluate for radionuclidic purity, and processing the eluate with reagent kits to prepare labeled radioactive drugs;~~
  - ~~FG)~~ Administering dosages of radioactive drugs to patients or human research subjects involving a minimum of three cases in each of the following categories for which the individual is requesting authorized user status:
    - i) Oral administration of less than or equal to 1.22 GBq (33 mCi) of sodium iodide I-131, [for which a written directive is required](#);
    - ii) Oral administration of greater than 1.22 GBq (33 mCi) of sodium iodide I-131;  
  
AGENCY NOTE: Experience with at least 3 cases in subsection (b)(2)(~~FG~~)(ii) also satisfies the requirement in subsection (b)(2)(~~FG~~)(i).
    - iii) Parenteral administration of any beta emitter or a photon-emitting radionuclide with a photon energy less than 150 keV [for which a written directive is required](#); and/or
    - iv) Parenteral administration of any other radionuclide [for which a written directive is required](#); and
- 3) Has obtained written [attestation certification](#) that the individual has satisfactorily completed the requirements in subsections [\(a\)\(1\) and \(b\)\(2\)\(F\) or \(b\)\(1\) and \(2\)](#) of this Section and has achieved a level of

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competency sufficient to function independently as an authorized user for the medical uses authorized under Section 335.5010 of this Part. The written ~~attestation~~certification shall be signed by a preceptor authorized user who meets the requirements in this Section, or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements. The preceptor authorized user who meets the requirements in Section 335.9050(b) of this Part must have experience in administering dosages in the same dosage category or categories (i.e., ~~subsection Section 335.9050(b)(2)(FG)(i), (ii), (iii), or (iv) of this Part~~) as the individual requesting authorized user status.

[AGENCY NOTE: Specially Boards whose certification processes have been recognized by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State will be posted on the NRC's web page.](#)

(Source: Amended at 32 Ill. Reg. 9247, effective June 13, 2008)

**Section 335.9060 Training for the Oral Administration of Sodium Iodide I-131 Requiring a Written Directive in Quantities Less Than or Equal to 1.22 GBq (33 mCi)**

Except as provided in Section 335.9160 of this Part, the licensee shall require the authorized user for oral administration of sodium iodide I-131 requiring a written directive in quantities less than or equal to 1.22 GBq (33 mCi) to be a physician who:

- a) Is certified by a medical specialty board whose certification process includes all of the requirements in subsection (c)(1) and (2) of this Section and whose certification has been recognized by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State and who meets the requirements in subsection (c)(3) of this Section; or
- b) Is an authorized user under Section 335.9050 of this Part for uses listed in Section 335.9050(b)(2)~~(FG)~~(i) or (ii), or Section 335.9070 of this Part, or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements; or
- c) Has:
  - 1) Successfully completed 80 hours of classroom and laboratory training

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applicable to the medical use of sodium iodide I-131 for procedures requiring a written directive. The training shall include :

- A) Radiation physics and instrumentation;
  - B) Radiation protection;
  - C) Mathematics pertaining to the use and measurement of radioactivity;
  - D) Chemistry of radioactive material for medical use;
  - E) Radiation biology; and
- 2) Work experience under the supervision of an authorized user who meets the requirements ~~in subsection (a) or (b)~~ of this Section, Section 335.9050 or [Section 335.9070 of this Part](#) or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements. A supervising authorized user who meets the requirements of Section 335.9050(b) of this Part shall have experience in administering dosages as specified in Section 335.9050(b)(2)(~~FG~~)[\(i\)](#) or [\(ii\)](#) of this Part. The work experience shall involve:
- A) Ordering, receiving and unpacking radioactive materials safely, and performing the related radiation monitoring;
  - B) [Performing quality control procedures on](#)~~Calibrating~~ instruments used to determine the activity of dosages, and performing checks for proper operation of survey instruments;
  - C) Calculating, measuring and safely preparing patient or human research subject dosages;
  - D) Using administrative controls to prevent a ~~medical reportable~~ event involving the use of radioactive material;
  - E) Using procedures to contain spilled radioactive material safely and using proper decontamination procedures;

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F) Administering dosages to patients or human research subjects and shall include at least 3 cases involving the oral administration of less than or equal to 1.22 GBq (33 mCi) of sodium iodide I-131; and

3) Obtained written [attestation certification](#) that the individual has satisfactorily completed the requirements in subsections (c)(1) and (2) of this Section and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under Section 335.5010 of this Part. The written [attestation certification](#) shall be signed by a preceptor authorized user who meets the requirements in this Section; or Section 335.9050, [335.9060](#) or 335.9070 of this Part, or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements. A preceptor authorized user who meets the requirements in Section 335.9050(b) of this Part must have experience in administering dosages as specified in Section 335.9050(b)(2)(~~FG~~)(i) or (ii) of this Part.

[AGENCY NOTE: Specialty boards whose certification processes have been recognized by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State will be posted on the NRC's Web page.](#)

(Source: Amended at 32 Ill. Reg. 9247, effective June 13, 2008)

**Section 335.9070 Training for the Oral Administration of Sodium Iodide I-131 Requiring a Written Directive in Quantities Greater Than 1.22 GBq (33 mCi)**

Except as provided in Section 335.9160 of this Part, the licensee shall require the authorized user for the oral administration of sodium iodide I-131 requiring a written directive in quantities greater than 1.22 GBq (33 mCi) to be a physician who:

a) Is certified by a medical specialty board whose certification process includes all of the requirements in subsection (c)(1) and (2) of this Section and whose certification has been recognized by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State [and who meets the requirements in subsection \(c\)\(3\) of this Section](#); or

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[AGENCY NOTE: Specialty boards whose certification processes have been recognized by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State will be posted on the NRC's Web page.](#)

- b) Is an authorized user under Section 335.9050 of this Part for uses listed in Section 335.9050(b)(2)(~~FG~~)(ii) of this Part, or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements; or
- c) Has:
- 1) Successfully completed 80 hours of classroom and laboratory training applicable to the medical use of sodium iodide I-131 for procedures requiring a written directive. The training shall include :
    - A) Radiation physics and instrumentation;
    - B) Radiation protection;
    - C) Mathematics pertaining to the use and measurement of radioactivity;
    - D) Chemistry of radioactive material for medical use;
    - E) Radiation biology; and
  - 2) Work experience under the supervision of an authorized user who meets the requirements in ~~subsection (a) or (b) of~~ this Section, Section 335.9050 of this Part, or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements. A supervising authorized user who meets the requirements of Section 335.9050(b) of this Part shall have experience in administering dosages as specified in Section 335.9050(b)(2)(~~FG~~)(ii) of this Part. The work experience shall involve:
    - A) Ordering, receiving and unpacking radioactive materials safely, and performing the related radiation monitoring;
    - B) Performing quality control procedures on~~Calibrating~~ instruments used to determine the activity of dosages, and performing checks for proper operation of survey instruments;

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- C) Calculating, measuring and safely preparing patient or human research subject dosages;
  - D) Using administrative controls to prevent a ~~medical reportable~~ event involving the use of radioactive material;
  - E) Using procedures to contain spilled radioactive material safely and using proper decontamination procedures;
  - F) Administering dosages to patients or human research subjects and shall include at least 3 cases involving the oral administration of greater than 1.22 GBq (33 mCi) of sodium iodide I-131; and
- 3) Obtained written ~~attestation~~ ~~certification~~ that the individual has satisfactorily completed the requirements in subsections (c)(1) and (2) of this Section and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under Section 335.5010 of this Part. The written ~~attestation~~ ~~certification~~ shall be signed by a preceptor authorized user who meets the requirements in this Section, ~~or~~ Section 335.9050 of this Part, or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements. A preceptor authorized user who meets the requirements in Section 335.9050(b) of this Part must have experience in administering dosages as specified in Section 335.9050(b)(2)(~~FG~~)(ii) of this Part.

(Source: Amended at 32 Ill. Reg. 9247, effective June 13, 2008)

**Section 335.9080 Training for the Parenteral Administration of Unsealed Byproduct Material Requiring a Written Directive**  
~~**Training for Therapeutic Use of Soluble Phosphorus-32 (Repealed)**~~

Except as provided in Section 335.9160, the licensee shall require an authorized user for the parenteral administration requiring a written directive to be a physician who:

- a) Is an authorized user under Section 335.9050 for uses listed in subsections 335.9050(b)(2)(F)(iii) or 335.9050(b)(2)(F)(iv), or equivalent U.S. Nuclear Regulatory Commission, Agreement State, or Licensing State requirements; or

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- b) Is an authorized user under Section 335.9100 or 335.9140, or equivalent U.S. Nuclear Regulatory Commission, Agreement State, or Licensing State requirements and who meets the requirements in subsection (d) of this section; or
- c) Is certified by a medical specialty board whose certification process has been recognized by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State under Section 335.9100 or 335.9140, and who meets the requirements in subsection (d) of this section; or
- d) Has:
- 1) Successfully completed 80 hours of classroom and laboratory training applicable to parenteral administrations, for which a written directive is required, of any beta emitter, or any photon-emitting radionuclide with a photon energy less than 150 keV, and/or parenteral administration of any other radionuclide for which a written directive is required. The training must include:
    - A) Radiation physics and instrumentation;
    - B) Radiation protection;
    - C) Mathematics pertaining to the use and measurement of radioactivity;
    - D) Chemistry of byproduct material for medical use; and
    - E) Radiation biology; and
  - 2) Work experience, under the supervision of an authorized user who meets the requirements in this Section, Section 335.9050, or equivalent U.S. Nuclear Regulatory Commission, Agreement State, or Licensing State requirements, in the parenteral administration, for which a written directive is required, of any beta emitter, or any photon-emitting radionuclide with a photon energy less than 150 keV, and/or parenteral administration of any other radionuclide for which a written directive is required. A supervising authorized user who meets the requirements in Section 335.9050 must have experience in administering dosages as

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specified in Section 335.9050(b)(2)(F)(iii) or 335.9050(b)(2)(F)(iv). The work experience must involve:

- A) Ordering, receiving and unpacking radioactive materials safely, and performing the related radiation surveys;
  - B) Performing quality control procedures on instruments used to determine the activity of dosages, and performing checks for proper operation of survey meters;
  - C) Calculating, measuring and safely preparing patient or human research subject dosages;
  - D) Using administrative controls to prevent a medical event involving the use of unsealed byproduct material;
  - E) Using procedures to contain spilled byproduct material safely, and using proper decontamination procedures; and
  - F) Administering dosages to patients or human research subjects that include at least 3 cases involving the parenteral administration, for which a written directive is required, of any beta emitter, or any photon-emitting radionuclide with a photon energy less than 150 keV, and/or at least 3 cases involving the parenteral administration of any other radionuclide for which a written directive is required; and
- 3) Obtained written attestation that the individual has satisfactorily completed the requirements in subsection (b) or (c) of this section, and has achieved a level of competency sufficient to function independently as an authorized user for the parenteral administration of unsealed byproduct material requiring a written directive. The written attestation must be signed by a preceptor authorized user who meets the requirements in this section and Section 335.9050, or equivalent U.S. Nuclear Regulatory Commission, Agreement State, or Licensing State requirements. A preceptor authorized user who meets the requirements in Section 335.9050 must have experience in administering dosages as specified in Section 335.9050(b)(2)(F)(iii) 335.9050(b)(2)(F) (iv).

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(Source: Added at 32 Ill. Reg. 9247, effective June 13, 2008)

**Section 335.9100 Training for Use of Manual Brachytherapy Sources**

Except as provided in Section 335.9160 of this Part, the licensee shall require the authorized user of a manual brachytherapy source in accordance with Section 335.7010 of this Part to be a physician who:

- a) Is certified by a medical specialty board whose certification process ~~includes all of the requirements in subsection (b) of this Section and whose certification~~ has been recognized by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State and who meets the requirements in subsection (b)(3) below. To be recognized, a specialty board shall require all candidates for certification to:
  - 1) Successfully complete a minimum of 3 years of residency training in a radiation oncology program approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or Royal College of Physicians and Surgeons of Canada or the Committee on Post-Graduate Training of the American Osteopathic Association;
  - 2) Pass an examination, administered by the diplomate of the specialty board that tests knowledge and competence in radiation safety, radionuclide handling, treatment planning, quality assurance and clinical use of manual brachytherapy sources; or

AGENCY NOTE: Specialty boards whose certification processes have been recognized by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State will be posted on the NRC's Web page.
- b) Has:
  - 1) Completed a structured educational program in basic radionuclide handling techniques applicable to the use of manual brachytherapy sources that includes:
    - A) 200 hours of classroom and laboratory training in the following areas:

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- i) Radiation physics and instrumentation;
  - ii) Radiation protection;
  - iii) Mathematics pertaining to the use and measurement of radioactivity;
  - iv) Radiation biology; and
- B) 500 hours of work experience under the supervision of an authorized user who meets the requirements in this Section or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements at a medical institution involving:
- i) Ordering, receiving and unpacking radioactive materials safely and performing the related radiation monitoring;
  - ii) Checking survey instruments for proper operation;
  - iii) Preparing, implanting and removing brachytherapy sources;
  - iv) Maintaining running inventories of material on hand;
  - v) Using administrative controls to prevent [medical events involving the misadministration of](#) radioactive material;
  - vi) Using emergency procedures to control radioactive material; [and](#)
- 2) Completed 3 years of supervised clinical experience in radiation oncology under an authorized user who meets the requirements in this Section or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements as a part of a formal training program approved by the Residency Review Committee for Radiation Oncology of the Accreditation Council for Graduate Medical Education, [the Royal College of Physicians and Surgeons of Canada](#) or the Committee on Postdoctoral Training of the American Osteopathic Association. This experience may be obtained concurrently with the supervised work experience required by subsection (b)(1)(B)(2) of this Section; and

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- 3) Obtained written ~~attestation~~certification, signed by a preceptor authorized user who meets the requirements in this Section or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements, that the individual has satisfactorily completed the requirements in ~~subsections~~subsections (a)(1), or subsections (b)(1) and (2), and (3) of this Section and has achieved a level of competency sufficient to function independently as an authorized user of manual brachytherapy sources for the medical uses authorized under Section 335.7010 of this Part.

(Source: Amended at 32 Ill. Reg. 9247, effective June 13, 2008)

**Section 335.9120 Training for Ophthalmic Use of Strontium-90**

Except as provided in Section 335.9160 of this Part, the licensee shall require the authorized user using only strontium-90 for ophthalmic radiation therapy to be a physician who:

- a) Is an authorized user under Section 335.9100 of this Part or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements; or
- b) Has:
  - 1) Completed 24 hours of classroom and laboratory training applicable to the use of strontium-90 for ophthalmic radiation therapy. The training shall include:
    - A) Radiation physics and instrumentation;
    - B) Radiation protection;
    - C) Mathematics pertaining to the use and measurement of radioactivity;
    - D) Radiation biology; and
  - 2) Completed clinical training in ophthalmic radiation therapy under the supervision of an authorized user at a medical institution that includes the

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use of strontium-90 for the ophthalmic treatment of 5 patients. The supervised clinical training must include:

- A) Examination of each patient to be treated;
  - B) Calculation of the dose to be administered;
  - C) Administration of the dose;
  - D) Follow-up and review of each patient's case history; and
- 3) Obtained written [attestation certification](#), signed by a preceptor authorized user who meets the requirements in this Section, Section 335.9100 of this Part, or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements, that the individual has satisfactorily completed the requirements in subsections [\(a\) and \(b\)\(1\) and \(2\)](#) of this Section and has achieved a level of competency sufficient to function independently as an authorized user of strontium-90 for ophthalmic use.

(Source: Amended at 32 Ill. Reg. 9247, effective June 13, 2008)

**Section 335.9140 Training for Use of Remote Afterloader Units, Intravascular Brachytherapy Units, Teletherapy Units and Gamma Stereotactic Radiosurgery Units**

Except as provided in Section 335.9160 of this Part, the licensee shall require the authorized user of a sealed source for a use authorized under Section 335.8010 of this Part to be a physician who:

- a) Is certified by a medical specialty board whose certification process includes all of the requirements in subsection [\(b\)\(3\) and \(b\)\(4\)](#) of this Section and whose certification has been recognized by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State [and who meets the requirements in subsections \(b\)\(3\) and \(b\)\(4\) of this Section. To be recognized, a specialty board shall require all candidates for certification to:](#)
  - 1) [Successfully complete a minimum of 3 years of residency training in a radiation therapy program approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or Royal College of Physicians and Surgeons of Canada or the Committee on Post-Graduate Training of the American Osteopathic Association;](#)

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- 2) Pass an examination, administered by diplomate of the specialty board, that tests knowledge and competence in radiation safety, radionuclide handling, treatment planning, quality assurance and clinical use of stereotactic radiosurgery, remote afterloaders and external beam therapy;  
or

AGENCY NOTE: Specialty boards whose certification processes have been recognized by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State will be posted on the NRC's Web page.

## b) Has:

- 1) Completed a structured educational program in basic radionuclide techniques applicable to the use of a sealed source in a therapeutic medical unit that includes:
- A) 200 hours of classroom and laboratory training in the following areas:
- i) Radiation physics and instrumentation;
  - ii) Radiation protection;
  - iii) Mathematics pertaining to the use and measurement of radioactivity;
  - iv) Radiation biology; and
- B) 500 hours of work experience under the supervision of an authorized user who meets the requirements in this Part or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements at a medical institution that involves:
- i) Reviewing full calibration measurements and periodic spot-checks;
  - ii) Preparing treatment plans and calculating treatment doses

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and times;

- iii) Using administrative controls to prevent a [medical reportable](#) event involving the use of radioactive material;
  - iv) Implementing emergency procedures to be followed in the event of the abnormal operation of the medical unit or console;
  - v) Checking and using survey instruments;
  - vi) Selecting the proper dose and how it is to be administered; and
- 2) Completed 3 years of supervised clinical experience in radiation [therapy oncology](#) under an authorized user who meets the requirements of this Section or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements as a part of a formal training program approved by the Residency Review Committee for Radiation Oncology of the Accreditation Council for Graduate Medical Education, [the Royal College of Physicians and Surgeons of Canada](#), or the Committee on Postdoctoral Training of the American Osteopathic Association. This experience may be obtained concurrently with the supervised work experience required by subsection (b)(1)(B) of this Section; and
- 3) Obtained written [attestation certification](#) that the individual has satisfactorily completed the requirements in subsection (a)(1), or (b)(1-2) and [\(b\)\(4\)\(2\)](#), of this Section and has achieved a level of competency sufficient to function independently as an authorized user for each type of therapeutic medical unit for which the individual is requesting authorized user status. The written [attestation certification](#) shall be signed by a preceptor authorized user who meets the requirements in this Section or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements for each type of therapeutic medical unit for which the individual is requesting authorized user status; ~~and-~~

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- 4) Has received training in device operation, safety procedures and clinical use for the types of use for which authorization is sought. This training requirement may be met by satisfactory completion of a training program provided by the vendor for new users or by receiving training supervised by an authorized user or authorized medical physicist, as appropriate, who is authorized for the types of use for which the individual is seeking authorization.

(Source: Amended at 32 Ill. Reg. 9247, effective June 13, 2008)

**Section 335.9150 Training for Authorized Medical Physicist**

Except as provided in Section 335.9160 of this Part, the licensee shall require the authorized medical physicist to be an individual who:

- a) Is certified by a specialty board whose certification process ~~includes all of the training and experience requirements in subsection (b) of this Section and whose certification~~ has been recognized by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State and who meets the requirements in subsections (b)(2) and (c) of this section. To be recognized, a specialty board shall require all candidates for certification to:
  - 1) Hold a master's degree or doctorate in physics, medical physics, other physical science, engineering or applied mathematics from an accredited college or university;
  - 2) Have 2 years of full-time practical training and/or supervised experience in medical physics:
    - A) Under the supervision of a medical physicist who is certified in medical physics by a specialty board recognized by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State; or
    - B) In clinical radiation facilities providing high energy, external beam therapy (photons and electrons with energies greater than or equal to 1 million electron volts) and brachytherapy services under the direction of physicians who meet the requirements for authorized users in Section 335.9100 or 335.9140 of this Part;

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- 3) Pass an examination, administered by diplomate of the specialty board, that assesses knowledge and competence in clinical radiation therapy, radiation safety, calibration, quality assurance, and treatment planning for external beam therapy, brachytherapy and stereotactic radiosurgery.

AGENCY NOTE: Specialty boards whose certification processes have been recognized by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State will be posted on the NRC's Web page.

- b) Holds a master's degree or doctorate in physics, ~~biophysics, radiological physics,~~ medical physics or other physical science, engineering or applied mathematics from an accredited college or university~~health physics~~; and:
- 1) Has completed 1 year of full-time training in ~~medicaltherapeutic radiological~~ physics and an additional year of full-time work experience under the supervision of an individual who meets the requirements for an authorized medical physicist for the type(s) of use for which the individual is seeking authorization. This training and work experience must be conducted in clinical radiation facilities that provide high energy, external beam therapy and brachytherapy services and must include: at a medical institution that includes the tasks listed in Subparts H and I of this Part as applicable; and
- A) Performing sealed source leak tests and inventories;
- B) Performing decay corrections;
- C) Performing full calibration and periodic spot checks of external beam treatment units, stereotactic radiosurgery units and remote afterloading units as applicable;
- D) Conducting radiation monitoring around external beam treatment units, stereotactic radiosurgery units and remote afterloading units, as applicable; and
- 2) Has obtained written ~~attestation~~certification that the individual has satisfactorily completed the requirements in subsection (a)~~(1) and (2)~~ or ~~(b)(1) and (c)~~ of this Section and has achieved a level of competency

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sufficient to function independently as an authorized medical physicist for each type of therapeutic medical unit for which the individual is requesting authorized medical physicist status. The written [attestation certification](#) must be signed by a preceptor authorized medical physicist who meets the requirements of this Section or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements for an authorized medical physicist for each type of therapeutic medical unit for which the individual is requesting authorized medical physicist status.

- c) [Has training for the type\(s\) of use for which authorization is sought that includes hands-on device operation, safety procedures, clinical use and the operation of a treatment planning system. This training requirement may be satisfied by satisfactorily completing either a training program provided by the vendor or by training supervised by an authorized medical physicist authorized for the type\(s\) of use for which the individual is seeking authorization.](#)

(Source: Amended at 32 Ill. Reg. 9247, effective June 13, 2008)

**Section 335.9160 Training for Experienced Radiation Safety Officer, Authorized Medical Physicist or Authorized User**

- a) An individual identified as a Radiation Safety Officer, or an authorized medical physicist on an Agency, U.S. Nuclear Regulatory Commission, Agreement State or a Licensing State license or a permit issued by an Agency, U.S. Nuclear Regulatory Commission, Agreement State or Licensing State broad scope licensee or master material license permit or by a master material license permittee of broad scope on or before October 24, ~~2007~~[2004](#) need not comply with the training requirements of Sections 335.9010 and 335.9150 of this Part.
- b) Physicians, dentists or podiatrists, identified as authorized users for the medical use of radioactive material on a license issued by the Agency, U.S. Nuclear Regulatory Commission, Agreement State or Licensing State, a permit issued by a U.S. Nuclear Regulatory Commission master material licensee, a permit issued by an Agency, U.S. Nuclear Regulatory Commission, Agreement State or Licensing State broad scope licensee, or a permit issued by a U.S. Nuclear Regulatory Commission master material license broad scope permittee on or before October 24, ~~2007~~[2004](#) who perform only those medical uses for which they were

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authorized on that date need not comply with the training requirements of Sections 335.9030 through 335.9140 of this Part.

(Source: Amended at 32 Ill. Reg. 9247, effective June 13, 2008)

**Section 335.9190 Resolution of Conflicting Requirements During Transition Period**

a) If this Part conflicts with the licensee's radiation safety program as identified in its license, this Part shall apply, unless the statements, representations, conditions and procedures in the license are more restrictive. However, if that licensee exercises its privilege to amend its license, the portion amended must comply with the requirements of this Part.

b) ~~Until October 24, 2007, the Agency will approve authorized users, Radiation Safety Officers and teletherapy physicists who have certifications from the applicable Boards specified in Appendix A of this Part. The Agency has the right to limit its authorizations to those uses specified in Appendix A of this Part.~~

(Source: Amended at 32 Ill. Reg. 9247, effective June 13, 2008)

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**Section 335.APPENDIX A List of Specialty Board Certifications Recognized by the Agency Until October 24, 2007 (Repealed)**

~~Until October 24, 2007, the Agency will recognize board certification by the specialty boards for the uses of radioactive material as specified in this Appendix A. The Agency will also accept boards recognized by the U.S Nuclear Regulatory Commission and listed on its website.~~

**~~Section 335.9010 Training for Radiation Safety Officer~~**

~~American Board of Health Physics in Comprehensive Health Physics~~

~~American Board of Radiology in Radiological Physics, Therapeutic Radiological Physics or Medical Nuclear Physics~~

~~American Board of Nuclear Medicine~~

~~American Board of Science in Nuclear Medicine~~

~~Board of Pharmaceutical Specialties in Nuclear Pharmacy or Science~~

~~American Board of Medical Physics in Radiation Oncology Physics~~

~~Royal College of Physicians and Surgeons of Canada in Nuclear Medicine~~

**~~Section 335.9030 Training for Uptake, Dilution or Excretion Studies~~**

~~Nuclear medicine by the American Board of Nuclear Medicine~~

~~Nuclear medicine by the American Board of Osteopathic Nuclear Medicine~~

~~Diagnostic radiology by the American Board of Radiology~~

~~Diagnostic radiology or radiology by the American Osteopathic Board of Radiology~~

~~Nuclear medicine by the Royal College of Physicians and Surgeons of Canada~~

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- ~~Section 335.9040~~      ~~Training for Imaging and Localization Studies~~
- ~~Nuclear medicine by the American Board of Nuclear Medicine~~
- ~~Nuclear medicine by the American Board of Osteopathic Nuclear Medicine~~
- ~~Diagnostic radiology by the American Board of Radiology~~
- ~~Diagnostic radiology or radiology by the American Osteopathic Board of Radiology~~
- ~~Nuclear medicine by the Royal College of Physicians and Surgeons of Canada~~
- ~~Section 335.9050~~      ~~Training for Therapeutic Use of Unsealed Radioactive Material for Which a Written Directive is Required~~
- ~~The American Board of Nuclear Medicine~~
- ~~The American Board of Radiology in radiology, therapeutic radiology or radiation oncology~~
- ~~Section 335.9100~~      ~~Training for Use of Sources for Brachytherapy~~
- ~~Radiology, therapeutic radiology or radiation oncology by the American Board of Radiology~~
- ~~Radiation oncology by the American Osteopathic Board of Radiology~~
- ~~Radiology, with a specialization in radiation therapy, as a British "Fellow of the Faculty of Radiology" or "Fellow of the Royal College of Radiology"~~
- ~~Therapeutic radiology by the Canadian Royal College of Physicians and Surgeons~~
- ~~Section 335.9120~~      ~~Training for Ophthalmic Use of Strontium-90~~

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~~Radiology or therapeutic radiology by the American Board of Radiology~~

**Section 335.9130****~~Training for Use of Sealed Sources for Diagnosis~~**

~~Radiology, diagnostic radiology, therapeutic radiology or radiation oncology by the American Board of Radiology~~

~~Nuclear medicine by the American Board of Nuclear Medicine~~

~~Diagnostic radiology or radiology by the American Osteopathic Board of Radiology~~

~~Nuclear medicine by the Royal College of Physicians and Surgeons of Canada~~

**Section 335.9140****~~Training for Teletherapy~~**

~~Radiology, therapeutic radiology or radiation oncology by the American Board of Radiology~~

~~Radiation oncology by the American Osteopathic Board of Radiology~~

~~Radiology, with specialization in radiation therapy, as a British "Fellow of the Faculty of Radiology" or "Fellow of the Royal College of Radiology"~~

~~Therapeutic radiology by the Canadian Royal College of Physicians and Surgeons~~

**Section 335.9150****~~Training for Authorized Medical Physicist~~**

~~American Board of Radiology in therapeutic radiological physics; roentgen ray and gamma ray physics; X-ray and radium physics; or radiological physics~~

~~American Board of Medical Physics in radiation oncology physics~~

(Source: Repealed at 32 Ill. Reg. 9247, effective June 13, 2008)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Regulations for the Letting of Concessions, Farm Leases, Sale of Buildings and Facilities, and Demolitions
- 2) Code Citation: 17 Ill. Adm. Code 150
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
150.10	Amendment
150.20	Amendment
150.50	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 805-235, 805-300 and 805-330 of the Civil Administrative Code of Illinois [20 ILCS 805/805-235, 805-300 and 805-330]
- 5) Effective Date of Amendments: June 13, 2008
- 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 all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 15, 2008; 32 Ill. Reg. 2447
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference between proposal and final version: In Section 150.50, after the period, added "Solicitations shall specify which criteria are being applied and how they are being applied."
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: These were made to: add language indicating that concession leases to be let by competitive bidding must be placed on the procurement bulletin; update the name of the division managing the program; reflect change in acreage for agricultural management leases from 10 acres to 50 acres; and add "prior history with the State" to the list of criteria for selection.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price, Legal Counsel  
Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271

217/782-1809

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER a: LANDS

## PART 150

REGULATIONS FOR THE LETTING OF CONCESSIONS, FARM LEASES, SALE OF  
BUILDINGS AND FACILITIES, AND DEMOLITIONS

## Section

150.10	Concessions
150.20	Agricultural Management Leases
150.30	Sale of Buildings and Facilities
150.40	Demolition
150.50	Criteria for Selection

AUTHORITY: Implementing and authorized by Sections 805-235, 805-300 and 805-330 of the Civil Administrative Code of Illinois [20 ILCS 805/805-235, 805-300 and 805-330].

SOURCE: Adopted at 5 Ill. Reg. 7512, effective July 6, 1981; codified at 5 Ill. Reg. 10625; amended at 6 Ill. Reg. 13326, effective October 20, 1982; amended at 16 Ill. Reg. 4839, effective March 17, 1992; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 32 Ill. Reg. 9295, effective June 13, 2008.

**Section 150.10 Concessions**

- a) Except as cited in subsection (b) ~~below~~, concession leases may be made for a period of not more than ~~25~~twenty-five years.
- b) Concession leases on land where expansion of existing facilities or development will take place may be made for a period up to 99 years.
- c) All concession leases shall be let by sealed competitive bids or, when in the Department's judgment it is in the best interest of the State of Illinois, by negotiated agreement.
- d) Notices of an available concession lease to be let by competitive bidding shall be placed on the Illinois Procurement Bulletin ~~in a local newspaper and the official state newspaper~~ prior to the bid letting.

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- e) All bids shall be opened at a public bid opening.
- f) Concessions shall be let to the best qualified highest bidder or by negotiation with a qualified operator. Factors taken into consideration in determining a qualified bidder shall include, but are not limited to, criteria contained in Section 150.50.
- g) At the end of a concession lease period the concession lease may be renegotiated with the present concessionaire if the concessionaire has not violated lease ~~covenants~~~~convenants~~, or has quickly corrected ~~thesuch~~ violations after notification by the ~~Division of Concession and Lease Management~~~~Property Management Division~~, and if the concessionaire has continued to meet the criteria found in Section 150.50 during the lease period. In such a case, no competitive bidding on the concession will be offered.

(Source: Amended at 32 Ill. Reg. 9295, effective June 13, 2008)

**Section 150.20 Agricultural Management Leases**

- a) Agricultural management leases are for a period of not more than four years.
- b) Agricultural management leases shall be let by sealed competitive bids, except these leases may be negotiated under any of the following conditions:
  - 1) when land has been recently purchased with an agreement that the previous owner will farm the property for the next one to two years (as part of the land transaction);
  - 2) when the tract is less than ~~5040~~ acres or completely surrounded by other private land;
  - 3) when property acquired by lease or purchase is acquired late in the season;
  - 4) when crops are already planted by a previous owner or tenant; or
  - 5) when the Department of Natural Resources purchases less than fee simple interest in a property for development purposes.

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- c) Notices of the available agricultural management leases shall be placed in a local newspaper prior to a sealed competitive bid letting.
- d) A public informational meeting shall be held at the site of the available agricultural management lease prior to the bid letting.
- e) The bids shall be opened at a public bid opening.
- f) The best qualified highest bidder shall be given the right to enter into an agricultural management lease. Factors taken into consideration in determining a qualified bidder shall include, but not be limited to, criteria contained in Section 150.50.
- g) If no bids are placed or if no qualified bidders place bids, a negotiated lease with a qualified lessee may be sought.
- h) At the end of an agricultural management lease period, the lease may be renegotiated with the present leaseholder if the leaseholder has not violated lease ~~covenants~~[covenants](#) or has quickly corrected such violations after notification by the Farm Lease Program Administrator. In such a case, no competitive bidding on the agricultural management lease will be offered.

(Source: Amended at 32 Ill. Reg. 9295, effective June 13, 2008)

**Section 150.50 Criteria for Selection**

When the Department of Natural Resources is involved in granting concession and farm leases, sale of buildings and facilities or demolition, the criteria for making the decisions are weighted according to each situation and include the following: economic benefit to the State; [prior history with the State](#); financial and personal records; business and personal references; quality and quantity of equipment; staff and administrative personnel; similar business experience; and ability to finance. [Solicitations shall specify which criteria are being applied and how they are being applied.](#)

(Source: Amended at 32 Ill. Reg. 9295, effective June 13, 2008)

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

<u>Section Numbers:</u>	<u>Adopted Action:</u>
650.10	Amendment
650.20	Amendment
650.21	Amendment
650.22	Amendment
650.30	Amendment
650.60	Amendment
650.67	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36]
- 5) Effective Date of Amendments: June 13, 2008
- 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 all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 22, 2008; 32 Ill. Reg. 2662
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary
- 13) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 14) Are there any amendments pending on this Part? No

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Rulemaking: This Part was amended to: extend the close of hunting hours to one-half hour after sunset, raise the fee for non-resident deer hunters to \$300 for an either-sex or antlered only deer hunting permit, raise the fee for nonresident Illinois landowners (owning 40 acres or more land) for permits for their property only - to \$150 for an either-sex permit, raise the fee for non-resident shareholders/members/beneficiaries to \$150, update special hunt regulations at Burning Star 5, add the use of Connecticut Valley Arms ignition to the list of legal ignitions, update open sites and site-specific regulations at Department-owned or –managed sites, and update regulations at sites conducting special hunts for disabled hunters.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price, Legal Counsel  
Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271

217/782-1809

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER 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)
650.67	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 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 5 Ill. Reg. 9771, effective September 17, 1981; codified at 5 Ill. Reg. 10640; amended at 6 Ill. Reg. 10730, effective August 20, 1982; amended at 7 Ill. Reg. 10798, effective August 24, 1983; amended at 8 Ill. Reg. 21602, effective October 23, 1984; amended at 9 Ill. Reg. 16213, effective October 10, 1985; emergency amendment at 9 Ill. Reg. 20922, effective December 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4223, effective February 25, 1986; amended at 10 Ill. Reg. 16665, effective September 22, 1986; amended at 11 Ill. Reg. 3044, effective February 3, 1987; amended at 11 Ill. Reg. 9564, effective May 5, 1987; amended at 12 Ill. Reg. 8003, effective April 25, 1988; amended at 12 Ill. Reg. 12055, effective July 11, 1988; amended at 13 Ill. Reg. 12853, effective July 21, 1989; amended at 14 Ill. Reg. 12430, effective July 20, 1990; amended at 14 Ill. Reg. 19869, effective December 3, 1990; amended at 15 Ill. Reg. 10038, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 15790, effective October 22, 1991, for a maximum of 150 days; emergency expired March 21, 1992; amended at 16 Ill. Reg. 11131, effective June 30, 1992; amended at 17 Ill. Reg. 13468, effective July 30, 1993; amended at 18 Ill. Reg. 5859, effective April 5, 1994; amended at 18 Ill.

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## NOTICE OF ADOPTED AMENDMENTS

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.

**Section 650.10 Statewide Season and Permit Quotas**

- a) Season: 12:01 a.m. on Friday of the 3-day (Friday, Saturday and Sunday) weekend immediately before Thanksgiving to 6:00 p.m. on Sunday of the 3-day weekend before Thanksgiving, and 12:01 a.m. on Thursday of the first 4-day (Thursday, Friday, Saturday and Sunday) weekend following Thanksgiving to 6:00 p.m. on Sunday of the first 4-day weekend following Thanksgiving. Full season permits shall be for all days. Second season permits shall be valid for the last four days of the season only. Hunting hours are one-half hour before sunrise to [one-half hour after](#) sunset.
- b) Permit quotas shall be set by the Department of Natural Resources (Department) on a county or special hunt area basis. Cook, DuPage and Lake Counties (except for Chain O'Lakes State Park) and that portion of Kane County east of State Route 47, are closed to firearm deer hunting.
- c) Hunting prior to ½ hour before sunrise or after ½ hour after sunset 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(y)). Hunting during the closed season ~~or between sunset and ½ hour after sunset~~ is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 32 Ill. Reg. 9300, effective June 13, 2008)

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**Section 650.20 Statewide Deer Permit Requirements**

- a) Illinois resident hunters must have a current, valid "Firearm Deer Permit" (\$15). Fees for non-resident deer hunters shall be ~~\$300~~<sup>250</sup> for each either-sex or antlered-only deer hunting permit, and shall be \$15 for each antlerless-only permit. A permit is issued for one county or special hunt area and is valid only in the county or special hunt area stated on the permit. Only applicants who receive an either-sex permit in a county or special hunt area are eligible for an antlerless-only permit for that county or special hunt area, until the Random Daily Drawing Period that begins in September, at which time antlerless-only permits remaining in the quota will be made available regardless of whether applicants already possess an either-sex permit. For permit applications and other information write to:

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

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

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season permit upon being rejected for a full-season permit.

- e) Applicants must check the antlerless-only box and provide an additional \$15 to apply for an additional antlerless-only permit. Antlerless-only permits will be issued until the antlerless-only quota is filled for a given county or special hunt area.
- f) Permits for counties and special hunt areas with unfilled quotas after the First Lottery Drawing will be allocated in a Second Lottery Drawing. This drawing is open only to nonresident applicants and to Illinois residents who were not previously issued firearm permits for the current hunting season. Illinois residents will be given preference for permits allocated in the Second Lottery Drawing. Applications for the Second Lottery Drawing will be accepted through the tenth weekday in August of the current year. Applicants may also apply for remaining antlerless-only permits by checking the antlerless-only box and providing an additional \$15. A list of unfilled counties and special hunt areas will be announced upon becoming available after the First Lottery Drawing. Applicants must apply on a current year Firearm Deer Permit application form. A maximum of one either-sex and one antlerless-only permit shall be issued per person.
- g) There will be an application period which starts the first working day after September 14 and ends the fifth weekday in November, during which anyone (regardless of any other permit they may have, subject to subsection (a)) can apply for firearm deer permits left over from the county and special hunt area quotas. During this application period, the permits shall be issued in a random daily drawing. Applications received each day will not be processed until all applications received for that day are mixed. All applications received on a specific day will be processed before processing applications received for a subsequent day. All applications for the Random Daily Drawing will be processed individually (i.e., no group applications will be processed). Applicants can apply for one or more permits during this application period. Applicants submitting applications within the 20 working days prior to the start of the first season cannot be guaranteed a permit by the start of the first deer hunting season. Applicants must mark the "September Drawing – Multiple Permits" box on the firearm deer permit application.
- h) Hunter preference in obtaining a permit during the First Lottery Drawing will be given: to individuals that applied for an either-sex permit in the previous year's First Lottery Drawing who were rejected because the quota was depleted in their county choices; or to applicants that received, in the previous year, a second season

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either-sex permit in the First Lottery Drawing only. In order to be eligible for preference during the First Lottery Drawing, the second season box must have been checked on the application form of unsuccessful applicants when they were rejected. Preference will not be granted to applicants who received a full-season either-sex permit but who did not receive an antlerless-only permit. Persons with lottery preference will have first chance at receiving available either-sex permits. The following criteria must be met to obtain a preference in the First Lottery Drawing:

- 1) The applicant must apply using the official Department application.
  - 2) The applicant must be a resident of the State, be eligible to receive a Firearm Deer Permit, and not had deer hunting privileges revoked pursuant to Section 650.50.
  - 3) The applicant must apply for the same county choices that he/she listed on the previous year's application. Preference will not be granted for special hunt areas.
- i) Applications may be accepted at the counter window of the permit office; however, permits will be mailed. In-person, mail-in and electronic applications will receive equal treatment in the drawings.
  - j) Permits are not transferable. Refunds will not be granted, unless the Department of Natural Resources has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.
  - k) A \$3 service fee will be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there will be no charge. Monies derived from this source will be deposited in the Wildlife and Fish Fund.
  - l) The periods for accepting applications for the First and Second Lottery periods may be extended if applications are not available to the public by April 1. A news release will announce the extension of the application periods.
  - m) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 32 Ill. Reg. 9300, effective June 13, 2008)

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**Section 650.21 Deer Permit Requirements – Landowner/Tenant Permits**

- a) The immediate family of a landowner or tenant is defined as, and limited to, the spouse, children, or parents permanently residing on the same property as the landowner or tenant.
- b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit.
- c) Resident Illinois landowners who own 40 acres or more of land and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family, may apply for a free either-sex permit for their property only in counties open for firearm deer hunting. Recipients of the free either-sex permit will also be given a free antlerless-only permit for their property only. Nonresident Illinois landowners (of 40 acres or more land) are also eligible to apply for one either-sex permit and one antlerless-only permit for their property only. The fee to nonresident Illinois landowners (of 40 acres or more land) for permits for their property only shall be \$~~150~~<sup>100</sup> for the either-sex permit and \$15 for the antlerless-only permit. These applications will not be subject to the public lottery process. This deer hunting permit *shall be valid on all farmlands which the person to whom it is issued owns, leases or rents* [525 ILCS 5/2.26] in counties open for firearm deer hunting.
- d) Bona fide Illinois landowners or tenants who do not wish to hunt only on the land they own, rent, or lease must apply for permits in the same manner as the applicant who is not a landowner or tenant. However, resident Illinois landowners who own 40 acres or more of land, and resident tenants leasing or renting 40 acres or more of commercial agricultural land, who apply during the First Lottery application period for a permit to hunt in the county in which they own or lease land and are rejected because the county quota is full, may apply for a county-wide either-sex paid landowner firearm deer permit to hunt in the county where the land is located. Members of the immediate family of the landowner or tenant are also eligible to apply for a county-wide either-sex paid landowner firearm deer permit if they were rejected in the First Lottery. Applications for county-wide paid landowner deer permits will be accepted from August 1 through the last working day in August. Incomplete applications will be returned. The fee

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for a county-wide either-sex paid landowner deer permit shall be the same as for permits for hunters that are not landowners or tenants. Recipients of a county-wide either-sex paid landowner deer permit may also apply for a regular bonus antlerless-only permit for that county, but will be issued such permit only if there are antlerless permits remaining in the county quota. Landowners and tenants, and their immediate families, who did not apply for permits in the First Lottery and subsequently fail to receive them, are not eligible to apply for or receive county-wide paid landowner deer permits.

- e) Date of acceptance of landowner/tenant property-only permit applications will be publicly announced.
- f) Landowners and resident tenants are not required to participate in the public drawing for permits in order to apply for and receive a property-only permit.
- g) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:
  - 1) Submittal of a copy of property deed;
  - 2) Submittal of a copy of contract for deed;
  - 3) Submittal of a copy of the most recent real estate tax statement for the property (upon which the landowner's name appears as landowner, or person signing application appears as landowner);
  - 4) Submittal of a copy of a Farm Service Agency 156EZ form; or
  - 5) Submittal of a copy of a trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.
- h) Tenant permit applicants are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:
  - 1) A copy of a lease or a rental agreement, file stamped as recorded by the County Clerk, covering the current year; or
  - 2) A copy of a Farm Service Agency 156EZ form.

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- i) A hunting rights lease, or other non-agricultural lease, is not valid as a basis for obtaining a landowner or tenant permit.
- j) County-wide permit holders are authorized to firearm deer hunt only in the county identified on the deer permit and only on property where permission to hunt has been obtained from the property owner.
- k) If the property is owned or rented by more than one person: Only one landowner (and ~~his~~ immediate family) or one tenant (and ~~his~~ immediate family) shall be issued a permit on a first-come, first-served basis for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive deer permits.
- l) Bona fide equity shareholders of corporations, bona fide equity members of limited liability companies, bona fide current income beneficiaries of trusts or bona fide partners of a partnerships owning 40 or more acres of land in a county may apply for one either-sex permit to hunt the corporation, limited liability company, trust or partnership lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county, for corporations, trusts and limited liability companies, and a maximum number of 3 permits per county for partnerships, shall be issued based on ownership of lands by corporations, limited liability companies, trusts or partnerships. Lands leased to corporations, limited liability companies, trusts or partnerships shall not be considered as a basis for a permit for the shareholders/members/beneficiaries/partners of the lessee. Lands held in trust by corporations, limited liability companies or partnerships shall not be considered as a basis for a permit by the shareholders/members/partners of the trustee. If application is made for a permit based upon lands owned by the corporation, limited liability company, trust or partnership, a duly authorized officer of the corporation, limited liability company, trust or partnership must sign a notarized statement authorizing the applicant to hunt on the corporate, company, trust or partnership lands for which a permit is being requested. This statement must identify the applicant as a bona fide equity shareholder, member, beneficiary or partner, as defined in this subsection, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation, limited liability company, or trust lands and no more than 3 authorizations will be requested per county for partnership lands. This document must be attached to the application upon submittal to the Permit Office. The shareholder/member/partner either-sex permit shall be free to resident

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shareholders/members/partners, and the cost to nonresident shareholders/members shall be \$~~150~~<sup>100</sup>. An antlerless-only shareholder/member/partner permit (free to resident shareholders/members/partners; \$15 to nonresident shareholders/members) will be made available if in the best interest of managing the deer herd. Nonresident partners cannot receive permits under this subsection.

- 1) Bona fide equity shareholder means an individual who:
  - A) purchased, for market price, publicly sold stock shares in a corporation; purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation; or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership; and
  - B) intends to retain the ownership of the shares of stock for at least 5 years.
- 2) Bona fide equity member means an individual who:
  - A) became a member upon the formation of the limited liability company; or has purchased a distributional interest in a limited liability company for a value equal to the percentage of the appraised value of the limited liability company assets represented by the distributional interest in the limited liability company and subsequently becomes a member of the company pursuant to Article 30 of the Limited Liability Company Act; and
  - B) intends to retain the membership for at least 5 years.
- 3) Bona fide current income beneficiary means an individual who, at the time of application for a permit, is entitled to income (whether income exists or not) from the trust that owns the land the applicant wishes to hunt with no condition precedent (such as surviving another person, reaching a certain age, etc.) other than the trustee distributing the income, and is listed by name in the trust documents as an income beneficiary.
- 4) Bona fide equity partner means an individual who:

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- A) became a partner, either general or limited, upon the formation of the partnership; or has purchased a distributional interest in the partnership or limited partnership for a value equal to the percentage of the appraised value of the partnership assets represented by the distributional interest in the partnership;
  - B) intends to retain ownership of the partnership for at least 5 years; and
  - C) is a resident of Illinois.
- m) Landowners or tenants that apply for or receive property-only landowner/tenant firearm deer permits may not apply for additional permits in the First or Second Lottery Drawing. Landowners or tenants that apply for county-wide paid landowner firearm deer permits must have been rejected in the First Lottery drawing for a permit in the county in which they own or lease land, and they may not apply for additional permits in the Second Lottery Drawing.
- n) Providing false information on an application is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 32 Ill. Reg. 9300, effective June 13, 2008)

**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 (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](#)

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[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 the Saturday prior to the first firearm deer hunting season\)](#)

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 (Moultrie County) (it is unlawful to drive deer)

Lake Shelbyville Project Lands except Wolf Creek State Park (Shelby County) (it is unlawful to drive deer)

Lost Mound Unit – Upper Mississippi River National Wildlife and Fish Refuge (first season only; permit drawing will be conducted by USFWS; preference given to disabled hunters; bonus permits will be issued at site; antlerless deer only except that either-sex bonus permits may be sold to hunters who previously harvested an antlerless deer on site that season)

Midewin National Tallgrass Prairie (no handguns allowed; 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 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 32 Ill. Reg. 9300, effective June 13, 2008)

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**Section 650.30 Statewide Firearms Requirements**

- a) The only legal firearms to take, or attempt to take, deer are:
  - 1) Shotgun, loaded with slugs only, of not larger than 10 nor smaller than 20 gauge, not capable of firing more than 3 consecutive slugs; or
  - 2) A single or double barreled muzzleloading rifle of at least .45 caliber shooting a single projectile through a barrel of at least sixteen inches in length; or
  - 3) Centerfire revolvers or centerfire single-shot handguns of .30 caliber or larger with a minimum barrel length of 4 inches.
- b) Standards and specifications for legal ammunition are:
  - 1) For shotguns and muzzleloading firearms, the minimum size of the projectile shall be .44 caliber. A wad or sleeve is not considered a projectile or a part of the projectile.
  - 2) For handguns, a bottleneck centerfire cartridge of .30 caliber or larger with a case length not exceeding 1.4 inches, or a straight-walled centerfire cartridge of .30 caliber or larger, both of which must be available as a factory load with the published ballistic tables of the manufacturer showing a capability of at least 500 foot pounds of energy at the muzzle.
  - 3) Non-expanding, military-style full metal jacket bullets cannot be used to harvest white-tailed deer; only soft point or expanding bullets (including copper/copper alloy rounds designed for hunting) are legal ammunition.
- c) Standards and specifications for use of muzzleloading firearms are as follows:
  - 1) A muzzleloading firearm is defined as a firearm that is incapable of being loaded from the breech end.
  - 2) Only black powder or a "black powder substitute" such as Pyrodex may be used. Modern smokeless powders (nitrocellulose-based) are an approved blackpowder substitute only in muzzleloading firearms that are specifically designed for their use.

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- 3) Only percussion~~Percussion~~ caps, wheellock, matchlock or flint type ignition ~~only~~ may be used, except the Connecticut Valley Arms (CVA) electronic ignition shall be legal to use.
- 4) Removal of percussion cap or removal of prime powder from frizzen pan with frizzen open and hammer all the way down or removal of prime powder from flashpan and wheel unwound or removal of prime powder and match with match not lit, or removal of the battery from the CVA electronic ignition muzzleloader, shall constitute an unloaded muzzleloading firearm.

d) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 32 Ill. Reg. 9300, effective June 13, 2008)

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

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

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- f) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (4).
- g) Statewide regulations shall apply at the following sites:
- Cache River State Natural Area (1) (2)
  - Campbell Pond (1) (2)
  - Cape Bend Fish and Wildlife Area (1) (2)
  - Carlyle Lake Lands and Waters (Corps of Engineers managed lands)
  - Carlyle Lake Wildlife Management Area (except subimpoundment area)
  - Chauncey Marsh (1) (2)
  - Collier Limestone Glade State Natural Area (1)
  - [Copperhead Hollow State Wildlife Area \(2\)](#)
  - Crawford County Conservation Area (1) (2)
  - Cretaceous Hills State Natural Area (1)
  - Cypress Creek National Wildlife Refuge
  - Cypress Pond State Natural Area (1) (2)
  - Deer Pond State Natural Area (1) (2)
  - Devil's Island Wildlife Management Area
  - Dog Island Wildlife Management Area (1) (2)
  - Ferne Clyffe State Park – Cedar/Draper Bluff Hunting Area (1) (2)
  - Fort de Chartres State Historic Site (muzzleloading rifles only; no in-line

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muzzleloading rifles or muzzleloaders with scopes allowed) (1) (2)

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

Giant City State Park (1) (2)

Hamilton County Conservation Area (1) (2)

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

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

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

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

Lusk Creek Canyon State Natural Area (1)

Meeker State Habitat Area (1) (2)

Mermet Lake Conservation Area (1) (2)

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

Mississippi Fish and Waterfowl Management Area – Pools 25 and 26 ([Batchtown, Crull Hollow and Godar Waterfowl Rest Areas are closed to hunting beginning 14 days before the regular duck season; areas reopen to hunting the day after duck season closes; it is unlawful to trespass upon the designated duck hunting areas between sunset of the Sunday immediately preceding opening day of regular duck season through the day before regular duck season as posted at the site; no deer hunting is allowed within 200 yards of an occupied duck blind; during duck](#)

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[season only, deer hunters may not access the designated duck hunting areas by launching a boat at certain specifically posted boat ramps; boat ramps reopen to deer hunters the day after duck season closes](#) (1)

Mississippi River Pool 16 (1)

Mississippi River Pools 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Newton Lake Fish and Wildlife Area (2)

Oakford Conservation Area (1)

Pere Marquette State Park (1) (2)

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

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

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

Sielbeck Forest Natural Area (1) (2)

Skinner Farm State Habitat Area (1) (2)

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

Trail of Tears State Forest (1) (2)

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

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

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

Wildcat Hollow State Forest (1)

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

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

Argyle Lake State Park (2) (5)

Big River State Forest (2) (5)

[Carlyle Lake State Fish and Wildlife Area – East Fork Unit in Clinton County](#)

Castle Rock State Park (first or second season only) (all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they ~~can purchase~~ ~~will be issued~~ an either-sex ~~site-specific~~ ~~standby~~ permit) (1) (2) (5)

Cedar Glen State Natural Area (1) (2)

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

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Clinton Lake State Recreation Area (only in the area between County Highway 14 and State Route 48 – both sides of lake) (1)

Coffeen Lake State Fish and Wildlife Area

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

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

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

Fort Massac State Park (~~second season only~~) (~~antlerless deer only~~) (2)

Fox Ridge State Park (1)

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

French Bluff State Natural Area (1) (2)

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

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

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

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

[Henry Allan Gleason State Natural Area \(2\)](#)

Hidden Springs State Forest (1)

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

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Hurricane Creek Habitat Area

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

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

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

Jubilee College State Park (first or second season only; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they ~~can purchase~~will be issued an either-sex ~~site-specific~~standby permit; hunting during the 2006 firearm deer season is prohibited in marked zones (handicapped hunt area and areas within 300 yards of an inhabited dwelling); the 300 yard restricted zone is a pilot program that will be re-assessed with input from adjoining landowners prior to the 2007 firearm hunting season; only one tree stand is allowed per deer permit holder; these tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable; tree stands may be erected the day before the first season and must be removed by the day after the end of the second season; any tree stand left unattended overnight must be legibly marked with the owner's name, address, and telephone number) (2) (5)

Kaskaskia River Fish and Wildlife Area (Baldwin Lake Rest Area; first or second season only; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they can purchase an either-sex site-specific permit; hunting from elevated stands only; six feet minimum above ground; hunting must occur within 10 yards of an assigned, numbered stake; an inhouse drawing will be held in mid-October for such assignments; hunters will be notified by mail of their hunting location; no hunters may enter the area before 5:00 a.m.) (1) (2) (5 – last 2 days of second season)

Kickapoo State Recreation Area (2)

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

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

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

Marseilles Fish and Wildlife Area (first or second season only) (all tree stands must be removed no later than the last day of the archery deer season; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may enter the site only from designated parking lots) (1) (2) (5)

Marshall Fish and Wildlife Area (2) (5)

Middle Fork Fish and Wildlife Area (2)

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

Mitchell's Grove Nature Preserve (first or second season only; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they ~~can purchase~~will be issued an either-sex ~~site-specific~~standby permit; hunters must check antlerless deer with site staff for verification to participate in bonus buck program) (2) (5)

Momence Wetlands

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

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

Pyramid State Park (2) (3)

Pyramid State Park – East Conant Unit (3)

Pyramid State Park – Galum Unit (3)

Ray Norbut Fish and Wildlife Area (2) ~~(5)~~

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[Revis Hill Prairie State Natural Area \(2\)](#)

Sahara Woods (1) (2)

Sand Ridge State Forest (2)

Sandy Ford State Natural Area (first or second season only; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they ~~can purchase~~~~will be issued~~ an either-sex ~~site-specific~~~~standby~~ permit; hunters must check antlerless deer with site staff for verification to participate in bonus buck program) (2) (5)

Sangamon County Conservation Area (1)

Siloam Springs State Park (2) (3)

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

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

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

[Union County State Fish and Wildlife Area \(first Saturday in November only\) \(2\)](#)

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

Weinberg-King State Park (2)

Weinberg-King State Park – Scripps Unit (2)

Weldon Springs State Park ~~– (Piatt County Unit; first season only)~~

White Pines Forest State Park (Monday, Tuesday and Wednesday prior to the first

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statewide firearm deer season only; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they ~~can purchase~~will be issued an either-sex ~~site-specific~~standby permit) (2) (5)

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

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

Wolf Creek State Park (participants in the Corps of Engineers special disabled hunt program are exempt from site's antler restrictions) (3)

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

(Source: Amended at 32 Ill. Reg. 9300, effective June 13, 2008)

**Section 650.67 Special Hunts for Disabled Hunters**

- a) Statewide regulations shall apply; season dates shall be the Thursday, Friday, and Saturday immediately prior to the first firearm deer season, and the Thursday, Friday, and Saturday immediately following the second weekend of the regular firearm season unless otherwise noted in parentheses. Permit applications may be obtained from the appropriate site office, and completed applications must be returned to that office by the third Friday in October. Disabled hunters must possess a Class P2A disability card in order to be eligible for the drawing. All participating hunters must show proof of passing the Illinois Hunter Safety Course or an equivalent State program for nonresidents unless otherwise noted in parentheses. Additional regulations will be publicly announced.

Clinton Lake State Recreation Area (Mascoutin State Park) (2)

Horseshoe Lake State Conservation Area (first Saturday and Sunday of November; participants other than disabled hunters must take an antlerless deer before taking an antlered deer) (1) (2) (5)

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Jubilee College State Park (coincides with first firearm deer season; participants must take an antlerless deer during the current year firearm season on site before taking an antlered deer; hunter safety course not required) (2) (5)

Jubilee College State Park (coincides with second firearm deer season; participants must take an antlerless deer during the current year firearm season on site before taking an antlered deer; hunter safety course not required) (2) (5)

Rock Cut State Park (~~first Thursday, Friday, and Saturday~~ and Sunday of November and the Tuesday, Wednesday and Thursday prior to the first statewide firearm deer season; participants other than disabled hunters must take an antlerless deer before taking an antlered deer) (2) (5)

Starved Rock State Park (coincides with first firearm deer season; permit applications may be obtained from the site office and completed applications must be returned to that office by the third Friday in October; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they ~~can purchase will be issued~~ an either-sex site-specific standby permit; hunters must check antlerless deer with site staff for verification to participate in bonus buck program; hunter safety course not required) (2) (5)

Starved Rock State Park (coincides with second firearm deer season; permit applications may be obtained from the site office and completed applications must be returned to that office by the third Friday in October; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they ~~can purchase will be issued~~ an either-sex site-specific standby permit; hunters must check antlerless deer with site staff for verification to participate in bonus buck program; hunter safety course not required) (2) (5)

- b) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 32 Ill. Reg. 9300, effective June 13, 2008)

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

<u>Section Numbers:</u>	<u>Adopted Action:</u>
660.10	Amendment
660.30	Amendment
660.60	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36]
- 5) Effective Date of Amendments: June 13, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 22, 2008; 32 Ill. Reg. 2687
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to: extend the close of the hunting hours to one-half hour after sunset, update standards and specifications for legal muzzleloading firearms by adding the use of Connecticut Valley Arms electronic

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ignition to the list of legal ignitions, and to update the list of open sites and site-specific regulations.

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

Jack Price, Legal Counsel  
Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271

217/782-1809

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

## DEPARTMENT OF NATURAL RESOURCES

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

## Section

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

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

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

**Section 660.10 Statewide Season and Permit Quotas**

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- a) Season: One-half hour before sunrise on Friday of the third 3-day (Friday, Saturday, Sunday) weekend following Thanksgiving to one-half hour after sunset on Sunday of this 3-day weekend in December. The hunter with a Muzzleloading Rifle Deer Permit may also hunt during the second firearm deer season (the first 4-day weekend – Thursday, Friday, Saturday and Sunday – following Thanksgiving), providing the hunter must use only a legal muzzleloading rifle and must abide by 17 Ill. Adm. Code 650.60 when hunting on Department-owned or -managed sites. Hunting hours are one-half hour before sunrise to one-half hour after sunset.
- b) Permit quotas shall be set by the Department of Natural Resources (Department) on a county or special hunt area basis. Cook, DuPage and Lake counties, and that portion of Kane County east of State Route 47, are closed to muzzleloading rifle deer hunting.
- c) Hunting prior to ½ hour before sunrise or after ½ hour after sunset 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(y)). Hunting during the closed season or between sunset and ½ hour after sunset is a Class B misdemeanor (see 520 ILCS 5/2.4).

(Source: Amended at 32 Ill. Reg. 9325, effective June 13, 2008)

**Section 660.30 Statewide Muzzleloading Rifle Requirements**

- a) The only legal hunting device is a single or double barreled muzzleloading firearm of at least .45 caliber shooting a single projectile through a barrel of at least 16 inches in length.
- b) The standards and specifications for muzzleloading firearms and ammunition are as follows:
- 1) A muzzleloading firearm is defined as a firearm that is incapable of being loaded from the breech end.
  - 2) The minimum size of the muzzleloading firearm projectile shall be .44 caliber. A wad or sleeve is not considered a projectile or a part of the projectile. Non-expanding, military-style full metal jacket bullets cannot

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be used to harvest white-tailed deer; only soft point or expanding bullets (including copper/copper alloy rounds designed for hunting) are legal ammunition.

- 3) Only black powder or a "black powder substitute" such as Pyrodex may be used. Modern smokeless powders (nitrocellulose-based) are an approved blackpowder substitute only in muzzleloading firearms that are specifically designed for their use.
  - 4) Only percussion caps, wheellock, matchlock or flint type ignition may be used, [except the Connecticut Valley Arms \(CVA\) electronic ignition shall be legal to use.](#)
  - 5) Removal of percussion cap or removal of prime powder from frizzen pan with frizzen open and hammer all the way down or removal of prime powder from flashpan and wheel unwound or removal of prime powder and match with match not lit, [or removal of the battery from the CVA electronic ignition muzzleloader,](#) shall constitute an unloaded muzzleloading firearm.
- c) It shall be unlawful to use or possess any other firearm or ammunition in the field while hunting white-tailed deer during the muzzleloading rifle deer season. However, the lawful possession of firearms to take furbearing mammals and game mammals other than deer by persons other than muzzleloading deer hunters shall not be prohibited during the muzzleloading rifle deer season as set in Section 660.10.
- d) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 32 Ill. Reg. 9325, effective June 13, 2008)

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

- a) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) Only one tree stand is allowed per deer permit holder. Tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that they may

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be left unattended from September 15-January 31 at those sites listed in this Section that are followed by a (1). Any tree stand left unattended overnight must be legibly marked with the owner's name, address, and telephone number, or site assigned identification number.

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

Cache River State Natural Area (1) (2)

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

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

Carlyle Lake Wildlife Management Area except subimpoundment areas

Carlyle Lake Lands and Waters – Corps of Engineers managed lands

Chauncey Marsh (1) (2)

Collier Limestone Glade State Natural Area (1)

[Copperhead Hollow State Wildlife Area \(1\) \(2\)](#)

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

Cretaceous Hills State Natural Area (1)

Cypress Creek National Wildlife Refuge

Cypress Pond State Natural Area (1) (2)

Deer Pond State Natural Area (1) (2)

Devil's Island Wildlife Management Area

Dog Island Wildlife Management Area (1) (2)

Ferne Clyffe State Park (1) (2)

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

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

Giant City State Park (1) (2)

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

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

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

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

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

Lusk Creek Canyon State Natural Area (1)

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Meeker State Habitat Area (1) (2)

Mermet Lake Conservation Area (1) (2)

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

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

Mississippi River Pool 16 (1)

Mississippi River Pool 17 (1)

Mississippi River Pool 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Mississippi Fish and Waterfowl Management Area – Pools 25 and 26 ([Batchtown, Crull Hollow and Godar Waterfowl Rest Areas are closed to hunting beginning 14 days before the regular duck season; areas reopen to hunting the day after duck season closes; it is unlawful to trespass upon the designated duck hunting areas between sunset of the Sunday immediately preceding opening day of regular duck season through the day before regular duck season as posted at the site; no deer hunting is allowed within 200 yards of an occupied duck blind; during duck season only, deer hunters may not access the designated duck hunting areas by launching a boat at certain specifically posted boat ramps; boat ramps reopen to deer hunters the day after duck season closes](#)) (1)

Oakford Conservation Area (1)

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

Pyramid State Park (2) (4)

Ray Norbut Fish and Wildlife Area (2)

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

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Rend Lake

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

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

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

Sielbeck Forest Natural Area (1) (2)

Skinner Farm State Habitat Area (1) (2)

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

Trail of Tears State Forest (1) (2)

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

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

Weinberg-King State Park (2)

Weinberg-King State Park – Scripps Unit (2)

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

Wildcat Hollow State Forest (1)

- i) Statewide regulations shall apply at the following sites by special permit allocated through the regular statewide drawing. Season dates that differ from the statewide dates are in parentheses. Sites that offer standby hunting are followed by a (6). At sites offering standby hunting, permit holders must register at the check station by 5:00 a.m. each day of the hunt. Unvalidated permits are void after 5:00 a.m. Vacancies each day will be filled by a drawing held at 5:00 a.m. Vacancies may be filled by any person holding a valid hunting license, Habitat Stamp, and Firearm Owner Identification Card, if required. Standby hunters will be issued a one-day site-specific deer permit at the check station, and charged a

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permit fee of \$5. All hunters must check out and report harvest. In the event that Department budget reductions or site staffing reductions make the operation of check stations or issuance of standby permits impractical, changes to check station procedures and standby permit issuance will be publicly announced and posted at the site.

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

[Carlyle State Fish and Wildlife Area – East Fork Unit in Clinton County](#)

Castle Rock State Park (closed during second firearm season; all initial permits will be issued as antlerless only; hunters must take an antlerless deer on the site during the current year firearm or muzzleloader season before they will be issued an either-sex standby permit) (2) (6)

Cedar Glen State Natural Area (1) (2)

Clinton Lake State Recreation Area (North Fork Management Unit, north of the county road at the North Fork boat ramp) (1)

Falling Down Prairie (closed during the second firearm deer season) (2)

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

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

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

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

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

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Lake Shelbyville Project in Moultrie County (closed during the second firearm deer season; antlerless only)

Lake Shelbyville Project in Shelby County (closed during the second firearm deer season; antlerless only)

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

Mitchell's Grove Nature Preserve (closed during the second firearm deer season; all initial permits will be issued as antlerless only; hunters must take an antlerless deer on the site during the current year firearm or muzzleloader season before they will be issued an either-sex standby permit; hunters must check antlerless deer with site staff for verification to participate in the bonus buck program; standby permits are available at the Matthiessen State Park check station) (2) (6)

Pyramid State Park – East Conant Unit (4)

Sahara Woods (1) (2)

Sandy Ford State Natural Area (closed during the second firearm deer season; all initial permits will be issued as antlerless only; hunters must take an antlerless deer on the site during the current year firearm or muzzleloader season before they will be issued an either-sex standby permit; hunters must check antlerless deer with site staff for verification to participate in the bonus buck program; standby permits are available at the Matthiessen State Park check station) (2) (6)

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

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

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

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

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

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

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

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

(Source: Amended at 32 Ill. Reg. 9325, effective June 13, 2008)

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

<u>Section Numbers:</u>	<u>Adopted Action:</u>
670.20	Amendment
670.21	Amendment
670.30	Amendment
670.60	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36]
- 5) Effective Date of Amendments: June 13, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 22, 2008; 32 Ill. Reg. 2699
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In Section 670.60(m), removed: "Weldon Springs State Park (except Piatt County Unit)"
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: This Part was amended to: raise the fee for the nonresident combination archery deer permit to \$400, raise the number of nonresident combination archery deer permits issued to 25,000, raise the fee for nonresident Illinois landowners owning 40 acres or more for a combination permit for their property only to \$200, raise the fee for non-resident shareholders/members/beneficiaries to \$200, add language to clarify legal broadheads, add citations for legal crossbow devices, and update the list of open sites and site-specific regulations.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price, Legal Counsel  
Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271

217/782-1809

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

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

## Section

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

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

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

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7217, effective May 22, 2001; amended at 25 Ill. Reg. 11471, effective August 14, 2001; amended at 26 Ill. Reg. 9356, effective June 17, 2002; amended at 27 Ill. Reg. 10025, effective June 23, 2003; amended at 28 Ill. Reg. 9968, effective July 6, 2004; amended at 29 Ill. Reg. 9761, effective June 24, 2005; amended at 30 Ill. Reg. 12196, effective June 28, 2006; amended at 31 Ill. Reg. 8202, effective May 25, 2007; amended at 32 Ill. Reg. 9337, effective June 13, 2008.

**Section 670.20 Statewide Deer Permit Requirements**

- a) All archery deer hunters must have a current, valid Illinois archery deer permit. Archery deer permits (except landowner/tenant property-only permits and nonresident permits issued to clients of outfitters as detailed in Section 670.20(c)) will authorize the holder to hunt in any of the open counties of the State, on property where permission to hunt has been obtained from the property owner. Nonresident archery deer permits issued to outfitter clients who received a permit based on the preference given to outfitter clients are valid only on property controlled by the outfitter used to gain preference.
- b) Resident archery deer permits are available over-the-counter (OTC) from license vendors throughout the State as combination permits, each consisting of one either-sex permit and one antlerless-only permit, or as a single antlerless-only permit. The fee for a resident archery combination permit shall be \$25; a resident archery single antlerless-only permit shall be \$15. While there is no limit to the number of archery deer permits that an individual resident may purchase, no one may harvest more deer than allowed by the restrictions prescribed in Section 670.40. Lifetime licenses issued after August 15, 2006 shall not qualify a nonresident of Illinois for a resident deer permit.
- c) A limited number of nonresident archery deer permits is available as combination permits, each consisting of one either-sex permit and one antlerless-only permit. The fee for the nonresident combination archery deer permit shall be ~~\$400~~<sup>365</sup>. Nonresident hunters may apply during the period June 1 through June 30 via telephone using DNR's telephone vendor system (1-888-673-7648). The number of nonresident combination archery deer permits shall be limited to ~~25,000~~<sup>20,000</sup>, with clients of outfitters currently permitted by the Department of Natural Resources given preference in the drawing for the first 7,500. Clients of permitted outfitters should contact the outfitter prior to applying to receive a certification number to be used in the application process to verify their outfitter client status. Permits will be allocated using a computerized, random lottery

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drawing conducted after June 30. If the number of eligible outfitter clients in the drawing is less than 7,500, all remaining permits will be allocated to the remaining applicants until the quota is reached. If the number of eligible outfitter clients in the drawing exceeds 7,500, those outfitter clients unsuccessful in obtaining one of the first 7,500 permits will compete against non-client applicants for the remaining permits. Permits available after the lottery will be sold on a first come-first served basis. Applicants may submit only one application for the nonresident combination archery deer permit. Up to six individuals may apply for nonresident combination archery permits as a group. Groups must identify a group leader, and all applicants must provide the same group leader information at the time of application. If applying for permits given preferentially to clients of outfitters, all group applicants must also provide the same outfitter certification number.

- d) An unlimited number of nonresident single antlerless-only archery deer permits is available over-the-counter (OTC) from participating license vendors for a fee of \$15.
- e) Hunters purchasing archery deer permits must supply all necessary applicant information to the license vendor in order to properly complete the permit.
- f) Applications for landowner/tenant permits may be obtained by writing to:

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

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

- g) Permits are not transferable. Refunds will not be granted.
- h) A \$3 service fee will be charged for replacement permits issued by DNR, except that there will be no charge for permits lost in the mail. The procedures for

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obtaining a replacement license are detailed in 17 Ill. Adm. Code 2520.50. Monies from this source will be deposited in the Wildlife and Fish Fund.

- i) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24). Providing false information on an application is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 32 Ill. Reg. 9337, effective June 13, 2008)

**Section 670.21 Deer Permit Requirements – Landowner/Tenant Permits**

- a) The immediate family of a landowner or tenant is limited to the spouse, children or parents permanently residing on the same property as the landowner or tenant.
- b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. Hunting and mineral rights leases are not valid for a tenant permit.
- c) Resident Illinois landowners who own 40 acres or more of land and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family, may apply for a free combination archery deer permit for their property only. Non-resident Illinois landowners (of 40 acres or more) are also eligible to apply for a combination archery deer permit for their property only. The fee to non-resident Illinois landowners owning 40 acres or more for a combination permit for their property only shall be ~~\$200~~<sup>\$50</sup>. This deer hunting permit shall be valid on all farm lands owned, leased, or rented by the person to whom it is issued.
- d) If property is owned or rented by more than one person, only one landowner (and his immediate family) or one tenant (and his immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive deer permits.
- e) Bona fide equity shareholders of corporations, bona fide equity members of limited liability companies, bona fide current income beneficiaries of trusts or bona fide partners of partnerships owning 40 or more acres of land in a county

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may apply for one either-sex permit to hunt the corporation, limited liability company, trust or partnership lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county for corporations, trusts, and limited liability companies and a maximum number of 3 permits per county for partnerships, shall be issued based on ownership of lands by corporations, limited liability companies, trusts or partnerships. Lands leased to corporations, limited liability companies, trusts or partnerships shall not be considered as a basis for a permit for the shareholders/members/beneficiaries/partners of the lessee. Lands held in trust by corporations, limited liability companies, or partnerships shall not be considered as a basis for a permit by the shareholders/members/partners of the trustee. If application is made for a permit based upon lands owned by the corporation, limited liability company, trust or partnership, a duly authorized officer of the corporation, limited liability company, trust or partnership must sign a notarized statement authorizing the applicant to hunt on the corporate, company, trust or partnership lands for which a permit is being requested. This statement must identify the applicant as a bona fide equity shareholder, member, beneficiary or partner, as defined in this subsection, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation, limited liability company, or trust lands and no more than 3 authorizations will be requested per county for partnership lands. This document must be attached to the application upon submittal to the Permit Office. The shareholder/member combination permit shall be free to resident shareholders/members/beneficiaries/partners, and the cost to non-resident shareholders/members/beneficiaries shall be ~~\$200~~150. Non-resident partners cannot receive permits under this subsection.

- 1) Bona fide equity shareholder means an individual who:
  - A) purchased, for market price, publicly sold stock shares in a corporation; purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation; or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership; and
  - B) intends to retain the ownership of the shares of stock for at least 5 years.

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- 2) Bona fide equity member means an individual who:
  - A) became a member upon the formation of the limited liability company; or has purchased a distributional interest in a limited liability company for a value equal to the percentage of the appraised value of the limited liability company assets represented by the distributional interest in the limited liability company and subsequently becomes a member of the company pursuant to Article 30 of the Limited Liability Company Act; and
  - B) intends to retain the membership for at least 5 years.
- 3) Bona fide current income beneficiary means an individual who, at the time of application for a permit, is entitled to income (whether income exists or not) from the trust that owns the land the applicant wishes to hunt with no condition precedent (such as surviving another person, reaching a certain age, etc.) other than the trustee distributing the income, and is listed by name in the trust documents as an income beneficiary.
- 4) Bona fide equity partner means an individual who:
  - A) became a partner, either general or limited, upon the formation of the partnership; or has purchased a distributional interest in the partnership or limited partnership for a value equal to the percentage of the appraised value of the partnership assets represented by the distributional interest in the partnership;
  - B) intends to retain ownership of the partnership for at least 5 years; and
  - C) is a resident of Illinois.
- f) The application period for these permits will be publicly announced. Applicants submitting applications for a landowner/shareholder/member/beneficiary/ partner archery permit after September 1 will not be guaranteed a permit by October 1.
- g) Providing false information on a permit application is a Class A misdemeanor (see 520 ILCS 5/2.38).

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(Source: Amended at 32 Ill. Reg. 9337, effective June 13, 2008)

**Section 670.30 Statewide Legal Bow and Arrow**

- a) The only legal hunting devices to take, or attempt to take, deer are: a long, recurved, or compound bow with minimum pull of 40 pounds at some point within a 28-inch draw. Minimum arrow length is 20 inches, and broadheads must be used. Broadheads may have fixed or expandable [cutting surfacesblades](#), but they must be a minimum  $\frac{7}{8}$  inch in diameter when fully opened. Broadheads with fixed [cutting surfacesblades](#) must be metal or flint-, chert-, or obsidian-knapped; broadheads with expandable [cutting surfacesblades](#) must be metal. All other bows and arrows, including electronic arrow tracking devices utilizing radio telemetry, are illegal.
- b) A crossbow device is illegal except as provided by [Sections 2.25, Section 2.26 and 2.33jj](#) of the Wildlife Code [520 ILCS 5/2.25, 2.26 [and 2.33\(jj\)](#)]. [Crossbow standards may be found in 17 Ill. Adm. Code 760 – Disabled Hunting Method Authorizations](#). It is unlawful to carry any firearm or sidearm while hunting deer with a bow and arrow.
- c) Any mechanical device capable of maintaining a drawn or partially drawn position on a bow without the hunter exerting full string tension is illegal, ~~unless authorized for eligible disabled persons by 17 Ill. Adm. Code 760.~~
- d) 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 32 Ill. Reg. 9337, effective June 13, 2008)

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

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

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

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

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[Burning Star 5 \(an antlerless deer must be taken on the site before an antlered deer is harvested; deer hunters may begin scouting the Saturday prior to the season opening\) \(4\)](#)

Cache River State Natural Area (1) (2)

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

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

Carlyle Lake Lands and Waters (Corps of Engineers managed lands)

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

Castle Rock State Park (1) (2)

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

Collier Limestone Glade State Natural Area (1)

Crawford County Conservation Area (1) (2)

Cretaceous Hills State Natural Area (1)

Cypress Creek National Wildlife Refuge

Cypress Pond State Natural Area (1) (2)

Deer Pond State Natural Area (1) (2)

Devil's Island Wildlife Management Area

Dixon Springs State Park (1) (2)

Dog Island Wildlife Management Area (1) (2)

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- \* 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~~Hunting is only permitted north of Allen Branch, north of Hazlet Park Road between the park boundary and its intersection with Allen Branch Road, north of Allen Branch Road between its intersection with Hazlet Park Road and Allen Branch Boat Access Area, and west of Peppenhorst Branch. Hunting is not permitted in the controlled pheasant area during the site's controlled pheasant season (except on days when controlled pheasant hunting is closed) and the five consecutive days following the site's controlled pheasant season, or in the North Allen Branch Waterfowl Management Unit after the opening of the statewide waterfowl season. Additionally, a limited hunting opportunity exists for persons with disabilities west of the main park road going towards the Illini Campground. Disabled hunters as defined in 520 ILCS 5/3.1(c) may 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 pre-determined locations. Disabled hunters may hunt during the statewide archery season as described in Section 670.10, except on days when the site's controlled pheasant hunting is open and the 5 consecutive days following the site's controlled pheasant season.~~) (2)

Falling Down Prairie (2)

Ferne Clyffe State Park (1) (2)

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

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

Fort Massac State Park (1) (2)

Franklin Creek State Natural Area (antlerless deer only in October; either-sex deer from November 1 until the end of the statewide season) (2)

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

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Giant City State Park (1) (2)

Green River State Wildlife Area (1) (2)

Hanover Bluff State Natural Area (2)

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

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

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

\* Jubilee College State Park (2)

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

Kaskaskia River Fish and Wildlife Area (no hunting within 50 yards of the Baldwin Lake Waterfowl Rest Area's main north-south road; within this defined waterfowl rest area and during the current year archery season, hunters must take an antlerless deer before taking an antlered deer; this defined waterfowl rest area is closed until the observed Columbus Day holiday) (1) (2 – except south of Highway 154 and north of Highway 13)

Kidd Lake State Natural Area (1)

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

Kishwaukee River State Fish and Wildlife Area (2)

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

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

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

Lowden-Miller State Forest (1) (2)

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

Lusk Creek Canyon State Natural Area (1)

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

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

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

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

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

Mermet Lake Conservation Area (1) (2)

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

Miller-Anderson Woods State Natural Area (2)

Mississippi Fish and Waterfowl Management Area – Pools 25 and 26  
(Batchtown, Crull Hollow, and Godar [Waterfowl Rest Areas](#) [are closed to hunting beginning 14 days before regular duck season; areas](#) reopen to hunting the day after duck season closes; [it is unlawful to trespass upon the designated duck hunting areas between sunset of the Sunday immediately preceding opening day of regular duck season through the day before regular duck season as posted at the site; no deer hunting is allowed within 200 yards of an occupied duck blind; during duck season only, deer hunters may not access the designated duck hunting areas by launching a boat at certain specifically posted boat ramps; boat ramps reopen to deer hunters the day after duck season closes](#)) (1)

Mississippi River Pool 16 (1)

Mississippi River Pools 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Mitchell's Grove 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) (2)

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

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

Nauvoo State Park (Max Rowe Unit Only)

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## Oakford Conservation Area

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

~~Pere Marquette State Park (area east of Graham Hollow Road) (1) (2)~~

## Pyramid State Park (2) (4)

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

## Rauchfuss Hill State Recreation Area (1) (2)

## Ray Norbut Fish and Wildlife Area (2)

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

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

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

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

- \* Rockton Bog State Natural Area (2)

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

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

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

## Sangamon County Conservation Area

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

\* Shabbona Lake State Park (2)

Sielbeck Forest Natural Area (1) (2)

Siloam Springs State Park (Fall Creek Unit)

\* Silver Springs State Park (2)

Skinner Farm State Habitat Area (1) (2)

[South Shore State Park \(2\)](#)

Spoon River State Forest (1) (2)

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

Tapley Woods State Natural Area (2)

Trail of Tears State Forest (1) (2)

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

Union County Conservation Area (Controlled Goose Hunting Area – closed 7 days prior to the quota zone goose season through the close of the quota zone goose season) (1) (2)

Walnut Point Fish and Wildlife Area (1)

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

- \* Washington County Conservation Area (~~deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange between 9:00 a.m. and 3:00 p.m. on days when upland game hunting is allowed during the site's controlled hunting season~~) (1) (2)

Weinberg-King State Park (2)

Weinberg-King State Park – Cecil White Unit

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

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

Wildcat Hollow State Forest (1)

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

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

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

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

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harvested; harvest reports are due to the site by December 31; failure to submit report shall result in the loss of hunting privileges at the site for the following year; hunting will close at end of regular duck season) (1)

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

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

~~Union County Conservation Area (refuge only; open first 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.

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

Clinton Lake State Recreation Area (an antlerless deer must be taken on the site before an antlered deer is harvested) ~~(1)~~

Coffeen Lake State Fish and Wildlife Area

[Copperhead Hollow State Wildlife Area \(1\)](#)

Des Plaines Conservation Area (archery deer hunting is closed in hunting areas open for the controlled upland game program on days the controlled upland game program is operating) (2)

Des Plaines Game Propagation Center (2)

- \* Eagle Creek State Park (disabled hunters are exempt from site's antler restrictions) (4)

Fox Ridge State Park (1)

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French Bluff State Natural Area

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

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

Hamilton County Conservation Area (1)

Harry "Babe" Woodyard State Natural Area (4)

[Henry Allan Gleason State Natural Area \(obtain permit at Sand Ridge State Forest\)](#)

Hidden Springs State Forest (1)

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

Kickapoo State Park

Mautino State Fish and Wildlife Area (1)

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

Middle Fork Fish and Wildlife Area

\* Mississippi Palisades State Park (~~November 1 through December 31;~~ closed during the first firearm deer season) (1) [\(2\)](#)

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

\* Pekin Lake Fish and Wildlife Area (1)

[Pere Marquette State Park \(area east of Graham Hollow Road\) \(1\)](#)

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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)

Ramsey Lake State Park (1)

[Revis Hill Prairie State Natural Area \(obtain permit at Sand Ridge State Forest\)](#)

\* Sam Dale Lake Conservation Area (1)

Sand Ridge State Forest

Shelbyville Fish and Wildlife Area

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

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

\* Spring Lake Fish and Wildlife Area (1)

\* Stephen A. Forbes State Park (1)

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

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

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

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

Iroquois County Conservation Area (2)

Johnson Sauk Trail State Recreation Area (1) (2)

Moraine View State Park (1)

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

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

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

Siloam Springs State Park (2) (4)
- m) Statewide regulations shall apply at this site except that:

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Hunter quotas for specific periods shall be filled by mail-in drawing. Only Illinois residents are eligible to apply. Information about drawing dates and application procedures will be publicly announced. Successful applicants will be issued a permit for the time period specified. This permit must be in possession while hunting and returned by February 15 to the site office. Failure to return the permit shall result in the forfeiture of hunting privileges at this site for the following year.

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

Moraine Hills State Park (2)(~~an antlerless deer must be taken on the site before an antlered deer is harvested~~)

Sahara Woods State Fish and Wildlife Area (Illinois residents and non-residents are eligible for the drawing) (1) (2)

Saline County Fish and Wildlife Area

Volo Bog State Natural Area (2)(~~an antlerless deer must be taken on the site before an antlered deer is harvested~~)

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

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) (2) (4)

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

(Source: Amended at 32 Ill. Reg. 9337, effective June 13, 2008)

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- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) 

<u>Section Numbers:</u>	<u>Peremptory Action:</u>
310.APPENDIX A TABLE J	Amendment
310.APPENDIX A TABLE W	Amendment
310.APPENDIX A TABLE X	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 Pay Plan (80 Ill. Adm. Code 310) Sections 310.Appendix A Tables J, W and X to reflect five Memoranda of Understanding (MOU) between CMS and the American Federation of State, County, and Municipal Employees (AFSCME) that were signed May 28, May 30, or June 5, 2008.

The first MOU assigns the Executive Secretary III title to the RC-014 bargaining unit and the pay grade RC-014-16 effective December 19, 2007. Positions within the title are excluded from the bargaining unit representation by the Illinois Labor Relations Board so the title is remains assigned to the merit compensation MC-02 salary range. For the excluded positions and emergency, provisional or temporary appointments to a position allocated to the title, a merit compensation MS salary range assignment will be filed in future proposed amendments.

The second MOU assigns the Telecommunications Supervisor title to the RC-014 bargaining unit and the pay grade RC-014-20 effective March 20, 2007. Positions within the title are excluded from the bargaining unit representation by the Illinois Labor Relations Board so the title remains assigned to the merit compensation MC-07 salary range. For the excluded positions and emergency, provisional or temporary appointments to a position allocated to the title, a merit compensation MS salary range assignment will be filed in future proposed amendments.

The third MOU assigns the Public Service Administrator (PSA) title Option 8B (Special License – Boiler Inspector License) to the RC-062 bargaining unit and the pay grade RC-062-23 effective September 21, 2007. The fourth MOU assigns the PSA title Option 8Y (Special License – Plumbing License) to the RC-062 bargaining unit and the pay grade RC-062-23 effective May 8, 2007. The fifth MOU assigns the PSA title Option 8E (Special License – Engineer (Professional)) to the RC-063 bargaining unit and the pay grade RC-063-24 effective September 26, 2007. No position in the PSA title options 8B,

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8E, or 8Y are excluded from representation of the bargaining unit by the Illinois Labor Relations Board.

- 5) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a]
- 6) Effective Date: June 13, 2008
- 7) A Complete Description of the Subjects and Issues Involved: In Section 310.Appendix A Table J, the Executive Secretary III title, its title code 14033, bargaining unit RC-014 and pay grade 16 and the Telecommunications Supervisor title, its title code 45305, bargaining unit RC-014 and pay grade 20 are added to the title table.
- In Section 310.Appendix A Table W, the Public Service Administrator title options 8B and 8Y, its title code 37015, bargaining unit RC-062 and pay grade 23 are added to the title table.
- In Section 310.Appendix A Table X, the option 8E is added to the Public Service Administrator title options assigned to pay grade 24 in the title table.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: June 13, 2008
- 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>
310.40	Amendment	32 Ill. Reg. 4417; April 4, 2008
310.45	Amendment	32 Ill. Reg. 4417; April 4, 2008
310.47	Amendment	32 Ill. Reg. 4417; April 4, 2008
310.110	Amendment	32 Ill. Reg. 4417; April 4, 2008
310.130	Amendment	32 Ill. Reg. 4417; April 4, 2008
310.220	Amendment	32 Ill. Reg. 4417; April 4, 2008

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310.230	Repeal	32 Ill. Reg. 4417; April 4, 2008
310.260	Amendment	32 Ill. Reg. 4417; April 4, 2008
310.280	Amendment	32 Ill. Reg. 4417; April 4, 2008
310.290	Repeal	32 Ill. Reg. 4417; April 4, 2008
310.295	Repeal	32 Ill. Reg. 4417; April 4, 2008
310.410	Amendment	32 Ill. Reg. 4417; April 4, 2008
310.415	New Section	32 Ill. Reg. 4417; April 4, 2008
310.450	Amendment	32 Ill. Reg. 4417; April 4, 2008
310.495	Amendment	32 Ill. Reg. 4417; April 4, 2008
310.500	Amendment	32 Ill. Reg. 4417; April 4, 2008
310.APPENDIX A TABLE AA	Amendment	32 Ill. Reg. 4417; April 4, 2008
310.APPENDIX B	Amendment	32 Ill. Reg. 4417; April 4, 2008
310.APPENDIX C	Repeal	32 Ill. Reg. 4417; April 4, 2008
310.APPENDIX D	Amendment	32 Ill. Reg. 4417; April 4, 2008
310.APPENDIX G	Amendment	32 Ill. Reg. 4417; April 4, 2008

13) Statement of Statewide Policy Objectives: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.

14) Information and questions regarding these preemptory 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 Preemptory 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-Hiring 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
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
310.240	Daily or Hourly Rate Conversion
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate

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310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State Rate
310.295	Foreign Service Rate
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
310.420	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
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 Equivalent
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)
310.APPENDIX A	Negotiated Rates of Pay
310.TABLE A	RC-104 (Conservation Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE B	VR-706 (Assistant Automotive Shop Supervisors, Automotive Shop Supervisors and Meat and Poultry Inspector Supervisors, Laborers' – ISEA Local #2002)

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310.TABLE C	RC-056 (Site Superintendents and Natural Resource, Historic Preservation and Agriculture Managers, IFPE)
310.TABLE D	HR-001 (Teamsters Local #726)
310.TABLE E	RC-020 (Teamsters Local #330)
310.TABLE F	RC-019 (Teamsters Local #25)
310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)
310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
310.TABLE AB	VR-007 (Plant Maintenance Engineers, Operating Engineers) (Repealed)
310.APPENDIX B	Schedule of Salary Grade Pay Grades – Monthly Rates of Pay
310.APPENDIX C	Medical Administrator Rates
310.APPENDIX D	Merit Compensation System Salary Schedule
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

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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; 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; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 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

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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; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; 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 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 on 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 on 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

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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. 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;

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peremptory 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; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory 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; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory 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; peremptory 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; peremptory 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; peremptory 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; peremptory 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; peremptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; peremptory amendment at 24 Ill. Reg. 14460, effective

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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. 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

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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 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;

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peremptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; peremptory 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; peremptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; peremptory 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 13, 2007; peremptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; peremptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; peremptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; peremptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; peremptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008.

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## NOTICE OF PEREMPTORY AMENDMENTS

**Section 310.APPENDIX A Negotiated Rates of Pay****Section 310.TABLE J RC-014 (Clerical Employees, AFSCME)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Account Clerk I	00111	RC-014	05
Account Clerk II	00112	RC-014	07
Account Technician I	00115	RC-014	10
Account Technician II	00116	RC-014	12
Administrative Services Worker Trainee	00600	RC-014	02
Aircraft Dispatcher	00951	RC-014	12
Aircraft Lead Dispatcher	00952	RC-014	14
Audio Visual Technician I	03501	RC-014	06
Audio Visual Technician II	03502	RC-014	09
Buyer Assistant	05905	RC-014	10
Check Issuance Machine Operator	06920	RC-014	09
Check Issuance Machine Supervisor	06925	RC-014	11
Clerical Trainee	08050	RC-014	TR
Communications Dispatcher	08815	RC-014	09
Communications Equipment Technician I	08831	RC-014	17
Communications Equipment Technician II	08832	RC-014	19
Communications Equipment Technician III	08833	RC-014	20
Court Reporter	09900	RC-014	15
Data Processing Assistant	11420	RC-014	06
Data Processing Operator	11425	RC-014	04
Data Processing Operator Trainee	11428	RC-014	02
Drafting Worker	12749	RC-014	11
Electronic Equipment Installer/Repairer	13340	RC-014	10
Electronic Equipment Installer/Repairer Lead Worker	13345	RC-014	12
Electronics Technician	13360	RC-014	15
Emergency Response Lead Telecommunicator	13540	RC-014	12
Emergency Response Telecommunicator	13543	RC-014	10
Engineering Technician II	13732	RC-014	13
Engineering Technician III	13733	RC-014	16
Executive Secretary I	14031	RC-014	11
Executive Secretary II	14032	RC-014	14
<a href="#">Executive Secretary III</a>	<a href="#">14033</a>	<a href="#">RC-014</a>	<a href="#">16</a>
Graphic Arts Designer	17366	RC-014	14

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Graphic Arts Designer Supervisor	17365	RC-014	18
Graphic Arts Technician	17400	RC-014	12
Human Resources Assistant	19690	RC-014	08
Human Resources Associate	19691	RC-014	11
Industrial Commission Reporter	21080	RC-014	16
Industrial Commission Technician	21095	RC-014	11
Insurance Analyst I	21561	RC-014	09
Insurance Analyst II	21562	RC-014	12
Insurance Analyst Trainee	21566	RC-014	07
Intermittent Clerk	21686	RC-014	02H
Library Aide I	23421	RC-014	03
Library Aide II	23422	RC-014	05
Library Aide III	23423	RC-014	07
Library Technical Assistant	23450	RC-014	10
Lottery Telemarketing Representative	24520	RC-014	09
Microfilm Laboratory Technician I	27175	RC-014	07
Microfilm Laboratory Technician II	27176	RC-014	09
Microfilm Operator I	27181	RC-014	04
Microfilm Operator II	27182	RC-014	06
Microfilm Operator III	27183	RC-014	08
Office Administrator I	29991	RC-014	07
Office Administrator II	29992	RC-014	09
Office Administrator III	29993	RC-014	11
Office Aide	30005	RC-014	02
Office Assistant	30010	RC-014	06
Office Associate	30015	RC-014	08
Office Clerk	30020	RC-014	04
Office Coordinator	30025	RC-014	09
Photographer I	32085	RC-014	11
Photographer II	32086	RC-014	14
Photographer III	32087	RC-014	15
Photographic Technician I	32091	RC-014	11
Photographic Technician II	32092	RC-014	14
Photographic Technician III	32093	RC-014	15
Procurement Representative	34540	RC-014	09
Property and Supply Clerk I	34791	RC-014	03.5
Property and Supply Clerk II	34792	RC-014	05.5
Property and Supply Clerk III	34793	RC-014	08
Rehabilitation Case Coordinator I	38141	RC-014	08

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## NOTICE OF PEREMPTORY AMENDMENTS

Rehabilitation Case Coordinator II	38142	RC-014	10
Reproduction Service Supervisor I	38201	RC-014	13
Reproduction Service Technician I	38203	RC-014	05
Reproduction Service Technician II	38204	RC-014	09
Reproduction Service Technician III	38205	RC-014	11
Safety Responsibility Analyst	38910	RC-014	12
Safety Responsibility Analyst Supervisor	38915	RC-014	14
Storekeeper I	43051	RC-014	10.5
Storekeeper II	43052	RC-014	12.5
Storekeeper III	43053	RC-014	14
Stores Clerk	43060	RC-014	04.5
Switchboard Operator I	44411	RC-014	05
Switchboard Operator II	44412	RC-014	07
Switchboard Operator III	44413	RC-014	09
Telecommunicator – Command Center	45316	RC-014	13
Telecommunicator Lead Worker – Command Center	45318	RC-014	15
Telecommunicator	45321	RC-014	12
Telecommunicator – Call Taker	45322	RC-014	14
Telecommunicator – Lead Call Taker	45323	RC-014	16
Telecommunicator Lead Worker	45324	RC-014	14
Telecommunicator Trainee	45325	RC-014	10
Telecommunicator Specialist	45326	RC-014	15
Telecommunicator Lead Specialist	45327	RC-014	17
<a href="#">Telecommunications Supervisor</a>	<a href="#">45305</a>	<a href="#">RC-014</a>	<a href="#">20</a>
Vehicle Permit Evaluator	47585	RC-014	11
Veterans Service Officer Associate	47804	RC-014	13

NOTE: RC-014-TR is at least the minimum wage and below the minimum rate in the pay grade of the targeted title. The targeted title is the lowest entry level position in the office, either Office Aide (pay grade RC-014-02), Office Clerk (pay grade RC-014-04) or, for the Department of Corrections only, Office Assistant (pay grade RC-014-06).

**Effective July 1, 2007**  
**Bargaining Unit: RC-014**

Pay Grade	Pay Plan Code	STEPS										
		1c	1b	1a	1	2	3	4	5	6	7	8

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02	B	2072	2121	2171	2221	2271	2321	2384	2437	2494	2586	2689
02	Q	2153	2202	2255	2308	2360	2413	2477	2536	2593	2689	2797
02	S	2212	2262	2314	2369	2419	2472	2538	2596	2654	2750	2860
02H	B	12.75	13.05	13.36	13.67	13.98	14.28	14.67	15.00	15.35	15.91	16.55
02H	Q	13.25	13.55	13.88	14.20	14.52	14.85	15.24	15.61	15.96	16.55	17.21
02H	S	13.61	13.92	14.24	14.58	14.89	15.21	15.62	15.98	16.33	16.92	17.60
03	B	2117	2166	2217	2271	2321	2385	2441	2499	2559	2665	2772
03	Q	2198	2251	2304	2360	2413	2478	2539	2598	2659	2772	2883
03	S	2258	2310	2364	2419	2472	2539	2599	2658	2718	2831	2944
03.5	B	2164	2215	2269	2321	2381	2441	2501	2559	2622	2735	2844
03.5	Q	2248	2301	2358	2413	2474	2539	2600	2659	2726	2843	2957
03.5	S	2307	2362	2417	2472	2536	2599	2660	2718	2787	2904	3020
04	B	2164	2215	2269	2321	2385	2448	2503	2574	2630	2743	2853
04	Q	2248	2301	2358	2413	2478	2543	2602	2675	2735	2851	2965
04	S	2307	2362	2417	2472	2539	2603	2664	2736	2793	2912	3028
04.5	B	2218	2272	2325	2381	2441	2502	2569	2635	2696	2810	2922
04.5	Q	2305	2361	2417	2474	2539	2601	2670	2739	2803	2923	3040
04.5	S	2365	2421	2476	2536	2599	2663	2728	2797	2865	2984	3103
05	B	2221	2275	2328	2385	2451	2515	2581	2643	2708	2819	2932
05	Q	2308	2364	2421	2478	2545	2615	2682	2748	2816	2932	3049
05	S	2369	2424	2480	2539	2605	2675	2744	2810	2877	2993	3113
05.5	B	2275	2328	2385	2441	2503	2579	2642	2708	2779	2891	3007
05.5	Q	2364	2421	2478	2539	2602	2680	2747	2816	2891	3008	3128
05.5	S	2424	2480	2539	2599	2664	2741	2809	2877	2951	3069	3192
06	B	2281	2336	2393	2451	2516	2583	2656	2723	2799	2917	3034

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06	Q	2370	2427	2486	2545	2616	2686	2762	2834	2910	3034	3155
06	S	2429	2488	2545	2605	2676	2746	2823	2894	2971	3097	3221
07	B	2344	2399	2459	2516	2586	2663	2738	2812	2890	3022	3143
07	Q	2433	2494	2553	2616	2689	2770	2847	2925	3007	3147	3273
07	S	2495	2552	2614	2676	2750	2828	2907	2986	3066	3209	3337
08	B	2406	2466	2526	2586	2669	2748	2834	2912	2994	3136	3261
08	Q	2501	2562	2625	2689	2777	2856	2949	3027	3119	3266	3397
08	S	2561	2621	2684	2750	2835	2917	3010	3092	3182	3329	3462
09	B	2480	2541	2604	2669	2751	2840	2927	3021	3111	3257	3387
09	Q	2580	2642	2708	2777	2862	2955	3046	3145	3239	3394	3530
09	S	2639	2704	2768	2835	2922	3015	3109	3208	3302	3459	3597
10	B	2561	2622	2688	2754	2855	2940	3037	3133	3230	3395	3531
10	Q	2663	2726	2794	2866	2969	3060	3163	3263	3365	3544	3686
10	S	2720	2787	2854	2925	3029	3122	3225	3325	3432	3611	3755
10.5	B	2636	2701	2768	2836	2927	3027	3120	3229	3323	3493	3633
10.5	Q	2740	2810	2880	2952	3046	3152	3250	3363	3464	3644	3790
10.5	S	2799	2870	2939	3012	3109	3216	3312	3431	3532	3714	3863
11	B	2651	2717	2787	2856	2953	3049	3158	3263	3364	3542	3684
11	Q	2758	2826	2897	2971	3077	3178	3291	3401	3509	3699	3847
11	S	2819	2887	2957	3030	3138	3238	3353	3465	3576	3764	3915
12	B	2755	2824	2895	2971	3080	3182	3300	3408	3534	3723	3872
12	Q	2868	2938	3013	3093	3207	3314	3441	3558	3687	3888	4044
12	S	2927	2998	3075	3153	3269	3377	3507	3625	3756	3958	4116
12.5	B	2820	2891	2966	3042	3154	3264	3388	3504	3618	3817	3970
12.5	Q	2933	3008	3086	3168	3286	3403	3534	3659	3778	3989	4149

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12.5	S	2994	3069	3149	3230	3349	3467	3604	3727	3847	4060	4222
13	B	2856	2928	3003	3083	3196	3318	3442	3568	3702	3907	4063
13	Q	2971	3048	3127	3211	3329	3460	3595	3726	3863	4083	4246
13	S	3030	3110	3190	3272	3393	3526	3663	3792	3934	4153	4319
14	B	2973	3049	3132	3215	3337	3467	3618	3751	3893	4120	4285
14	Q	3095	3178	3262	3350	3479	3620	3778	3920	4070	4306	4478
14	S	3155	3238	3324	3414	3548	3686	3847	3988	4140	4374	4549
15	B	3087	3168	3254	3342	3490	3634	3776	3930	4076	4321	4494
15	Q	3216	3301	3392	3487	3641	3792	3945	4110	4260	4514	4695
15	S	3278	3362	3457	3552	3709	3858	4016	4178	4328	4585	4768
16	B	3224	3311	3401	3499	3655	3817	3976	4143	4307	4562	4744
16	Q	3358	3452	3550	3652	3817	3989	4156	4327	4501	4769	4960
16	S	3425	3520	3617	3721	3886	4060	4228	4397	4572	4835	5028
17	B	3367	3462	3562	3666	3835	4012	4182	4351	4528	4797	4989
17	Q	3513	3614	3719	3825	4009	4192	4368	4546	4731	5013	5214
17	S	3578	3681	3786	3894	4079	4264	4440	4616	4800	5085	5288
18	B	3539	3641	3746	3857	4044	4233	4425	4605	4790	5076	5279
18	Q	3695	3801	3914	4031	4230	4424	4626	4815	5006	5306	5518
18	S	3761	3867	3984	4098	4297	4494	4694	4884	5078	5374	5589
19	B	3724	3833	3946	4066	4273	4475	4683	4880	5083	5392	5608
19	Q	3889	4006	4126	4249	4466	4674	4896	5100	5314	5634	5859
19	S	3959	4077	4197	4320	4537	4746	4965	5171	5385	5704	5932
20	B	3934	4052	4173	4296	4513	4723	4948	5163	5377	5703	5931
20	Q	4113	4235	4360	4490	4716	4938	5172	5394	5619	5962	6200
20	S	4180	4304	4430	4561	4785	5006	5241	5464	5688	6029	6270

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

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**Effective January 1, 2008**  
**Bargaining Unit: RC-014**

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
02	B	2134	2185	2236	2288	2339	2391	2456	2510	2569	2664	2770
02	Q	2218	2268	2323	2377	2431	2485	2551	2612	2671	2770	2881
02	S	2278	2330	2383	2440	2492	2546	2614	2674	2734	2833	2946
02H	B	13.13	13.45	13.76	14.08	14.39	14.71	15.11	15.45	15.81	16.39	17.05
02H	Q	13.65	13.96	14.30	14.63	14.96	15.29	15.70	16.07	16.44	17.05	17.73
02H	S	14.02	14.34	14.66	15.02	15.34	15.67	16.09	16.46	16.82	17.43	18.13
03	B	2181	2231	2284	2339	2391	2457	2514	2574	2636	2745	2855
03	Q	2264	2319	2373	2431	2485	2552	2615	2676	2739	2855	2969
03	S	2326	2379	2435	2492	2546	2615	2677	2738	2800	2916	3032
03.5	B	2229	2281	2337	2391	2452	2514	2576	2636	2701	2817	2929
03.5	Q	2315	2370	2429	2485	2548	2615	2678	2739	2808	2928	3046
03.5	S	2376	2433	2490	2546	2612	2677	2740	2800	2871	2991	3111
04	B	2229	2281	2337	2391	2457	2521	2578	2651	2709	2825	2939
04	Q	2315	2370	2429	2485	2552	2619	2680	2755	2817	2937	3054
04	S	2376	2433	2490	2546	2615	2681	2744	2818	2877	2999	3119
04.5	B	2285	2340	2395	2452	2514	2577	2646	2714	2777	2894	3010
04.5	Q	2374	2432	2490	2548	2615	2679	2750	2821	2887	3011	3131
04.5	S	2436	2494	2550	2612	2677	2743	2810	2881	2951	3074	3196

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

05	B	2288	2343	2398	2457	2525	2590	2658	2722	2789	2904	3020
05	Q	2377	2435	2494	2552	2621	2693	2762	2830	2900	3020	3140
05	S	2440	2497	2554	2615	2683	2755	2826	2894	2963	3083	3206
05.5	B	2343	2398	2457	2514	2578	2656	2721	2789	2862	2978	3097
05.5	Q	2435	2494	2552	2615	2680	2760	2829	2900	2978	3098	3222
05.5	S	2497	2554	2615	2677	2744	2823	2893	2963	3040	3161	3288
06	B	2349	2406	2465	2525	2591	2660	2736	2805	2883	3005	3125
06	Q	2441	2500	2561	2621	2694	2767	2845	2919	2997	3125	3250
06	S	2502	2563	2621	2683	2756	2828	2908	2981	3060	3190	3318
07	B	2414	2471	2533	2591	2664	2743	2820	2896	2977	3113	3237
07	Q	2506	2569	2630	2694	2770	2853	2932	3013	3097	3241	3371
07	S	2570	2629	2692	2756	2833	2913	2994	3076	3158	3305	3437
08	B	2478	2540	2602	2664	2749	2830	2919	2999	3084	3230	3359
08	Q	2576	2639	2704	2770	2860	2942	3037	3118	3213	3364	3499
08	S	2638	2700	2765	2833	2920	3005	3100	3185	3277	3429	3566
09	B	2554	2617	2682	2749	2834	2925	3015	3112	3204	3355	3489
09	Q	2657	2721	2789	2860	2948	3044	3137	3239	3336	3496	3636
09	S	2718	2785	2851	2920	3010	3105	3202	3304	3401	3563	3705
10	B	2638	2701	2769	2837	2941	3028	3128	3227	3327	3497	3637
10	Q	2743	2808	2878	2952	3058	3152	3258	3361	3466	3650	3797
10	S	2802	2871	2940	3013	3120	3216	3322	3425	3535	3719	3868
10.5	B	2715	2782	2851	2921	3015	3118	3214	3326	3423	3598	3742
10.5	Q	2822	2894	2966	3041	3137	3247	3348	3464	3568	3753	3904
10.5	S	2883	2956	3027	3102	3202	3312	3411	3534	3638	3825	3979
11	B	2731	2799	2871	2942	3042	3140	3253	3361	3465	3648	3795

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

11	Q	2841	2911	2984	3060	3169	3273	3390	3503	3614	3810	3962
11	S	2904	2974	3046	3121	3232	3335	3454	3569	3683	3877	4032
12	B	2838	2909	2982	3060	3172	3277	3399	3510	3640	3835	3988
12	Q	2954	3026	3103	3186	3303	3413	3544	3665	3798	4005	4165
12	S	3015	3088	3167	3248	3367	3478	3612	3734	3869	4077	4239
12.5	B	2905	2978	3055	3133	3249	3362	3490	3609	3727	3932	4089
12.5	Q	3021	3098	3179	3263	3385	3505	3640	3769	3891	4109	4273
12.5	S	3084	3161	3243	3327	3449	3571	3712	3839	3962	4182	4349
13	B	2942	3016	3093	3175	3292	3418	3545	3675	3813	4024	4185
13	Q	3060	3139	3221	3307	3429	3564	3703	3838	3979	4205	4373
13	S	3121	3203	3286	3370	3495	3632	3773	3906	4052	4278	4449
14	B	3062	3140	3226	3311	3437	3571	3727	3864	4010	4244	4414
14	Q	3188	3273	3360	3451	3583	3729	3891	4038	4192	4435	4612
14	S	3250	3335	3424	3516	3654	3797	3962	4108	4264	4505	4685
15	B	3180	3263	3352	3442	3595	3743	3889	4048	4198	4451	4629
15	Q	3312	3400	3494	3592	3750	3906	4063	4233	4388	4649	4836
15	S	3376	3463	3561	3659	3820	3974	4136	4303	4458	4723	4911
16	B	3321	3410	3503	3604	3765	3932	4095	4267	4436	4699	4886
16	Q	3459	3556	3657	3762	3932	4109	4281	4457	4636	4912	5109
16	S	3528	3626	3726	3833	4003	4182	4355	4529	4709	4980	5179
17	B	3468	3566	3669	3776	3950	4132	4307	4482	4664	4941	5139
17	Q	3618	3722	3831	3940	4129	4318	4499	4682	4873	5163	5370
17	S	3685	3791	3900	4011	4201	4392	4573	4754	4944	5238	5447
18	B	3645	3750	3858	3973	4165	4360	4558	4743	4934	5228	5437
18	Q	3806	3915	4031	4152	4357	4557	4765	4959	5156	5465	5684

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

18	S	3874	3983	4104	4221	4426	4629	4835	5031	5230	5535	5757
19	B	3836	3948	4064	4188	4401	4609	4823	5026	5235	5554	5776
19	Q	4006	4126	4250	4376	4600	4814	5043	5253	5473	5803	6035
19	S	4078	4199	4323	4450	4673	4888	5114	5326	5547	5875	6110
20	B	4052	4174	4298	4425	4648	4865	5096	5318	5538	5874	6109
20	Q	4236	4362	4491	4625	4857	5086	5327	5556	5788	6141	6386
20	S	4305	4433	4563	4698	4929	5156	5398	5628	5859	6210	6458
TR		TR										

(Source: Peremptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

**Section 310.APPENDIX A Negotiated Rates of Pay****Section 310.TABLE W RC-062 (Technical Employees, AFSCME)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Accountant	00130	RC-062	14
Accountant Advanced	00133	RC-062	16
Accountant Supervisor	00135	RC-062	18
Accounting and Fiscal Administration Career Trainee	00140	RC-062	12
Activity Therapist	00157	RC-062	15
Activity Therapist Coordinator	00160	RC-062	17
Actuarial Assistant	00187	RC-062	16
Actuarial Examiner	00195	RC-062	16
Actuarial Examiner Trainee	00196	RC-062	13
Actuarial Senior Examiner	00197	RC-062	19
Actuary I	00201	RC-062	20
Actuary II	00202	RC-062	24
Agricultural Market News Assistant	00804	RC-062	12
Agricultural Marketing Generalist	00805	RC-062	14
Agricultural Marketing Reporter	00807	RC-062	18
Agricultural Marketing Representative	00810	RC-062	18
Agriculture Land and Water Resource Specialist I	00831	RC-062	14
Agriculture Land and Water Resource Specialist II	00832	RC-062	17
Agriculture Land and Water Resource Specialist III	00833	RC-062	20
Aircraft Pilot I	00955	RC-062	19
Aircraft Pilot II	00956	RC-062	22
Aircraft Pilot II – Dual Rating	00957	RC-062	23
Appraisal Specialist I	01251	RC-062	14
Appraisal Specialist II	01252	RC-062	16
Appraisal Specialist III	01253	RC-062	18
Arts Council Associate	01523	RC-062	12
Arts Council Program Coordinator	01526	RC-062	18
Arts Council Program Representative	01527	RC-062	15
Assignment Coordinator	01530	RC-062	20
Bank Examiner I	04131	RC-062	16
Bank Examiner II	04132	RC-062	19
Bank Examiner III	04133	RC-062	22
Behavioral Analyst Associate	04355	RC-062	15

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Behavioral Analyst I	04351	RC-062	17
Behavioral Analyst II	04352	RC-062	19
Business Administrative Specialist	05810	RC-062	16
Business Manager	05815	RC-062	18
Buyer	05900	RC-062	18
Capital Development Board Account Technician	06515	RC-062	11
Capital Development Board Art in Architecture Technician	06533	RC-062	12
Capital Development Board Construction Support Analyst	06520	RC-062	11
Capital Development Board Project Technician	06530	RC-062	12
Chemist I	06941	RC-062	16
Chemist II	06942	RC-062	19
Chemist III	06943	RC-062	21
Child Protection Advanced Specialist	07161	RC-062	19
Child Protection Associate Specialist	07162	RC-062	16
Child Protection Specialist	07163	RC-062	18
Child Welfare Associate Specialist	07216	RC-062	16
Child Welfare Staff Development Coordinator I	07201	RC-062	17
Child Welfare Staff Development Coordinator II	07202	RC-062	19
Child Welfare Staff Development Coordinator III	07203	RC-062	20
Child Welfare Staff Development Coordinator IV	07204	RC-062	22
Children and Family Service Intern – Option I	07241	RC-062	12
Children and Family Service Intern – Option II	07242	RC-062	15
Clinical Laboratory Technologist I	08220	RC-062	18
Clinical Laboratory Technologist II	08221	RC-062	19
Clinical Laboratory Technologist Trainee	08229	RC-062	14
Communications Systems Specialist	08860	RC-062	23
Community Management Specialist I	08891	RC-062	15
Community Management Specialist II	08892	RC-062	17
Community Management Specialist III	08893	RC-062	19
Community Planner I	08901	RC-062	15
Community Planner II	08902	RC-062	17
Community Planner III	08903	RC-062	19
Conservation Education Representative	09300	RC-062	12
Conservation Grant Administrator I	09311	RC-062	18
Conservation Grant Administrator II	09312	RC-062	20
Conservation Grant Administrator III	09313	RC-062	22
Construction Program Assistant	09525	RC-062	12
Correctional Counselor I	09661	RC-062	15
Correctional Counselor II	09662	RC-062	17

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Correctional Counselor III	09663	RC-062	19
Corrections Apprehension Specialist	09750	RC-062	19
Corrections Industries Marketing Representative	09803	RC-062	17
Corrections Leisure Activities Specialist I	09811	RC-062	15
Corrections Leisure Activities Specialist II	09812	RC-062	17
Corrections Leisure Activities Specialist III	09813	RC-062	19
Corrections Parole Agent	09842	RC-062	17
Corrections Senior Parole Agent	09844	RC-062	19
Criminal Intelligence Analyst I	10161	RC-062	18
Criminal Intelligence Analyst II	10162	RC-062	20
Criminal Intelligence Analyst Specialist	10165	RC-062	22
Criminal Justice Specialist I	10231	RC-062	16
Criminal Justice Specialist II	10232	RC-062	20
Criminal Justice Specialist Trainee	10236	RC-062	13
Curator of the Lincoln Collection	10750	RC-062	16
Day Care Licensing Representative I	11471	RC-062	16
Developmental Disabilities Council Program Planner I	12361	RC-062	12
Developmental Disabilities Council Program Planner II	12362	RC-062	16
Developmental Disabilities Council Program Planner III	12363	RC-062	18
Dietitian	12510	RC-062	15
Disability Appeals Officer	12530	RC-062	22
Disability Claims Adjudicator I	12537	RC-062	16
Disability Claims Adjudicator II	12538	RC-062	18
Disability Claims Adjudicator Trainee	12539	RC-062	13
Disability Claims Analyst	12540	RC-062	21
Disability Claims Specialist	12558	RC-062	19
Disaster Services Planner	12585	RC-062	19
Document Examiner	12640	RC-062	22
Economic Development Representative I	12931	RC-062	17
Economic Development Representative II	12932	RC-062	19
Educator – Provisional	13105	RC-062	12
Employment Security Manpower Representative I	13621	RC-062	12
Employment Security Manpower Representative II	13622	RC-062	14
Employment Security Program Representative	13650	RC-062	14
Employment Security Program Representative – Intermittent	13651	RC-062	14H
Employment Security Service Representative	13667	RC-062	16
Employment Security Specialist I	13671	RC-062	14
Employment Security Specialist II	13672	RC-062	16
Employment Security Specialist III	13673	RC-062	19

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Employment Security Tax Auditor I	13681	RC-062	17
Employment Security Tax Auditor II	13682	RC-062	19
Energy and Natural Resources Specialist I	13711	RC-062	15
Energy and Natural Resources Specialist II	13712	RC-062	17
Energy and Natural Resources Specialist III	13713	RC-062	19
Energy and Natural Resources Specialist Trainee	13715	RC-062	12
Environmental Health Specialist I	13768	RC-062	14
Environmental Health Specialist II	13769	RC-062	16
Environmental Health Specialist III	13770	RC-062	18
Environmental Protection Associate	13785	RC-062	12
Environmental Protection Specialist I	13821	RC-062	14
Environmental Protection Specialist II	13822	RC-062	16
Environmental Protection Specialist III	13823	RC-062	18
Environmental Protection Specialist IV	13824	RC-062	22
Equal Pay Specialist	13837	RC-062	17
Executive I	13851	RC-062	18
Executive II	13852	RC-062	20
Financial Institutions Examiner I	14971	RC-062	16
Financial Institutions Examiner II	14972	RC-062	19
Financial Institutions Examiner III	14973	RC-062	22
Financial Institutions Examiner Trainee	14978	RC-062	13
Flight Safety Coordinator	15640	RC-062	22
Forensic Scientist I	15891	RC-062	18
Forensic Scientist II	15892	RC-062	20
Forensic Scientist III	15893	RC-062	22
Forensic Scientist Trainee	15897	RC-062	15
Guardianship Representative	17710	RC-062	17
Habilitation Program Coordinator	17960	RC-062	17
Handicapped Services Representative I	17981	RC-062	11
Health Facilities Surveyor I	18011	RC-062	16
Health Facilities Surveyor II	18012	RC-062	19
Health Facilities Surveyor III	18013	RC-062	20
Health Services Investigator I – Opt. A	18181	RC-062	19
Health Services Investigator I – Opt. B	18182	RC-062	20
Health Services Investigator II – Opt. A	18185	RC-062	22
Health Services Investigator II – Opt. B	18186	RC-062	22
Health Services Investigator II – Opt. C	18187	RC-062	25
Health Services Investigator II – Opt. D	18188	RC-062	25
Historical Documents Conservator I	18981	RC-062	13

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Historical Exhibits Designer	18985	RC-062	15
Historical Research Editor II	19002	RC-062	14
Human Relations Representative	19670	RC-062	16
Human Resources Representative	19692	RC-062	17
Human Rights Investigator I	19774	RC-062	16
Human Rights Investigator II	19775	RC-062	18
Human Rights Investigator III	19776	RC-062	19
Human Rights Specialist I	19778	RC-062	14
Human Rights Specialist II	19779	RC-062	16
Human Rights Specialist III	19780	RC-062	18
Human Services Caseworker	19785	RC-062	16
Human Services Grants Coordinator I	19791	RC-062	14
Human Services Grants Coordinator II	19792	RC-062	17
Human Services Grants Coordinator III	19793	RC-062	20
Human Services Grants Coordinator Trainee	19796	RC-062	12
Human Services Sign Language Interpreter	19810	RC-062	16
Iconographer	19880	RC-062	12
Industrial and Community Development Representative I	21051	RC-062	17
Industrial and Community Development Representative II	21052	RC-062	19
Industrial Services Consultant I	21121	RC-062	14
Industrial Services Consultant II	21122	RC-062	16
Industrial Services Consultant Trainee	21125	RC-062	11
Industrial Services Hygienist	21127	RC-062	19
Industrial Services Hygienist Technician	21130	RC-062	16
Industrial Services Hygienist Trainee	21133	RC-062	12
Information Technology/Communication Systems Specialist I	21216	RC-062	19
Information Technology/Communication Systems Specialist II	21217	RC-062	24
Instrument Designer	21500	RC-062	18
Insurance Analyst III	21563	RC-062	14
Insurance Analyst IV	21564	RC-062	16
Insurance Company Claims Examiner II	21602	RC-062	19
Insurance Company Field Staff Examiner	21608	RC-062	16
Insurance Company Financial Examiner Trainee	21610	RC-062	13
Insurance Performance Examiner I	21671	RC-062	14
Insurance Performance Examiner II	21672	RC-062	17
Insurance Performance Examiner III	21673	RC-062	20
Intermittent Unemployment Insurance Representative	21689	RC-062	12H
Internal Auditor I	21721	RC-062	17
Labor Conciliator	22750	RC-062	20

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Laboratory Equipment Specialist	22990	RC-062	18
Laboratory Quality Specialist I	23021	RC-062	19
Laboratory Quality Specialist II	23022	RC-062	21
Laboratory Research Specialist I	23027	RC-062	19
Laboratory Research Specialist II	23028	RC-062	21
Land Acquisition Agent I	23091	RC-062	15
Land Acquisition Agent II	23092	RC-062	18
Land Acquisition Agent III	23093	RC-062	21
Land Reclamation Specialist I	23131	RC-062	14
Land Reclamation Specialist II	23132	RC-062	17
Liability Claims Adjuster I	23371	RC-062	14
Liability Claims Adjuster II	23372	RC-062	18
Library Associate	23430	RC-062	12
Life Sciences Career Trainee	23600	RC-062	12
Liquor Control Special Agent II	23752	RC-062	15
Local Historical Services Representative	24000	RC-062	17
Local Housing Advisor I	24031	RC-062	14
Local Housing Advisor II	24032	RC-062	16
Local Housing Advisor III	24033	RC-062	18
Local Revenue and Fiscal Advisor I	24101	RC-062	15
Local Revenue and Fiscal Advisor II	24102	RC-062	17
Local Revenue and Fiscal Advisor III	24103	RC-062	19
Lottery Regional Coordinator	24504	RC-062	19
Lottery Sales Representative	24515	RC-062	16
Management Operations Analyst I	25541	RC-062	18
Management Operations Analyst II	25542	RC-062	20
Manpower Planner I	25591	RC-062	14
Manpower Planner II	25592	RC-062	17
Manpower Planner III	25593	RC-062	20
Manpower Planner Trainee	25597	RC-062	12
Medical Assistance Consultant I	26501	RC-062	13
Medical Assistance Consultant II	26502	RC-062	16
Medical Assistance Consultant III	26503	RC-062	19
Mental Health Specialist I	26924	RC-062	12
Mental Health Specialist II	26925	RC-062	14
Mental Health Specialist III	26926	RC-062	16
Mental Health Specialist Trainee	26928	RC-062	11
Meteorologist	27120	RC-062	18
Methods and Procedures Advisor I	27131	RC-062	14

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Methods and Procedures Advisor II	27132	RC-062	16
Methods and Procedures Advisor III	27133	RC-062	20
Methods and Procedures Career Associate I	27135	RC-062	11
Methods and Procedures Career Associate II	27136	RC-062	12
Methods and Procedures Career Associate Trainee	27137	RC-062	09
Metrologist Associate	27146	RC-062	15
Microbiologist I	27151	RC-062	16
Microbiologist II	27152	RC-062	19
Natural Resources Advanced Specialist	28833	RC-062	20
Natural Resources Coordinator	28831	RC-062	15
Natural Resources Specialist	28832	RC-062	18
Oral Health Consultant	30317	RC-062	18
Paralegal Assistant	30860	RC-062	14
Pension and Death Benefits Technician II	30962	RC-062	16
Police Training Specialist	32990	RC-062	17
Program Integrity Auditor I	34631	RC-062	16
Program Integrity Auditor II	34632	RC-062	19
Program Integrity Auditor Trainee	34635	RC-062	12
Property Consultant	34900	RC-062	15
Public Aid Appeals Advisor	35750	RC-062	18
Public Aid Family Support Specialist I	35841	RC-062	17
Public Aid Investigator	35870	RC-062	19
Public Aid Investigator Trainee	35874	RC-062	14
Public Aid Lead Casework Specialist	35880	RC-062	17
Public Aid Program Quality Analyst	35890	RC-062	19
Public Aid Quality Control Reviewer	35892	RC-062	17
Public Aid Quality Control Supervisor	35900	RC-062	19
Public Aid Staff Development Specialist I	36071	RC-062	15
Public Aid Staff Development Specialist II	36072	RC-062	17
Public Health Educator Associate	36434	RC-062	14
Public Health Program Specialist I	36611	RC-062	14
Public Health Program Specialist II	36612	RC-062	16
Public Health Program Specialist III	36613	RC-062	19
Public Health Program Specialist Trainee	36615	RC-062	12
Public Information Coordinator	36750	RC-062	18
Public Information Officer I	37001	RC-062	12
Public Information Officer II	37002	RC-062	14
Public Information Officer III	37003	RC-062	19
Public Information Officer IV	37004	RC-062	21

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Public Safety Inspector	37007	RC-062	16
Public Safety Inspector Trainee	37010	RC-062	10
<a href="#">Public Service Administrator, Options 8B and 8Y</a>	<a href="#">37015</a>	<a href="#">RC-062</a>	<a href="#">23</a>
Railroad Safety Specialist I	37601	RC-062	19
Railroad Safety Specialist II	37602	RC-062	21
Railroad Safety Specialist III	37603	RC-062	23
Railroad Safety Specialist IV	37604	RC-062	25
Real Estate Investigator	37730	RC-062	19
Real Estate Professions Examiner	37760	RC-062	22
Recreation Worker I	38001	RC-062	12
Recreation Worker II	38002	RC-062	14
Rehabilitation Counselor	38145	RC-062	17
Rehabilitation Counselor Senior	38158	RC-062	19
Rehabilitation Counselor Trainee	38159	RC-062	15
Rehabilitation Services Advisor I	38176	RC-062	20
Rehabilitation Workshop Supervisor I	38194	RC-062	12
Rehabilitation Workshop Supervisor II	38195	RC-062	14
Reimbursement Officer I	38199	RC-062	14
Reimbursement Officer II	38200	RC-062	16
Research Economist I	38207	RC-062	18
Research Scientist I	38231	RC-062	13
Research Scientist II	38232	RC-062	16
Research Scientist III	38233	RC-062	20
Resource Planner I	38281	RC-062	17
Resource Planner II	38282	RC-062	19
Resource Planner III	38283	RC-062	22
Retirement System Disability Specialist	38310	RC-062	19
Revenue Audit Supervisor (IL)	38369	RC-062	25
Revenue Audit Supervisor (states other than IL, CA or NJ)	38369	RC-062	27
Revenue Audit Supervisor (CA or NJ)	38369	RC-062	29
Revenue Auditor I (IL)	38371	RC-062	16
Revenue Auditor I (states other than IL, CA or NJ)	38371	RC-062	19
Revenue Auditor I (CA or NJ)	38371	RC-062	21
Revenue Auditor II (IL)	38372	RC-062	19
Revenue Auditor II (states other than IL, CA or NJ)	38372	RC-062	22
Revenue Auditor II (CA or NJ)	38372	RC-062	24
Revenue Auditor III (IL)	38373	RC-062	22
Revenue Auditor III (states other than IL, CA or NJ)	38373	RC-062	24

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Revenue Auditor III (CA or NJ)	38373	RC-062	26
Revenue Auditor Trainee (IL)	38375	RC-062	12
Revenue Auditor Trainee (states other than IL, CA or NJ)	38375	RC-062	13
Revenue Auditor Trainee (CA or NJ)	38375	RC-062	15
Revenue Collection Officer I	38401	RC-062	15
Revenue Collection Officer II	38402	RC-062	17
Revenue Collection Officer III	38403	RC-062	19
Revenue Collection Officer Trainee	38405	RC-062	12
Revenue Computer Audit Specialist (IL)	38425	RC-062	23
Revenue Computer Audit Specialist (states other than IL, CA or NJ)	38425	RC-062	25
Revenue Computer Audit Specialist (CA or NJ)	38425	RC-062	27
Revenue Senior Special Agent	38557	RC-062	23
Revenue Special Agent	38558	RC-062	19
Revenue Special Agent Trainee	38565	RC-062	14
Revenue Tax Specialist I	38571	RC-062	12
Revenue Tax Specialist II (IL)	38572	RC-062	14
Revenue Tax Specialist II (states other than IL, CA or NJ)	38572	RC-062	17
Revenue Tax Specialist II (CA or NJ)	38572	RC-062	19
Revenue Tax Specialist III	38573	RC-062	17
Revenue Tax Specialist Trainee	38575	RC-062	10
Site Assistant Superintendent I	41071	RC-062	15
Site Assistant Superintendent II	41072	RC-062	17
Site Interpretive Coordinator	41093	RC-062	13
Site Services Specialist I	41117	RC-062	15
Site Services Specialist II	41118	RC-062	17
Social Service Consultant I	41301	RC-062	18
Social Service Consultant II	41302	RC-062	19
Social Service Program Planner I	41311	RC-062	15
Social Service Program Planner II	41312	RC-062	17
Social Service Program Planner III	41313	RC-062	20
Social Service Program Planner IV	41314	RC-062	22
Social Services Career Trainee	41320	RC-062	12
Social Worker I	41411	RC-062	16
Staff Development Specialist I	41771	RC-062	18
Staff Development Technician I	41781	RC-062	12
State Mine Inspector	42230	RC-062	19
State Police Field Specialist I	42001	RC-062	18

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

State Police Field Specialist II	42002	RC-062	20
Statistical Research Specialist I	42741	RC-062	12
Statistical Research Specialist II	42742	RC-062	14
Statistical Research Specialist III	42743	RC-062	17
Storage Tank Safety Specialist	43005	RC-062	18
Telecommunications Specialist	45295	RC-062	15
Telecommunications Systems Analyst	45308	RC-062	17
Telecommunications Systems Technician I	45312	RC-062	10
Telecommunications Systems Technician II	45313	RC-062	13
Terrorism Research Specialist I	45371	RC-062	18
Terrorism Research Specialist II	45372	RC-062	20
Terrorism Research Specialist III	45373	RC-062	22
Terrorism Research Specialist Trainee	45375	RC-062	14
Unemployment Insurance Adjudicator I	47001	RC-062	11
Unemployment Insurance Adjudicator II	47002	RC-062	13
Unemployment Insurance Adjudicator III	47003	RC-062	15
Unemployment Insurance Revenue Analyst I	47081	RC-062	15
Unemployment Insurance Revenue Analyst II	47082	RC-062	17
Unemployment Insurance Revenue Specialist	47087	RC-062	13
Unemployment Insurance Special Agent	47096	RC-062	18
Veterans Educational Specialist I	47681	RC-062	15
Veterans Educational Specialist II	47682	RC-062	17
Veterans Educational Specialist III	47683	RC-062	21
Veterans Employment Representative I	47701	RC-062	14
Veterans Employment Representative II	47702	RC-062	16
Volunteer Services Coordinator I	48481	RC-062	13
Volunteer Services Coordinator II	48482	RC-062	16
Volunteer Services Coordinator III	48483	RC-062	18
Wage Claims Specialist	48770	RC-062	09
Weatherization Specialist I	49101	RC-062	14
Weatherization Specialist II	49102	RC-062	17
Weatherization Specialist III	49103	RC-062	20
Weatherization Specialist Trainee	49105	RC-062	12
Workers Compensation Insurance Compliance Investigator	49640	RC-062	20

NOTE: For the Revenue Audit Supervisor, Revenue Auditor I, II and III and Revenue Auditor Trainee position classification titles only – The pay grade assigned to the employee is based on the location of the position and the residence held by the employee. In the same position classification, the employee holding a position and residence outside the

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

boundaries of the State of Illinois is assigned to a different pay grade than the pay grade assigned to the employee holding a position within the boundaries of the State of Illinois. The pay grade assigned to the employee holding a position located within the boundaries of the State of Illinois is the pay grade with the (IL) indication next to the position classification. The pay grade assigned to the employee holding the position located outside the boundaries of the State of Illinois is determined by the location of the employee's residence (e.g., IL, CA or NJ or a state other than IL, CA or NJ). If the employee's residence moves to another state while the employee is in the same position located outside the boundaries of the State of Illinois, or moves into another position located outside the boundaries of the State of Illinois in the same position classification, the base salary may change depending on the location of the employee's new residence. If the employee remains in the position located outside the boundaries of the State of Illinois and moves residence from or into the boundaries of the State of Illinois, the base salary will change. In all cases, change in base salary shall be on a step for step basis (e.g., if the original base salary was on Step 5 in one pay grade, the new base salary will also be on Step 5 of the newly appropriate pay grade).

**Effective July 1, 2007**  
**Bargaining Unit: RC-062**

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
09	B	2480	2541	2604	2669	2751	2840	2927	3021	3111	3257	3387
09	Q	2580	2642	2708	2777	2862	2955	3046	3145	3239	3394	3530
09	S	2639	2704	2768	2835	2922	3015	3109	3208	3302	3459	3597
10	B	2561	2622	2688	2754	2855	2940	3037	3133	3230	3395	3531
10	Q	2663	2726	2794	2866	2969	3060	3163	3263	3365	3544	3686
10	S	2720	2787	2854	2925	3029	3122	3225	3325	3432	3611	3755
11	B	2651	2717	2787	2856	2953	3049	3158	3263	3364	3542	3684
11	Q	2758	2826	2897	2971	3077	3178	3291	3401	3509	3699	3847
11	S	2819	2887	2957	3030	3138	3238	3353	3465	3576	3764	3915
12	B	2755	2824	2895	2971	3080	3182	3300	3408	3534	3723	3872
12	Q	2868	2938	3013	3093	3207	3314	3441	3558	3687	3888	4044

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12	S	2927	2998	3075	3153	3269	3377	3507	3625	3756	3958	4116
12H	B	16.95	17.38	17.82	18.28	18.95	19.58	20.31	20.97	21.75	22.91	23.83
12H	Q	17.65	18.08	18.54	19.03	19.74	20.39	21.18	21.90	22.69	23.93	24.89
12H	S	18.01	18.45	18.92	19.40	20.12	20.78	21.58	22.31	23.11	24.36	25.33
13	B	2856	2928	3003	3083	3196	3318	3442	3568	3702	3907	4063
13	Q	2971	3048	3127	3211	3329	3460	3595	3726	3863	4083	4246
13	S	3030	3110	3190	3272	3393	3526	3663	3792	3934	4153	4319
14	B	2973	3049	3132	3215	3337	3467	3618	3751	3893	4120	4285
14	Q	3095	3178	3262	3350	3479	3620	3778	3920	4070	4306	4478
14	S	3155	3238	3324	3414	3548	3686	3847	3988	4140	4374	4549
14H	B	18.30	18.76	19.27	19.78	20.54	21.34	22.26	23.08	23.96	25.35	26.37
14H	Q	19.05	19.56	20.07	20.62	21.41	22.28	23.25	24.12	25.05	26.50	27.56
14H	S	19.42	19.93	20.46	21.01	21.83	22.68	23.67	24.54	25.48	26.92	27.99
15	B	3087	3168	3254	3342	3490	3634	3776	3930	4076	4321	4494
15	Q	3216	3301	3392	3487	3641	3792	3945	4110	4260	4514	4695
15	S	3278	3362	3457	3552	3709	3858	4016	4178	4328	4585	4768
16	B	3224	3311	3401	3499	3655	3817	3976	4143	4307	4562	4744
16	Q	3358	3452	3550	3652	3817	3989	4156	4327	4501	4769	4960
16	S	3425	3520	3617	3721	3886	4060	4228	4397	4572	4835	5028
17	B	3367	3462	3562	3666	3835	4012	4182	4351	4528	4797	4989
17	Q	3513	3614	3719	3825	4009	4192	4368	4546	4731	5013	5214
17	S	3578	3681	3786	3894	4079	4264	4440	4616	4800	5085	5288
18	B	3539	3641	3746	3857	4044	4233	4425	4605	4790	5076	5279
18	Q	3695	3801	3914	4031	4230	4424	4626	4815	5006	5306	5518
18	S	3761	3867	3984	4098	4297	4494	4694	4884	5078	5374	5589
19	B	3724	3833	3946	4066	4273	4475	4683	4880	5083	5392	5608
19	J	3724	3833	3946	4066	4273	4475	4683	4880	5083	5392	5608
19	Q	3889	4006	4126	4249	4466	4674	4896	5100	5314	5634	5859

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19	S	3959	4077	4197	4320	4537	4746	4965	5171	5385	5704	5932
20	B	3934	4052	4173	4296	4513	4723	4948	5163	5377	5703	5931
20	Q	4113	4235	4360	4490	4716	4938	5172	5394	5619	5962	6200
20	S	4180	4304	4430	4561	4785	5006	5241	5464	5688	6029	6270
21	B	4152	4278	4405	4536	4770	5000	5233	5472	5700	6055	6297
21	U	4152	4278	4405	4536	4770	5000	5233	5472	5700	6055	6297
21	Q	4340	4471	4602	4741	4986	5223	5470	5719	5958	6328	6581
21	S	4409	4540	4672	4812	5053	5294	5540	5789	6026	6398	6654
22	B	4388	4521	4658	4796	5046	5292	5542	5799	6040	6416	6673
22	Q	4587	4725	4867	5011	5274	5533	5792	6059	6314	6704	6972
22	S	4657	4794	4937	5083	5341	5602	5859	6130	6385	6776	7047
23	B	4658	4796	4939	5086	5356	5631	5899	6171	6439	6843	7117
23	Q	4867	5011	5162	5319	5600	5887	6164	6449	6729	7150	7436
23	S	4937	5083	5233	5388	5668	5955	6234	6518	6797	7219	7508
24	B	4955	5104	5256	5414	5702	6001	6288	6579	6876	7307	7599
24	J	4955	5104	5256	5414	5702	6001	6288	6579	6876	7307	7599
24	Q	5178	5332	5494	5660	5961	6271	6572	6874	7185	7637	7942
24	S	5248	5402	5563	5729	6028	6339	6641	6945	7256	7706	8014
25	B	5282	5439	5603	5771	6086	6408	6727	7047	7367	7840	8154
25	J	5282	5439	5603	5771	6086	6408	6727	7047	7367	7840	8154
25	Q	5519	5685	5853	6029	6361	6694	7031	7366	7700	8193	8521
25	S	5592	5753	5927	6101	6431	6763	7099	7434	7767	8263	8594
26	B	5582	5748	5923	6158	6495	6839	7186	7521	7860	8367	8702
26	U	5582	5748	5923	6158	6495	6839	7186	7521	7860	8367	8702
27	B	5900	6076	6259	6573	6931	7297	7668	8026	8386	8929	9286
27	J	5900	6076	6259	6573	6931	7297	7668	8026	8386	8929	9286
27	U	5900	6076	6259	6573	6931	7297	7668	8026	8386	8929	9286
29	U	6497	6691	6893	7239	7632	8035	8445	8838	9235	9832	10225

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

**Effective January 1, 2008****Bargaining Unit: RC-062**

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
09	B	2554	2617	2682	2749	2834	2925	3015	3112	3204	3355	3489
09	Q	2657	2721	2789	2860	2948	3044	3137	3239	3336	3496	3636
09	S	2718	2785	2851	2920	3010	3105	3202	3304	3401	3563	3705
10	B	2638	2701	2769	2837	2941	3028	3128	3227	3327	3497	3637
10	Q	2743	2808	2878	2952	3058	3152	3258	3361	3466	3650	3797
10	S	2802	2871	2940	3013	3120	3216	3322	3425	3535	3719	3868
11	B	2731	2799	2871	2942	3042	3140	3253	3361	3465	3648	3795
11	Q	2841	2911	2984	3060	3169	3273	3390	3503	3614	3810	3962
11	S	2904	2974	3046	3121	3232	3335	3454	3569	3683	3877	4032
12	B	2838	2909	2982	3060	3172	3277	3399	3510	3640	3835	3988
12	Q	2954	3026	3103	3186	3303	3413	3544	3665	3798	4005	4165
12	S	3015	3088	3167	3248	3367	3478	3612	3734	3869	4077	4239
12H	B	17.46	17.90	18.35	18.83	19.52	20.17	20.92	21.60	22.40	23.60	24.54
12H	Q	18.18	18.62	19.10	19.61	20.33	21.00	21.81	22.55	23.37	24.65	25.63
12H	S	18.55	19.00	19.49	19.99	20.72	21.40	22.23	22.98	23.81	25.09	26.09
13	B	2942	3016	3093	3175	3292	3418	3545	3675	3813	4024	4185
13	Q	3060	3139	3221	3307	3429	3564	3703	3838	3979	4205	4373
13	S	3121	3203	3286	3370	3495	3632	3773	3906	4052	4278	4449
14	B	3062	3140	3226	3311	3437	3571	3727	3864	4010	4244	4414
14	Q	3188	3273	3360	3451	3583	3729	3891	4038	4192	4435	4612
14	S	3250	3335	3424	3516	3654	3797	3962	4108	4264	4505	4685
14H	B	18.84	19.32	19.85	20.38	21.15	21.98	22.94	23.78	24.68	26.12	27.16

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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14H	Q	19.62	20.14	20.68	21.24	22.05	22.95	23.94	24.85	25.80	27.29	28.38
14H	S	20.00	20.52	21.07	21.64	22.49	23.37	24.38	25.28	26.24	27.72	28.83
15	B	3180	3263	3352	3442	3595	3743	3889	4048	4198	4451	4629
15	Q	3312	3400	3494	3592	3750	3906	4063	4233	4388	4649	4836
15	S	3376	3463	3561	3659	3820	3974	4136	4303	4458	4723	4911
16	B	3321	3410	3503	3604	3765	3932	4095	4267	4436	4699	4886
16	Q	3459	3556	3657	3762	3932	4109	4281	4457	4636	4912	5109
16	S	3528	3626	3726	3833	4003	4182	4355	4529	4709	4980	5179
17	B	3468	3566	3669	3776	3950	4132	4307	4482	4664	4941	5139
17	Q	3618	3722	3831	3940	4129	4318	4499	4682	4873	5163	5370
17	S	3685	3791	3900	4011	4201	4392	4573	4754	4944	5238	5447
18	B	3645	3750	3858	3973	4165	4360	4558	4743	4934	5228	5437
18	Q	3806	3915	4031	4152	4357	4557	4765	4959	5156	5465	5684
18	S	3874	3983	4104	4221	4426	4629	4835	5031	5230	5535	5757
19	B	3836	3948	4064	4188	4401	4609	4823	5026	5235	5554	5776
19	J	3836	3948	4064	4188	4401	4609	4823	5026	5235	5554	5776
19	Q	4006	4126	4250	4376	4600	4814	5043	5253	5473	5803	6035
19	S	4078	4199	4323	4450	4673	4888	5114	5326	5547	5875	6110
20	B	4052	4174	4298	4425	4648	4865	5096	5318	5538	5874	6109
20	Q	4236	4362	4491	4625	4857	5086	5327	5556	5788	6141	6386
20	S	4305	4433	4563	4698	4929	5156	5398	5628	5859	6210	6458
21	B	4277	4406	4537	4672	4913	5150	5390	5636	5871	6237	6486
21	U	4277	4406	4537	4672	4913	5150	5390	5636	5871	6237	6486
21	Q	4470	4605	4740	4883	5136	5380	5634	5891	6137	6518	6778
21	S	4541	4676	4812	4956	5205	5453	5706	5963	6207	6590	6854
22	B	4520	4657	4798	4940	5197	5451	5708	5973	6221	6608	6873
22	Q	4725	4867	5013	5161	5432	5699	5966	6241	6503	6905	7181
22	S	4797	4938	5085	5235	5501	5770	6035	6314	6577	6979	7258

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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23	B	4798	4940	5087	5239	5517	5800	6076	6356	6632	7048	7331
23	Q	5013	5161	5317	5479	5768	6064	6349	6642	6931	7365	7659
23	S	5085	5235	5390	5550	5838	6134	6421	6714	7001	7436	7733
24	B	5104	5257	5414	5576	5873	6181	6477	6776	7082	7526	7827
24	J	5104	5257	5414	5576	5873	6181	6477	6776	7082	7526	7827
24	Q	5333	5492	5659	5830	6140	6459	6769	7080	7401	7866	8180
24	S	5405	5564	5730	5901	6209	6529	6840	7153	7474	7937	8254
25	B	5440	5602	5771	5944	6269	6600	6929	7258	7588	8075	8399
25	J	5440	5602	5771	5944	6269	6600	6929	7258	7588	8075	8399
25	Q	5685	5856	6029	6210	6552	6895	7242	7587	7931	8439	8777
25	S	5760	5926	6105	6284	6624	6966	7312	7657	8000	8511	8852
26	B	5749	5920	6101	6343	6690	7044	7402	7747	8096	8618	8963
26	U	5749	5920	6101	6343	6690	7044	7402	7747	8096	8618	8963
27	B	6077	6258	6447	6770	7139	7516	7898	8267	8638	9197	9565
27	J	6077	6258	6447	6770	7139	7516	7898	8267	8638	9197	9565
27	U	6077	6258	6447	6770	7139	7516	7898	8267	8638	9197	9565
29	U	6692	6892	7100	7456	7861	8276	8698	9103	9512	10127	10532

(Source: Peremptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

**Section 310.APPENDIX A Negotiated Rates of Pay****Section 310.TABLE X RC-063 (Professional Employees, AFSCME)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Architect	01440	RC-063	22
Chaplain I	06901	RC-063	16
Chaplain II	06902	RC-063	19
Child Welfare Administrative Case Reviewer	07190	RC-063	22
Child Welfare Advanced Specialist	07215	RC-063	19
Child Welfare Court Facilitator	07196	RC-063	22
Child Welfare Senior Specialist	07217	RC-063	22
Child Welfare Specialist	07218	RC-063	18
Civil Engineer I	07601	RC-063	15
Civil Engineer II	07602	RC-063	17
Civil Engineer III	07603	RC-063	19
Civil Engineer IV	07604	RC-063	22
Clinical Pharmacist	08235	RC-063	25
Clinical Psychologist	08250	RC-063	23
Clinical Psychology Associate	08255	RC-063	18
Day Care Licensing Representative II	11472	RC-063	18
Dentist I	11751	RC-063	23
Dentist II	11752	RC-063	26
Environmental Engineer I	13751	RC-063	15
Environmental Engineer II	13752	RC-063	17
Environmental Engineer III	13753	RC-063	19
Environmental Engineer IV	13754	RC-063	22
Environmental Protection Engineer I	13791	RC-063	15
Environmental Protection Engineer II	13792	RC-063	17
Environmental Protection Engineer III	13793	RC-063	19
Environmental Protection Engineer IV	13794	RC-063	22
Environmental Protection Geologist I	13801	RC-063	14
Environmental Protection Geologist II	13802	RC-063	16
Environmental Protection Geologist III	13803	RC-063	18
Geographic Information Specialist I	17271	RC-063	19
Geographic Information Specialist II	17272	RC-063	23
Geographic Information Trainee	17276	RC-063	15
Graduate Pharmacist	17345	RC-063	20

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Hearing and Speech Advanced Specialist	18227	RC-063	22
Hearing and Speech Associate	18231	RC-063	18
Hearing and Speech Specialist	18233	RC-063	20
Information Services Intern	21160	RC-063	15
Information Services Specialist I	21161	RC-063	17
Information Services Specialist II	21162	RC-063	19
Information Systems Analyst I	21165	RC-063	21
Information Systems Analyst II	21166	RC-063	23
Information Systems Analyst III	21167	RC-063	25
Laboratory Research Scientist	23025	RC-063	23
Landscape Architect	23145	RC-063	22
Landscape Planner	23150	RC-063	19
Librarian I	23401	RC-063	16
Management Systems Specialist	25583	RC-063	21
Mechanical Engineer I	26201	RC-063	15
Mechanical Engineer II	26202	RC-063	17
Mechanical Engineer III	26203	RC-063	19
Nutritionist	29820	RC-063	18
Occupational Therapist	29900	RC-063	17
Occupational Therapist Program Coordinator	29908	RC-063	19
Optometrist	30300	RC-063	14
Pharmacy Services Coordinator	32010	RC-063	25
Physical Therapist	32145	RC-063	17
Physical Therapist Program Coordinator	32153	RC-063	19
Podiatrist	32960	RC-063	14
Project Designer	34725	RC-063	19
Psychologist I	35611	RC-063	17
Psychologist II	35612	RC-063	20
Psychologist III	35613	RC-063	22
Psychologist Associate	35626	RC-063	15
Public Health Educator	36430	RC-063	19
Public Service Administrator, Options 3, 4, <del>and 6E</del> <a href="#">and 8E</a>	37015	RC-063	24
Public Service Administrator, Option 80	37015	RC-063	21
Rehabilitation/Mobility Instructor	38163	RC-063	19
Rehabilitation/Mobility Instructor Trainee	38167	RC-063	15
School Psychologist	39200	RC-063	18
Social Worker II	41412	RC-063	18

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Social Worker III	41413	RC-063	19
Social Worker IV	41414	RC-063	21
Staff Pharmacist	41787	RC-063	24
Veterinarian I	47901	RC-063	18
Veterinarian II	47902	RC-063	20
Veterinarian III	47903	RC-063	21
Vision/Hearing Consultant I	47941	RC-063	16
Vision/Hearing Consultant II	47942	RC-063	20
Vision/Hearing Consultant III	47943	RC-063	21

NOTE: The positions allocated to the Public Service Administrator title that are assigned to the negotiated pay grade have the following options: 3; 4; 6E; and 8O. See the definition of option in Section 310.50.

**Effective July 1, 2007**  
**Bargaining Unit: RC-063**

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
14	B	2973	3049	3132	3215	3337	3467	3618	3751	3893	4120	4285
14	Q	3095	3178	3262	3350	3479	3620	3778	3920	4070	4306	4478
14	S	3155	3238	3324	3414	3548	3686	3847	3988	4140	4374	4549
15	B	3087	3168	3254	3342	3490	3634	3776	3930	4076	4321	4494
15	Q	3216	3301	3392	3487	3641	3792	3945	4110	4260	4514	4695
15	S	3278	3362	3457	3552	3709	3858	4016	4178	4328	4585	4768
16	B	3224	3311	3401	3499	3655	3817	3976	4143	4307	4562	4744
16	Q	3358	3452	3550	3652	3817	3989	4156	4327	4501	4769	4960
16	S	3425	3520	3617	3721	3886	4060	4228	4397	4572	4835	5028
17	B	3367	3462	3562	3666	3835	4012	4182	4351	4528	4797	4989
17	Q	3513	3614	3719	3825	4009	4192	4368	4546	4731	5013	5214
17	S	3578	3681	3786	3894	4079	4264	4440	4616	4800	5085	5288
18	B	3539	3641	3746	3857	4044	4233	4425	4605	4790	5076	5279
18	Q	3695	3801	3914	4031	4230	4424	4626	4815	5006	5306	5518

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

18	S	3761	3867	3984	4098	4297	4494	4694	4884	5078	5374	5589
19	B	3724	3833	3946	4066	4273	4475	4683	4880	5083	5392	5608
19	Q	3889	4006	4126	4249	4466	4674	4896	5100	5314	5634	5859
19	S	3959	4077	4197	4320	4537	4746	4965	5171	5385	5704	5932
20	B	3934	4052	4173	4296	4513	4723	4948	5163	5377	5703	5931
20	Q	4113	4235	4360	4490	4716	4938	5172	5394	5619	5962	6200
20	S	4180	4304	4430	4561	4785	5006	5241	5464	5688	6029	6270
21	B	4152	4278	4405	4536	4770	5000	5233	5472	5700	6055	6297
21	Q	4340	4471	4602	4741	4986	5223	5470	5719	5958	6328	6581
21	S	4409	4540	4672	4812	5053	5294	5540	5789	6026	6398	6654
22	B	4388	4521	4658	4796	5046	5292	5542	5799	6040	6416	6673
22	Q	4587	4725	4867	5011	5274	5533	5792	6059	6314	6704	6972
22	S	4657	4794	4937	5083	5341	5602	5859	6130	6385	6776	7047
23	B	4658	4796	4939	5086	5356	5631	5899	6171	6439	6843	7117
23	Q	4867	5011	5162	5319	5600	5887	6164	6449	6729	7150	7436
23	S	4937	5083	5233	5388	5668	5955	6234	6518	6797	7219	7508
24	B	4955	5104	5256	5414	5702	6001	6288	6579	6876	7307	7599
24	Q	5178	5332	5494	5660	5961	6271	6572	6874	7185	7637	7942
24	S	5248	5402	5563	5729	6028	6339	6641	6945	7256	7706	8014
25	B	5282	5439	5603	5771	6086	6408	6727	7047	7367	7840	8154
25	Q	5519	5685	5853	6029	6361	6694	7031	7366	7700	8193	8521
25	S	5592	5753	5927	6101	6431	6763	7099	7434	7767	8263	8594
26	B	5582	5748	5923	6158	6495	6839	7186	7521	7860	8367	8702
26	Q	5846	6022	6204	6454	6805	7165	7528	7880	8232	8765	9116
26	S	5903	6079	6262	6516	6870	7235	7600	7954	8312	8851	9205

**Effective January 1, 2008**  
**Bargaining Unit: RC-063**

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
14	B	3062	3140	3226	3311	3437	3571	3727	3864	4010	4244	4414
14	Q	3188	3273	3360	3451	3583	3729	3891	4038	4192	4435	4612
14	S	3250	3335	3424	3516	3654	3797	3962	4108	4264	4505	4685
15	B	3180	3263	3352	3442	3595	3743	3889	4048	4198	4451	4629
15	Q	3312	3400	3494	3592	3750	3906	4063	4233	4388	4649	4836
15	S	3376	3463	3561	3659	3820	3974	4136	4303	4458	4723	4911
16	B	3321	3410	3503	3604	3765	3932	4095	4267	4436	4699	4886
16	Q	3459	3556	3657	3762	3932	4109	4281	4457	4636	4912	5109
16	S	3528	3626	3726	3833	4003	4182	4355	4529	4709	4980	5179
17	B	3468	3566	3669	3776	3950	4132	4307	4482	4664	4941	5139
17	Q	3618	3722	3831	3940	4129	4318	4499	4682	4873	5163	5370
17	S	3685	3791	3900	4011	4201	4392	4573	4754	4944	5238	5447
18	B	3645	3750	3858	3973	4165	4360	4558	4743	4934	5228	5437
18	Q	3806	3915	4031	4152	4357	4557	4765	4959	5156	5465	5684
18	S	3874	3983	4104	4221	4426	4629	4835	5031	5230	5535	5757
19	B	3836	3948	4064	4188	4401	4609	4823	5026	5235	5554	5776
19	Q	4006	4126	4250	4376	4600	4814	5043	5253	5473	5803	6035
19	S	4078	4199	4323	4450	4673	4888	5114	5326	5547	5875	6110
20	B	4052	4174	4298	4425	4648	4865	5096	5318	5538	5874	6109
20	Q	4236	4362	4491	4625	4857	5086	5327	5556	5788	6141	6386
20	S	4305	4433	4563	4698	4929	5156	5398	5628	5859	6210	6458
21	B	4277	4406	4537	4672	4913	5150	5390	5636	5871	6237	6486
21	Q	4470	4605	4740	4883	5136	5380	5634	5891	6137	6518	6778
21	S	4541	4676	4812	4956	5205	5453	5706	5963	6207	6590	6854
22	B	4520	4657	4798	4940	5197	5451	5708	5973	6221	6608	6873

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

22	Q	4725	4867	5013	5161	5432	5699	5966	6241	6503	6905	7181
22	S	4797	4938	5085	5235	5501	5770	6035	6314	6577	6979	7258
23	B	4798	4940	5087	5239	5517	5800	6076	6356	6632	7048	7331
23	Q	5013	5161	5317	5479	5768	6064	6349	6642	6931	7365	7659
23	S	5085	5235	5390	5550	5838	6134	6421	6714	7001	7436	7733
24	B	5104	5257	5414	5576	5873	6181	6477	6776	7082	7526	7827
24	Q	5333	5492	5659	5830	6140	6459	6769	7080	7401	7866	8180
24	S	5405	5564	5730	5901	6209	6529	6840	7153	7474	7937	8254
25	B	5440	5602	5771	5944	6269	6600	6929	7258	7588	8075	8399
25	Q	5685	5856	6029	6210	6552	6895	7242	7587	7931	8439	8777
25	S	5760	5926	6105	6284	6624	6966	7312	7657	8000	8511	8852
26	B	5749	5920	6101	6343	6690	7044	7402	7747	8096	8618	8963
26	Q	6021	6203	6390	6648	7009	7380	7754	8116	8479	9028	9389
26	S	6080	6261	6450	6711	7076	7452	7828	8193	8561	9117	9481

(Source: Peremptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008)

## DEPARTMENT OF NATURAL RESOURCES

## JULY 2008 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Public Use of State Parks and Other Properties of the Department of Natural Resources – 17 Ill. Adm. Code 110
- 1) Rulemaking:
- A) Description: The Department plans to amend this rule to incorporate regulations pertaining to equestrian use.
- B) Statutory Authority: Implementing and authorized by Section 8 of the State Forest Act [525 ILCS 40/8] and by Sections 1, 2, 4 and 6 of the State Parks Act [20 ILCS 835/1, 2, 4 and 6] and by Section 5 of the State Parks Designation Act [20 ILCS 840/5] and by Sections 805-10, 805-520, 805-525, 805-330, 805-335 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-10, 805-520, 805-525, 805-330, 805-335 and 805-515]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: August 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jack Price, Legal  
Address: One Natural Resources Way  
Springfield IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citation): Camping on Department of Natural Resources Properties – 17 Ill. Adm. Code 130
- 1) Rulemaking:
- A) Description: The Department plans to amend this rule to incorporate regulations pertaining to equestrian use.

## DEPARTMENT OF NATURAL RESOURCES

## JULY 2008 REGULATORY AGENDA

- B) Statutory Authority: Implementing and authorized by Sections 1 and 4(1) and (5) of the State Parks Act [20 ILCS 835/1 and 4(1) and (5)], and by Sections 805-305 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-305 and 805-515]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: August 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jack Price, Legal Counsel  
Address: One Natural Resources Way  
Springfield IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citation): Regulations Concerning Horse Barns at Sites Having Equestrian Use Areas – 17 Ill. Adm. Code 140
- 1) Rulemaking:
- A) Description: The Department plans to amend this rule to incorporate regulations pertaining to equestrian use.
- B) Statutory Authority: Implementing and authorized by Sections 1, 4, 4c and 6 of the "State Parks Act" [20 ILCS 835/1, 4, 4c and 6]; and by Section 5 of the State Parks Designation Act [20 ILCS 840/5]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: August 2008

## DEPARTMENT OF NATURAL RESOURCES

## JULY 2008 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:  
Name: Jack Price, Legal  
Address: One Natural Resources Way  
Springfield IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- d) Part(s) (Heading and Code Citation): Outfitter Regulations – 17 Ill. Adm. Code 640
- 1) Rulemaking:
- A) Description: Amendments are being made to incorporate permit changes.
- B) Statutory Authority: Implementing and authorized by Sections 2.9, 2.10, 2.11, 2.24, 2.25, 2.26 and 3.1-3 of the Wildlife Code [520 ILCS 5/2.9, 2.10, 2.11, 2.24, 2.25, 2.26 and 3.1-3]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: September 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: Will affect persons issued permits by the Department.
- F) Agency contact person for information:  
Name: Jack Price, Legal  
Address: One Natural Resources Way  
Springfield IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF NATURAL RESOURCES

## JULY 2008 REGULATORY AGENDA

- e) Part(s) (Heading and Code Citation): The Taking of Wild Turkeys – Spring Season – 17 Ill. Adm. Code 710
- 1) Rulemaking:
- A) Description: This Part will be amended to update language for the 2009 hunting season, including updating hunting season dates, hunting regulations, sites open for hunting and site specific information.
- B) 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]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: August 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jack Price, Legal Counsel  
Address: One Natural Resources Way  
Springfield IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- f) Part(s) (Heading and Code Citation): Disabled Hunting Method Authorizations – 17 Ill. Adm. Code 760
- 1) Rulemaking:
- A) Description: Permit regulations are being updated.
- B) Statutory Authority: Implementing and authorized by Sections 2.25, 2.26 and 2.33 of the Wildlife Code [520 ILCS 5/2.25, 2.26 and 2.33]

## DEPARTMENT OF NATURAL RESOURCES

## JULY 2008 REGULATORY AGENDA

- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: September 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jack Price, Legal  
Address: One Natural Resources Way  
Springfield IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- g) Part(s) (Heading and Code Citation): Sport Fishing Regulations for the Waters of Illinois – 17 Ill. Adm. Code 810
- 1) Rulemaking:
- A) Description: This Part is amended on an annual basis to update site specific fishing regulations, individual site specific fishing regulations by water area and Free Fishing Days.
- B) Statutory Authority: Implementing and authorized by Sections 1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: November 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None

## DEPARTMENT OF NATURAL RESOURCES

## JULY 2008 REGULATORY AGENDA

- F) Agency contact person for information:
- Name: Jack Price, Legal Counsel  
Address: One Natural Resources Way  
Springfield IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- h) Part(s) (Heading and Code Citation): Commercial Fishing and Musseling in Certain Waters of the State – 17 Ill. Adm. Code 830
- 1) Rulemaking:
- A) Description: The Department plans to amend this rule to update regulations on open waters and regulations pertaining to harvest of roe bearing species and size limits.
- B) Statutory Authority: Implementing and authorized by Sections 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, and 25-5]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: August 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: Regulation changes pertain to persons holding commercial fishermen and musseling licenses.
- F) Agency contact person for information:
- Name: Jack Price, Legal  
Address: One Natural Resources Way  
Springfield IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF NATURAL RESOURCES

## JULY 2008 REGULATORY AGENDA

i) Part(s) (Heading and Code Citation): Dog Training on Department-Owned or –Managed Sites – 17 Ill. Adm. Code 9501) Rulemaking:

- A) Description: Amendments are being proposed to make name changes, open and close-State-owned or –managed sites, and amend procedures at state sites.
- B) Statutory Authority: Implementing and authorized by Sections 1.4, 2.30, 2.34 and 3.5 of the Wildlife Code [520 ILCS 5/1.4, 2.30, 2.34 and 3.5]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: September 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:  
Name: Jack Price, Legal Counsel  
Address: One Natural Resources Way  
Springfield IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None

j) Part(s) (Heading and Code Citation): Hound Running Areas – 17 Ill. Adm. Code 9701) Rulemaking:

- A) Description: This new rule provides definitions; establishes permits, fees and required records; establishes posting, fencing, acreage and escape proof area requirements; establishes pursued species marking requirements; establishes capture procedures and sources for acquiring pursued animals; establishes procedures for disposing of animals; establishes penalties, future rights and appeal procedures.

## DEPARTMENT OF NATURAL RESOURCES

## JULY 2008 REGULATORY AGENDA

- B) Statutory Authority: Implementing and authorized by Sections 1.2y, 1.2z, 2.30, 2.33, 2.36, 3.5, 3.25, 3.33, and 3.35 of the Wildlife Code [520 ILCS 5/1.2y, 1.2z, 2.30, 2.33, 2.36, 3.5, 3.25, 3.33, and 3.35]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: August 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jack Price, Legal Counsel  
Address: One Natural Resources Way  
Springfield IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- k) Part(s) (Heading and Code Citation): Illinois Prescribed Burning Act – 17 Ill. Adm. Code 1565
- 1) Rulemaking:
- A) Description: New rule establishing regulations pursuant to Illinois Prescribed Burning Act
- B) Statutory Authority: Implementing and authorized by the Illinois Prescribed Burning Act [525 ILCS 37]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: August 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: Paid persons and volunteers involved in conducting prescribed burning will be affected by certification procedures.

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DEPARTMENT OF NATURAL RESOURCES

JULY 2008 REGULATORY AGENDA

F) Agency contact person for information:

Name: Jack Price, Legal Counsel  
Address: One Natural Resources Way  
Springfield IL 62702-1271  
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

## SECRETARY OF STATE

## JULY 2008 REGULATORY AGENDA

a) Part(s) (Heading and Code Citations): Procedures and Standards, 92 Ill. Adm. Code 1001

1) Rulemaking:

A) Description of Rule(s): We will file a rulemaking to implement Public Acts 95-400 and 95-578 (Senate Bills 300 and 607, respectively, both effective January 1, 2009). These bills authorize the issuance of 24 hour, 7 days per week permits to "first-time DUI offenders" upon the offender's installation of an interlock device in his/her vehicle. This will be an extensive rulemaking, and will pertain to both the proper use and monitoring of the "Monitoring Device Driving Permit", what constitutes a violation of the program, and for hearings to contest the cancellation of the permit and extensions of the permit for violations of the program. Note that the cost of the Secretary of State's administration of this program will be substantial. While the bill provides that offenders who are not indigent must bear the cost of the program, we can only speculate, at this time, on the level of participation and the costs of the program.

We will file an amendment to Sections 1001.410 and 1001.441 to remove language that allows for the mail in program in the regular BAID program. We are convinced that BAID providers should make periodic physical inspections of the interlock device, in order to insure that it is not being tampered with.

B) Statutory Authority: Department of Administrative Hearings [625 ILCS 5/2-104]

C) Scheduled Meeting/Hearing Dates: None

D) Date Agency Anticipates First Notice: Summer 2008

E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: The impact of SB 300 on small businesses may also be substantial, as it provides that the BAID providers must provide the interlock devices to indigent offenders free of charge and seek reimbursement from the "Indigent BAID Fund". The IBF is established in the bill and funded by the offenders who are not indigent (through a 5% surcharge on the cost of the interlock device installed in their vehicle). As stated above, there is no way, at this time, to know what the costs of the

## SECRETARY OF STATE

## JULY 2008 REGULATORY AGENDA

program will be or to what extent the IBF will cover the costs of the program.

F) Agency Contact Person for Information:

Illinois Secretary of State  
Marc Christopher Loro, Legal Advisor  
Department of Administrative Hearings  
Room 200, Michael J. Howlett Building  
Springfield, IL 62756  
217-785-8245 Fax 217-782-2192  
mloro@ilsos.net

G) Related Rulemakings and Other Pertinent Information: At this time, the Department is not aware of any further information which may serve the public interest. The public will have an opportunity to comment on any proposed rulemaking during the first notice period.

b) Part(s) (Heading and Code Citations): Expiration of Driver's License, 92 Ill. Adm. Code 1030.150

1) Rulemaking:

A) Description of Rule(s): This Part will address the authority granted to the Secretary of State to establish provisions in accordance to the requirements of 625 ILCS 5/6-115 to establish expiration dates of every driver's license issued under this Section in the Illinois Vehicle Code.

B) Statutory Authority: Implementing and authorized by Section 625 ILCS 5/6-115

C) Scheduled Meeting/Hearing Dates: None

D) Date Agency Anticipates First Notice: January 1, 2009

E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None

F) Agency Contact Person for Information:

## SECRETARY OF STATE

## JULY 2008 REGULATORY AGENDA

Illinois Secretary of State  
Arlene Pulley  
c/o Director's Office  
Driver Services Department  
2701 South Dirksen Parkway  
217/557-4462 Fax 217/558-4942  
apulley@ilsos.net

G) Related Rulemakings and Other Pertinent Information: None

c) Part(s) (Heading and Code Citations): Cancellation, Revocation or Suspension of Licenses or Permits, 92 Ill. Adm. Code 1040

1) Rulemaking:

A) Description of Rule(s): Illinois Offense Table

B) Statutory Authority: 625 ILCS 5/2-104 and 625 ILCS 5/6-521

C) Scheduled Meeting/Hearing Dates: None

D) Date Agency Anticipates First Notice: September/October 2008

E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None

F) Agency Contact Person for Information:

Illinois Secretary of State  
Arlene Pulley  
c/o Director's Office  
Driver Services Department  
2701 South Dirksen Parkway  
217/557-4462 Fax 217/558-4942  
apulley@ilsos.net

G) Related Rulemakings and Other Pertinent Information: None

## SECRETARY OF STATE

## JULY 2008 REGULATORY AGENDA

- d) Part(s) (Heading and Code Citations): Illinois State Library, Library Services Division, 23 Ill. Adm. Code 3010
- 1) Rulemaking: Amend
    - A) Description of Rule(s): Revision of computer printing fees and other service policies.
    - B) Statutory Authority: Implementing and authorized by the State Library Act [15 ILCS 320]
    - C) Scheduled Meeting/Hearing Dates: None
    - D) Date Agency Anticipates First Notice: November 2008
    - E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None
    - F) Agency Contact Person for Information:  
  
Illinois Secretary of State  
Joseph Natale  
Rules Coordinator  
Illinois State Library  
Gwendolyn Brooks Building  
300 South Second Street  
Springfield, Illinois 62701-1796  
217/558-4185      Fax 217/557-2619  
jnatale@ilsos.net
    - G) Related Rulemakings and Other Pertinent Information: None
- e) Part(s) (Heading and Code Citations): The Illinois State Library Grant Programs, 23 Ill. Adm. Code 3035
- 1) Rulemaking: Amend
    - A) Description of Rule(s): Revision of provisions in the individual grant programs offered by the Illinois State Library, including revising reporting

## SECRETARY OF STATE

## JULY 2008 REGULATORY AGENDA

requirements in Section 3035.125 (Library Grants to Veterans Home) and updating architect-related sections contained in Subpart D (Public Library Construction Grants).

- B) Statutory Authority: Implementing and authorized by the Illinois Library System Act [75 ILCS 10, the State Library Act [15 ILCS 320] and the Illinois Literacy Act [15 ILCS 322], Sections 2 and 77(q) of the State Library Act [15 ILCS 320/2 and 7(q) and the Library Services and Technology Act (20 USC 9121)
- C) Scheduled Meeting/Hearing Dates: None
- D) Date Agency Anticipates First Notice: November 2008
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None
- F) Agency Contact Person for Information:

Illinois Secretary of State  
Joseph Natale  
Rules Coordinator  
Illinois State Library  
Gwendolyn Brooks Building  
300 South Second Street  
Springfield, Illinois 62701-1796  
217/558-4185 Fax 217/557-2619  
jnatale@ilsos.net

- G) Related Rulemakings and Other Pertinent Information: None

f) Part(s) (Heading and Code Citations): Uniform Limited Partnership Act (2001), 14 Ill. Adm. Code 171

1) Rulemaking:

A) Description of Rule(s):

Amends 171.50 Additional Requirements for Forms.

## SECRETARY OF STATE

## JULY 2008 REGULATORY AGENDA

## Adds 171.85 New Practices and Technologies

Sets forth the forms used by the Department of Business Services in connection with the requirements of the Uniform Limited Partnership Act (2001) (805 ILCS 215). Also provides for the development and implementation of new practices and technologies by the addition of new Section 171.85. Note that the language used in this new Section conforms to that currently appearing at Section 178.65 of the rules pertaining to the Limited Liability Company Act at 14 Ill. Adm. Code 178.

- B) Statutory Authority: Implemented and authorized by Section 1303 of the Uniform Limited Partnership Act (2001) (805 ILCS 215/1303).
- C) Scheduled Meeting/Hearing Dates: Unknown
- D) Date Agency Anticipates First Notice: Unknown
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: Itemizes forms to be filed with the Secretary of State by limited partnerships and limited liability limited partnerships pursuant to the provisions of the Uniform Limited Partnership Act (2001) (805 ILCS 215). Also recognizes new advancements in technology.
- F) Agency Contact Person for Information:
- Illinois Secretary of State  
Tony Gordon, Assistant General Counsel  
100 West Randolph Street, Suite 5-400  
Chicago, Illinois 60601  
312/813-9509 Fax 312/814-5958  
tgordon@ilsos.net
- G) Related Rulemakings and Other Pertinent Information: New Section 171.85 New Practices and Technologies is also being added as Section 166.85 to the rules pertaining to the Uniform Partnership Act (1997) at 14 Ill. Adm. Code 166. In both cases, the language of the new Section conforms to the current provisions of Section 178.65 of the rules pertaining to the Limited Liability Company Act at 14 Ill. Adm. Code 178.

## SECRETARY OF STATE

## JULY 2008 REGULATORY AGENDA

The same Division of the Secretary of State's Office administers the provisions of all three Acts and their related rules.

g) Part(s) (Heading and Code Citations): Regulations Under Illinois Business Brokers Act of 1995, 14 Ill. Adm. Code 140

1) Rulemaking:

A) Description of Rule(s): Amend and draft rules generally to conform regulations to legislative enactments and federal laws and regulations as necessary.

B) Statutory Authority: Illinois Business Broker Act, 815 ILCS 307/10-1

C) Scheduled Meeting/Hearing Dates: None

D) Date Agency Anticipates First Notice: Unknown

E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: Unknown

F) Agency Contact Person for Information:

Illinois Secretary of State  
Tanya Solov, Director  
Illinois Securities Department  
69 W. Washington Street  
Suite 1220  
Chicago, IL 60602  
312/793-3384 Fax 312/793-1202  
tsolov@ilsos.net

Illinois Secretary of State  
Vickie Moseley  
Illinois Securities Department  
Jefferson Terrace 300A  
300 W. Jefferson Street  
Springfield, IL 62702  
217/524-0650 Fax 217/782-8876  
vmoseley@ilsos.net

G) Related Rulemakings and Other Pertinent Information: None

h) Part(s) (Heading and Code Citations): Regulations Under Illinois Securities Law of 1953, 14 Ill Adm. Code 130

1) Rulemaking:

## SECRETARY OF STATE

## JULY 2008 REGULATORY AGENDA

- A) Description of Rule(s): Amend and draft rules generally to conform regulations to legislative enactments. Draft rules to implement NASAA model rules on designations for Senior Specialists. Amend Rule 805 to clarify the conditions and requirements for an exemption from registration as an investment adviser and harmonize the rule with the national Uniform Securities Act and Model Rules. Amend rules to conform with federal legislative enactments.
- B) Statutory Authority: Illinois Securities Law of 1953, 815 ILCS 5/1
- C) Scheduled Meeting/Hearing Dates: None
- D) Date Agency Anticipates First Notice: Unknown
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: Unknown

F) Agency Contact Person for Information:

Illinois Secretary of State  
Tanya Solov, Director  
Illinois Securities Department  
69 W. Washington Street  
Suite 1220  
Chicago, IL 60602  
312/793-3384 Fax 312/793-1202  
tsolov@ilsos.net

Illinois Secretary of State  
Vickie Moseley  
Illinois Securities Department  
Jefferson Terrace 300A  
300 W. Jefferson Street  
Springfield, IL 62702  
217/524-0650 Fax 217/782-8876  
vmoseley@ilsos.net

G) Related Rulemakings and Other Pertinent Information: None

- i) Part(s) (Heading and Code Citations): Regulations Under Illinois Business Opportunities Sales Law of 1995, 14 Ill. Adm. Code 135

1) Rulemaking:

- A) Description of Rule(s): Amend and draft rules generally to conform regulations to legislative enactments and federal laws and regulations as necessary.

## SECRETARY OF STATE

## JULY 2008 REGULATORY AGENDA

- B) Statutory Authority: Illinois Business Opportunities Sales Law of 1995, 815 ILCS 602/5-1
- C) Scheduled Meeting/Hearing Dates: None
- D) Date Agency Anticipates First Notice: Unknown
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: Unknown
- F) Agency Contact Person for Information:

Illinois Secretary of State  
Tanya Solov, Director  
Illinois Securities Department  
69 W. Washington Street  
Suite 1220  
Chicago, IL 60602  
312/793-3384 Fax 312/793-1202  
tsolov@ilsos.net

Illinois Secretary of State  
Vickie Moseley  
Illinois Securities Department  
Jefferson Terrace 300A  
300 W. Jefferson Street  
Springfield, IL 62702  
217/524-0650 Fax 217/782-8876  
vmoseley@ilsos.net

- G) Related Rulemakings and Other Pertinent Information: None

j) Part(s) (Heading and Code Citations): Title 71: Public Buildings, Facilities and Real Property. Chapter IV: Secretary of State. Part 2005 Public Use of the Capitol Complex and Springfield Facilities

1) Rulemaking:

- A) Description of Rule(s): Outlines permitted activities on the Capitol Complex in Springfield. Will prohibit cooking in the buildings and on the grounds of the Capitol Complex without a permit. Will limit live music on the Capitol Complex and set rules for certain equipment.
- B) Statutory Authority: Section 5 of the Secretary of State Act (15 ILCS 305/5)
- C) Scheduled Meeting/Hearing Dates: August/September 2008

SECRETARY OF STATE

JULY 2008 REGULATORY AGENDA

- D) Date Agency Anticipates First Notice: August 1, 2008
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None
- F) Agency Contact Person for Information:  
  
Illinois Secretary of State  
Department of Physical Services  
Dodie Stannard  
037 Howlett Building  
Springfield, Illinois 62756  
217/782-8495 Fax 217/524-7754  
dstannard@ilsos.net
- G) Related Rulemakings and Other Pertinent Information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of June 10, 2008 through June 16, 2008 and have been scheduled for review by the Committee at its July 15, 2008 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>
7/23/08	<u>Department of Revenue</u> , Income Tax (86 Ill. Adm. Code 100)	4/25/08 32 Ill. Reg. 6923	7/15/08
7/25/08	<u>Department of Human Rights</u> , Discrimination Involving Credit (38 Ill. Adm. Code 800)	4/25/08 32 Ill. Reg. 6894	7/15/08
7/25/08	<u>Department of Human Rights</u> , Procedures of the Department of Human Rights (56 Ill. Adm. Code 2520)	4/25/08 32 Ill. Reg. 6901	7/15/08
7/25/08	<u>Department of Human Rights</u> , Housing Discrimination (71 Ill. Adm. Code 2300)	4/25/08 32 Ill. Reg. 6916	7/15/08
7/27/08	<u>Department of Labor</u> , Employee Classification (56 Ill. Adm. Code 240)	1/11/08 32 Ill. Reg. 309	7/15/08

## PROCLAMATIONS

**2008-238****Support Our Troops Day (Revised)**

WHEREAS, the people of Illinois believe in providing a compassionate and supportive community for residents of the state in all branches of the Armed Forces, the Reserves and those called to perform homeland security duties, as well as the families and friends of those serving; and

WHEREAS, Illinois citizens exercise a patriotic duty by acknowledging the fathers, mothers, sons and daughters of the State, and from every corner of the United States and allied nations, who heroically defend our country; and

WHEREAS, on this day, which has been designated as a day to show our support for our troops, Illinoisans are encouraged to display the community's unwavering commitment to honoring the members of the Armed Forces for their courageous and patriotic duty in defending our country, its freedoms, and its way of life:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 28, 2008 as **SUPPORT OUR TROOPS DAY** in Illinois, and urge all citizens to join in this important observance.

Issued by the Governor June 5, 2008

Filed by the Secretary of State June 13, 2008

**2008-242****GUBERNATORIAL PROCLAMATION**

Beginning on June 1, 2008 and continuing, severe storms producing heavy rainfall, high winds and tornadoes have occurred in all parts of the State and in neighboring states. Public and private property has been damaged as a result of the wind, flash flooding and river flooding. Levee breaches have allowed floodwater to spread across roads, over bridges and into homes. High winds and flooding has damaged structures and spread debris onto roads and into open fields. Heavy rainfall in neighboring states has resulted in the flooding of rivers that flow into Illinois and along its borders.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in the State of Illinois and specifically declare Jasper, Clark, Coles, Cumberland, Lawrence and Crawford counties as a State Disaster Area pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20ILCS 3305/7.

## PROCLAMATIONS

This proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery. This proclamation will also make possible a request for supplemental Federal disaster assistance if it is determined that the ability to effectively recover is beyond the capability of the State and the impacted local governments.

Date: June 10, 2008

Issued: June 10, 2008

**2008-243****GUBERNATORIAL PROCLAMATION**

Beginning on June 1, 2008 and continuing, severe storms producing heavy rainfall, high winds and tornadoes have occurred in all parts of the State and in neighboring states. Public and private property has been damaged as a result of the wind, flash flooding and river flooding. Levee breaches have allowed floodwater to spread across roads, over bridges and into homes. High winds and flooding has damaged structures and spread debris onto roads and into open fields. Heavy rainfall in neighboring states has resulted in the flooding of rivers that flow into Illinois and along its borders.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in the State of Illinois and specifically declare Rock Island, Mercer, Henderson, Hancock, Adams, Pike and Calhoun counties as a State Disaster Area pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20ILCS 3305/7.

This proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery. This proclamation will also make possible a request for supplemental Federal disaster assistance if it is determined that the ability to effectively recover is beyond the capability of the State and the impacted local governments.

Date: June 13, 2008

Issued: June 13, 2008

**2008-244****Family Child Care Provider Day**

## PROCLAMATIONS

WHEREAS, the National Association for Family Child Care (NAFCC) and the Illinois Association for Family Child Care (IAFCC), and other organizations nationwide are recognizing family child care providers on July 17, 2008; and

WHEREAS, family child care providers care for infants, toddlers, preschoolers, and after-schoolers in their homes for approximately 60 hours per week on average; and

WHEREAS, family child care is the preferred choice of child care by the majority of working parents in the United States for their infants and toddlers; and

WHEREAS, by calling attention to the importance of high quality early care and learning services for all children and families in our state these groups hope to improve the quality and availability of such services; and

WHEREAS, the future of our state and nation depends on the quality of the early childhood experiences provided to young children today; and

WHEREAS, it takes a special person to work in this field and their contribution to our children's future is worthy of the highest respect; and

WHEREAS, this year Family Child Care Provider Day will be observed in conjunction with the eighteenth annual NAFCC conference "Family Child Care: Challenge for Excellence":

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 17, 2008 as **FAMILY CHILD CARE PROVIDER DAY** in Illinois, and urge all citizens to recognize Illinois' Family Child Care Providers for their many achievements and their important role in the future of our state.

Issued by the Governor June 5, 2008

Filed by the Secretary of State June 13, 2008

**2008-245****Breastfeeding Promotion Month**

WHEREAS, during the first 6 months of life, breast milk is the only food a healthy full-term infant requires, providing the most complete form of nutrition physiologically tailored to fit their maturing digestive systems, supporting optimal growth and development, and strengthening babies' immune systems to reduce the incidence of serious illnesses; and

## PROCLAMATIONS

WHEREAS, breastfeeding is an important part of an infant's physical development, providing skin to skin contact between mother and child which fosters emotional and cognitive development and promotes bonding between mother and child to build a loving relationship and healthy foundation for a new family to grow; and

WHEREAS, the World Alliance for Breastfeeding 2008 calls for greater support for mothers achieving the gold standard of infant feeding: breastfeeding exclusively for six months, and providing appropriate complimentary food with continued breastfeeding for up to two years or beyond; and

WHEREAS, breastfeeding is identified by the U.S. Surgeon General and Secretary of Health and Human Services as a high priority for the year 2010, with the national goal of increasing the percentage of mothers who breastfeed their infants in the early postpartum period to at least 75 percent and the percentage of mothers who breastfeed their infants until 6 months of age to at least 50 percent; and

WHEREAS, Illinois Breastfeeding Promotion Month reminds us that breastfeeding benefits infants, mothers and society through lower health care costs, a healthier workforce and stronger family bonds; and

WHEREAS, the observance of August as Breastfeeding Promotion Month provides an opportunity for government to join forces with families, healthcare professionals, and hospitals to help promote and maintain communities where breastfeeding is encouraged, protected, and supported to advance the health of current and future Illinois residents; and

WHEREAS, the Illinois Department of Human Services will continue a united effort to establish links between maternity facilities and community breastfeeding support networks to ensure that all families will live, work and receive health care in a breastfeeding friendly culture:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 2008 as **BREASTFEEDING PROMOTION MONTH** in Illinois.

Issued by the Governor June 9, 2008

Filed by the Secretary of State June 13, 2008

2008-246

**Quinn Chapel African Methodist Episcopal Church Day**

## PROCLAMATIONS

WHEREAS, the 161<sup>st</sup> Anniversary of Quinn Chapel African Methodist Episcopal Church will be celebrated on July 20, 2008; and

WHEREAS, Quinn Chapel African Methodist Episcopal Church is the first and oldest African American Church in Chicago, being officially recognized as a congregation on July 22, 1847; and

WHEREAS, Quinn Chapel has been at its present location of Wabash Avenue and Twenty-fourth Street since 1891, and has contributed significantly to the cultural heritage and visual Gothic style of architecture prominent in the 1800's in buildings designed by Henry F. Starbuck (exterior) and Charles H. McAfee (interior); and

WHEREAS, Quinn Chapel is rich in history. Prior to the Emancipation Proclamation, Quinn Chapel played an important part in the abolition movement in Chicago and served as a station for the Underground Railroad. Quinn Chapel was also instrumental in founding Bethel A.M.E. Church, Chicago Provident Hospital, and Elam House; and

WHEREAS, Presidents William B. McKinley and William Howard Taft, George Washington Carver, Booker T. Washington, Paul Laurence Dunbar, Reverends Martin Luther King, Sr., Martin Luther King, Jr., Adam Clayton Powell, Congressmen Danny K. Davis, Bobby Rush, Jesse Jackson Jr., Senator Barack Obama, Mayor Richard M. Daley and Governor Rod Blagojevich are among the many renowned individuals to address the congregation from Quinn Chapel's pulpit; and

WHEREAS, Quinn Chapel has hosted the premier performance of Wynton Marsalis' "Mass" and presented WTTW's Patti LaBelle's "Going Home to Gospel." Quinn Chapel was used for two scenes from the movie "There Are No Children Here," and was highlighted in a scene in the movie "Losing Isaiah" starring Academy Award-winning actress Halle Berry; and

WHEREAS, Quinn Chapel African Methodist Episcopal Church has served as a site of worship, charity, education, and community involvement for the past 161 years:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 20, 2008 as **QUINN CHAPEL AFRICAN METHODIST EPISCOPAL CHURCH DAY** in Illinois, in recognition of their 161<sup>st</sup> Anniversary.

Issued by the Governor June 12, 2008

Filed by the Secretary of State June 13, 2008

## PROCLAMATIONS

**2008-247****GUBERNATORIAL PROCLAMATION**

Beginning on June 1, 2008 and continuing, severe storms producing heavy rainfall, high winds and tornadoes have occurred in all parts of the State and in neighboring states. Public and private property has been damaged as a result of the wind, flash flooding and river flooding. Levee breaches have allowed floodwater to spread across roads, over bridges and into homes. High winds and flooding has damaged structures and spread debris onto roads and into open fields. Heavy rainfall in neighboring states has resulted in the flooding of rivers that flow into Illinois and along its borders.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in the State of Illinois and specifically declare Douglas and Lake counties as a State Disaster Area pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20ILCS 3305/7.

This proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery. This proclamation will also make possible a request for supplemental Federal disaster assistance if it is determined that the ability to effectively recover is beyond the capability of the State and the impacted local governments.

Date: June 14, 2008

Issued: June 16, 2008

**2008-248****GUBERNATORIAL PROCLAMATION**

Beginning on June 1, 2008 and continuing, severe storms producing heavy rainfall, high winds and tornadoes have occurred in all parts of the State and in neighboring states. Public and private property has been damaged as a result of the wind, flash flooding and river flooding. Levee breaches have allowed floodwater to spread across roads, over bridges and into homes. High winds and flooding has damaged structures and spread debris onto roads and into open fields. Heavy rainfall in neighboring states has resulted in the flooding of rivers that flow into Illinois and along its borders.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in the State of Illinois and specifically declare Winnebago and Jersey counties as a State Disaster Area pursuant to the

## PROCLAMATIONS

provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20ILCS 3305/7.

This proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery. This proclamation will also make possible a request for supplemental Federal disaster assistance if it is determined that the ability to effectively recover is beyond the capability of the State and the impacted local governments.

Date: June 16, 2008

Issued: June 16, 2008

# ILLINOIS ADMINISTRATIVE CODE Issue Index - With Effective Dates

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