

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

Proposed Regulations

☞ ALTERNATE VEHICLE FUELS

The ENVIRONMENTAL PROTECTION AGENCY adopted amendments to "Alternate Fuels Program" (35 Ill Adm Code 275; 36 Ill Reg 441), effective 9/10/12, reflecting Public Act 97-90, which establishes an electric-vehicle, car-sharing, grant program. For Fiscal Years 2012 and 2013, the EPA may award grants to car-sharing organizations for the purchase of new electric vehicles from an Illinois car dealership to the extent that funds are available. (A car-sharing organization provides a membership-based service that allows members to drive cars by the hour.) Covered topics include grant eligibility requirements, award criteria, application procedures, funding limitations, grant terminations, and reporting requirements. Grants may not exceed 25% of the actual project expenditures. Since 1st Notice, the agency has clarified how award criteria rank in priority, with location of a car-sharing program in an ozone nonattainment area ranking highest. Affected entities include those that apply for such grants.

Questions/requests for copies: Kent R. Mohr, Jr., EPA, 1021 N. Grand Ave. E., Spfld., IL 62794-9276, 217/782-5544.

☞ BOXING & MARTIAL ARTS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION repealed the Part titled "Professional Boxing and Martial Arts Contests" (68 Ill Adm Code 1371; 36 Ill Reg 4571) and adopted a new Part titled "Boxing and Full-contact Martial Arts Act" (68 Ill Adm Code 1370; 36 Ill Reg 4467), both effective 9/14/12. The rulemakings implement Public Act 97-119, which changes the title of the Professional Boxing Act to the Boxing and Full-contact Martial Arts Act and provides for regulation of amateur full contact martial arts contests as well as professional martial arts and boxing matches. (The Act defines "full contact martial arts" as the use of techniques from one or more martial arts disciplines, such as full-force kicking, striking and grappling, with the intent to injure or disable one's opponent. Martial arts disciplines defined in the Act include, but are not limited to, karate, jujitsu, kung fu, tae kwon do, muay thai, and kickboxing. The Act does not apply to amateur martial arts events that prohibit full contact.) The new Part clarifies that boxing and full-contact martial arts require separate licenses. Promoters of amateur full-contact

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PUBLIC HEALTH REPORTS

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to "Pregnancy Termination Report Code" (77 Ill Adm Code 505; 36 Ill Reg 14129) that makes numerous technical changes, including updating all statutory citations and defining the term complications. The rulemaking clarifies the process by which information pregnancy termination information is reported to the Department. Each abortion performed must be reported to DPH but shall identify the patient only by an individual number that will be noted in the physician's permanent file. DPH added two new forms, the Induced Termination of Pregnancy Form and Report of Subsequent Complications after an Induced Termination of Pregnancy Form, as appendices. Information supplied via these forms is confidential and will not be released outside the Department. The rulemaking provides timelines for submission of the Report of Subsequent Complications after an Induced Termination of Pregnancy Form and administrative process for addressing complications arising from an induced termination of pregnancy.

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NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing volume and issue number of The Flinn Report or the Illinois Register will expedite the process. Some agencies charge copying fees. However, copy requests do not have to be made under the Freedom of Information Act.

New Regulations

martial arts contests must pay a \$300 initial licensing fee and \$150 license renewal fee, plus a \$500 permit fee for each all-amateur contest. A boxing or martial arts contest promoter is subject to license suspension or revocation if he or she adds bouts to a contest beyond the scheduled permit fee bracket (\$500 for 3-6 bouts, \$750 for 7-10 bouts, and \$1,000 for 11 or more bouts) and fails to pay the additional fee within 24 hours after the contest. The new Part also adds a schedule of fees for restoration of licenses after disciplinary action and lists banned medications, with provisions for exemptions for therapeutic use. Other changes from the current Part include: Contestants must wait at least 15 days (formerly 7 days) between contests, and contestants who have lost their last 6 (formerly 7) bouts must obtain DFPR approval before competing again. Contestants who have lost 3 successive bouts by knockout or technical knockout, lost 5 bouts in a row for any reason, or who have "an extensive losing record" may be asked to submit results of a CT scan or MRI before being permitted to compete again. Each contestant is allowed at least 2 seconds (assistants), with a maximum of 5 at DFPR's discretion (formerly, no more than 3 seconds per contestant were allowed). The former requirement that 2 paramedics be present at every contest is changed to 2 Emergency Medical Technicians, at least one of whom must be an EMT-Paramedic. Suspensions for professional fighters who compete in non-DFPR approved contests or in amateur contests are limited to 1 year. Suspension for failing to appear or refusing to fight (without a medical reason) in a contest for which a fighter has signed a bout agreement is limited to 6 months. If a professional bout for which a contestant has signed a contract is cancelled due to the contestant's failure to make weight, the contestant is subject to a fine of no more than 25% of the purse amount and any other disciplinary action DFPR deems

proper. Those affected by these rulemakings include persons who compete in, officiate, host, or promote boxing and full-contact martial arts contests.

Questions/requests for copies: Craig Cellini, DFPR, 320 W. Washington St., 3rd Fl., Springfield IL 62786, 217/785-0813, fax 217/557-4451.

INTERNET LOTTERY SALES

The DEPARTMENT OF THE LOTTERY adopted amendments to rules titled "Lottery (General)" (11 Ill Adm Code 1770; 36 Ill Reg 8136), effective 9/14/12 that establish a pilot program for the sale of lottery tickets via the internet. A substantially similar emergency rulemaking was adopted at 36 Ill Reg 5856, effective 3/27/12 and expired 8/23/12. The rulemaking authorizes establishment of Internet Lottery Player Accounts to keep records of an individual's purchases, winnings and prize redemptions, as well as Lottery Internet Accounts individuals can use to hold money for purchasing tickets online or for receiving prize money. The rulemaking establishes procedures for identification, security, and eligibility verification of online lottery players and for purchase of individual tickets and subscriptions (automatic ticket purchases for each drawing of a specified game over a period of time). Internet lottery players must be at least 18 years of age and must complete their purchases from computers located within Illinois. Prizes up to \$600 won by an internet player as the result of an online ticket purchase will be deposited automatically into the player's Lottery Internet Account, while prizes between \$600 and \$25,000 will be posted to the account after Department verification. All prizes of more than \$25,000 will be paid by the Comptroller. The rulemaking also updates references to multi-state games in which the Illinois Lottery participates and extends the voluntary self-exclusion program (by which compulsive

gamblers may bar themselves from purchasing tickets or receiving prizes) to internet purchases. A prize winner claiming a prize through a revocable living trust need not be named the initial trustee under the trust. The Part is updated to reflect the statutory addition of a private manager and the separation of the Lottery from the Department of Revenue; the definition of "prize" is clarified; and the \$50 sales agent application fee may be waived if no new background checks are required, in addition to the current waiver if the license period does not exceed 30 days. The rulemaking adds a statutory provision allowing the Lottery to issue special licenses to veteran service organizations so that they may sell specialty tickets on a year-round basis, with no requirement to sell other Lottery products. Lottery retailers will be required to conduct promotions as directed by DOL. Lottery sales may continue at a location, under the same license number, in the case of business transfer within an immediate family, under specified conditions. Proceeds from specially-designated games, payment to the private manager and transfers to the Common School fund are ultimately transferred to the Capital Projects Fund are detailed. Further amendments are too detailed to describe in entirety. For further information, contact the agency individual noted below.

Questions/requests for copies: Lisa Crites, Lottery, 101 W. Jefferson St., MC 5-950, Springfield IL 62794, 217/524-5253, e-mail: Lisa.crites@illinois.gov.

HUNTING AND TRAPPING

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to "Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Coyote, Badger, Beaver and Woodchuck (Groundhog) Trapping" (17 Ill Adm Code 570; 36 Ill Reg 8216), effective 9/5/12. The rulemaking allows the trapping of river otters and creates an extended spring season for

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muskrat and mink. A possession limit of 5 otters is established, a \$5 registration permit must be purchased within 48 hours of the catch, and failure to purchase a permit is a Class B misdemeanor. Federal US CITES tags must also be issued by DNR and permanently affixed to the hide of all green hides for export or transferred to another individual. It is a Class B misdemeanor to possess more US CITES tags than green hides or to fail to affix the tag to the hide prior to transfer of ownership. The muskrat and mink extended spring season opens at sunset on 1/20 in the Northern Zone and 1/25 in the Southern Zone and closes at sunset on 2/15.

supervise controlled burns will be affected by this rulemaking.

DNR VETERANS FEES

DNR also adopted amendments to "Illinois Resident Armed Forces Fee Exemptions and Illinois Resident Veteran Fee Reductions" (17 Ill Adm Code 2510; 34 Ill Reg 8223), effective 9/5/12. The rulemaking clarifies that only Illinois resident veterans who have served abroad, or guard or reserve members who were mobilized by the President, are eligible to receive half priced fishing, hunting and sportsmen licenses.

Questions/requests for copies of the 3 DNR rulemakings above: George Sisk, DNR, One Natural Resources Way, Spfld., IL 62702-1271, 217/782-1809.

PRESCRIBED BURNING

DNR also adopted amendments to rules titled "Illinois Prescribed Burning Act" (17 Ill Adm Code 1565; 36 Ill Reg 6904), effective 9/5/12 that extend until 12/31/15 grandfathering provisions allowing persons who participated in at least 7 prescribed burns, including at least 5 in which they served as a burn manager, prior to 11/1/09 to be certified as having met DNR's apprenticeship and training requirements for burn managers. Other amendments increase the size of the Prescribed Burn Manager Certification Board to 6 (formerly 5) members, 4 (formerly 3) of whom must be appointed by the DNR Director and one of whom must not be a State employee; establish 4 Board members as a quorum; and allow the Board to conduct meetings by conference call or other electronic means in accordance with the Open Meetings Act. Persons who perform or

SCHOOL BUS INSPECTIONS

The DEPARTMENT OF TRANSPORTATION adopted amendments to "School Bus Driver's Pretrip Inspection Requirements" (92 Ill Adm Code 458; 36 Ill Reg 8000), effective 9/6/12, that clarify timeframes and procedures for school bus pretrip inspections, including recordkeeping of pretrip inspection forms. The rulemaking allows under-the-hood equipment inspections and fluid/wiring checks to be performed at least once every 24 hours (instead of prior to every trip) when the bus is being used to transport students. DOT clarifies that these rules are minimum requirements and school bus owners/operators may adopt more stringent requirements. The rulemaking also clarifies proce-

dures for bus owners/operators to obtain procedural variances from pretrip inspection requirements (e.g., to use an electronic pretrip inspection system) and revises the pretrip inspection form. Since 1st Notice, DOT has made provision for a bus attendant (as well as a mechanic) to perform a pretrip inspection in place of the bus driver and sign the inspection form. Also, the rulemaking clarifies that a written pretrip inspection form must be completed when an electronic pretrip inspection system is not functioning. School districts and school bus companies are affected by this rulemaking.

Questions/requests for copies: Catherine Allen, DOT, P.O. Box 19212, Springfield IL 62794, 217/785-3031.

PUBLIC INFORMATION

The OFFICE OF THE TREASURER adopted a new Part titled "Public Information, Rulemaking and Organization" (2 Ill Adm Code 650; 36 Ill Reg 14445), effective 9/10/12, describing the organization and responsibilities of the Treasurer's office, providing public contact information, referencing the office's Freedom of Information Act rules at 2 Ill Adm Code 651, and outlining its rulemaking procedures. The rule also includes an index listing the Title and Part numbers of all Treasurer rules in the Illinois Administrative Code.

Questions/requests for copies: Bradley Rightnowar, Treasurer, 1 West Old State Capitol Plaza, Springfield IL 62701, 217/557-9360.

Proposed Regulations

DPH also proposed amendments to "Control of Sexually Transmissible Diseases Code" (77 Ill Adm Code 693; 36 Ill Reg 14146) that implement provisions of Public Acts 97-244 and 97-550 and make numerous technical updates and/or clarifications. PA 97-244 eliminated references to AIDS-related complex (ARC), the enzyme-linked immunosorbent assay (ELISA) test and the Western Blot Assay test and requires DPH to provide, in rule, an HIV test to determine the presence of HIV infection, based upon recommendations of the United States Centers for Disease Control and Prevention. PA 97-550 requires DPH to include all CD4 test results, including counts and percentages of any value, and HIV viral load test results, both detectable and undetectable in its HIV/AIDS Registry. Hospitals and laboratories may only be required to report test results for tests performed on or after 90 days after the date that the DPH provides an electronic method for the reporting of results and only if the reporting hospital or laboratory has an electronic health record that enables it to identify HIV patients. Until electronic laboratory reporting is established, hospitals and laboratories are required to continue to report cases of HIV and AIDS in Illinois in

accordance with DPH's administrative rules adopted in effect on May 1, 2011.

PEST CONTROL LICENSES

Also, DPH proposed amendments to "Structural Pest Control Code" (77 Ill Adm Code 830; 36 Ill Reg 14198). The rulemaking makes numerous technical corrections, including revising the list of reference materials and clarifying background text for consistency throughout the Part. DPH clarifies licensure and registration renewal provisions, including what constitutes filing of an application in a timely and sufficient manner, circumstances under which an application will be returned to the applicant, and late application filing process. DPH shall not renew any license or registration beyond the December 31 expiration date. Renewal applicants who do not submit renewals prior to December 31 must file application for an original license or registration. DPH also clarified that renewal applications cannot be used to obtain a license or registration when there has been a change in ownership. Applications received after December 1 shall be considered late and be subject to a late filing charge. Structural pest control techni-

cians applying for certificate renewal must include evidence of completing 9 classroom contact hours of DPH-approved seminars. The rulemaking also addresses reciprocal certification revisions, new provisions addressing applicants who are unable to attend scheduled certification examinations, record of completion retention provisions, and updated administrative fines. DPH also added a new Subpart addressing integrated pest management course requirements, including application requirements for educational institutions or other entities that wish to establish an integrated pest management course, instructor requirements, course content requirements, course evaluation methods, record of completion criteria, and a provision addressing alternative methods of training. Those affected by this rulemaking include pest control technicians and businesses.

Questions/requests for copies/comments concerning the 3 DPH rulemakings above through 11/5/12: Susan Meister, DPH, 535 W. Jefferson St., 5th Flr., Springfield IL, 62761, 217/782-2043, e-mail: dph.rules@illinois.gov.

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at JCAR's October 16, 2012 meeting.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

"Clinical Psychologist Licensing Act" (68 Ill Adm Code 1400) proposed 4/27/12 (36 Ill Reg 6148)

ILLINOIS GAMING BOARD

"Video Gaming (General)" (11 Ill Adm Code 1800) proposed 7/13/12 (36 Ill Reg 9863)

"Video Gaming (General)" (11 Ill Adm Code 1800) proposed 7/20/12 (36 Ill Reg 10578)

DEPARTMENT OF PUBLIC HEALTH

"Perinatal HIV Prevention Code" (77 Ill Adm Code 699) proposed 2/10/12 (36 Ill Reg 2060)

ILLINOIS RACING BOARD

"Entries, Subscriptions, and Declarations" (11 Ill Adm Code 1413) proposed 7/27/12 (36 Ill Reg 11969)

"Entries and Declarations" (11 Ill Adm Code 1312) proposed 7/27/12 (36 Ill Reg 11965)